Case CBM2014-00040 Patent 6,105,013 Attorney Docket No. 131209-003USCBM

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PNC BANK, N.A., JP MORGAN CHASE & CO.

AND JP MORGAN CHASE BANK, N.A. Petitioner

V.

MAXIM INTEGRATED PRODUCTS, INC.
Patent Owner

Case CBM2014-00040 Patent 6,105,013

PATENT OWNER MAXIM INTEGRATED PRODUCTS, INC.'S PRELIMINARY RESPONSE TO PETITION FOR COVERED BUSINESS METHOD PATENT REVIEW OF UNITED STATES PATENT NO. 6,105,013 PURSUANT TO 35 U.S.C. § 321, 37 C.F.R. § 42.304



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II.	§ 1	DER 35 U.S.C. § 325(a)(1) AND AMERICA INVENTS ACT 8(a)(1), INSTITUTION OF REVIEW IS BARRED BY PNC'S GIOR CIVIL ACTION.			
	A.	PNC Previously "Filed A Civil Action Challenging The Validity Of A Claim Of The Patent."			
	B.	For Purposes Of 35 U.S.C. § 325(a)(1), A CBM Patent Review Is A "Post-Grant Review."			
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	C.	Regulations Cannot Narrow The § 325(a)(1) Bar			
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		2. PNC's Status As "Real Party In Interest" Is An Independently Sufficient Reason For PNC's Prior Action To Raise The § 325(a)(1) Bar Against All Entities Forming Petitioner.			
Ш	. RE	VIEW IS BARRED BECAUSE PETITIONER FAILED TO SHOW			
	TH	IE PATENT IS A "COVERED BUSINESS METHOD PATENT." .35			
	A.	The Claimed Subject Matter Of The Patent As A Whole Includes Novel And Nonobvious Technological Features.			
	B.	The Claimed Subject Matter Of The Patent Solves A Technical Problem Using A Technical Solution 4'			



IV	IF INSTITUTION OF REVIEW WERE NOT BARRED UNDER 35						
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