BEFORE THE PATENT TRIAL AND APPEAL BOARD

SCHRADER-BRIDGEPORT INTERNATIONAL, INC. and SCHRADER ELECTRONICS, INC.

Petitioner

v.

Patent of CONTINENTAL AUTOMOTIVE SYSTEMS US, INC.
Patent Owner

Case IPR2013-00014
Patent U.S. 6,998,973
Filed February 5, 2004
Issued February 14, 2006
Title: DATA TRANSMISSION METHOD FOR A
TIRE-PRESSURE MONITORING SYSTEM OF A VEHICLE

Attorney Docket No. 8747-102772 Customer No: 22242

Filed electronically via the Patent Review Processing System (PRPS) on January 10, 2013

Before the Honorable Sally C. Medley, Patent Administration Judge

PRELIMINARY RESPONSE OF PATENT OWNER

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Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450



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Table of Authorities

<u>Statutes</u>	
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35 U.S.C. § 314	
Cases	
Bettcher Industries Inc. v. Bunzl USA Inc., 661 F.3d 629 (Fed. Cir.	2010), 21
Ex parte Alexander, 86 U.S.P.Q.2d 1120, 1123 (BPAI 2007)	_
Ex parte Whalen, 89 U.S.P.Q.2d 1078 (BPAI 2008)	
In re Fulton, 391 F.3d 1195, 1201 (Fed. Cir. 2004)	
In re Gordon, 733 F.2d 900 (Fed. Cir. 1984)	
In re Gurley, 27 F.3d 551, 553 (Fed. Cir. 1994)	
In re Huang, 100 F.3d 135, 139-140 (Fed. Cir. 1996)	17
KSR Int'l Co. v. Teleflex, Inc., 550 U.S. 398 (2007)	39
Motorola Inc. v. Interdigital Technology Corp., 121 F3d 1461	(Fed Cir.
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Therasense Inc. v. Becton, Dickinson and Co., 593 F3d 1325, 1332	22
Transclean Corp. v. Bridgewood Servs., Inc., 290 F.3d 1364 (Fed.	Cir. 2002)
	22
Rules	
Changes to Implement IPR Proceedings, Final Rule, 77 Fed. Re	g. 48,680.
48,728 (Aug. 14, 2012) (to be codified at 37 C.F.R. § 42.107)	•
Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,764	
2012)	. –
Other Authorities	
MPEP § 2112(IV)	22
MPEP § 2143.01	
MPEP § 2143.03(VI)	
MPEP § 2614	
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Message from Chief Judge James Donald Smith, Board of Pater	
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Patent Trials, http://www.uspto.gov/aia_implementation/si	
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