

ATTORNEY-CLIENT PRIVILEGED

blacr@foster.com

Registration No.: 40514

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABB, INC.

Petitioner

v.

ROY-G-BIV CORPORATION

Patent Owner

Trial No.: IPR2013-00062

U.S. Patent No. 6,516,236B1

MOTION CONTROL SYSTEMS

Patent Owner ROY-G-BIV CORPORATION'S

RESPONSE UNDER 37 CFR § 42.120

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A. Statement of Material Facts in Dispute

Petitioner did not submit statements of material facts in its petitions for *inter partes* review. Accordingly, no response is due pursuant to 37 C.F.R. §42.23(a), and no facts are admitted.

II. Introduction

Patent Owner ROY-G-BIV Corporation (hereafter “Patent Owner”) hereby respectfully submits this Patent Owner Response. This filing is timely under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42.120 because it was filed by July 18, 2013.

“In an inter partes review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.” 35 U.S.C. § 316(e). The Petition’s proposition of unpatentability fails to meet that burden with respect to any of the claims of U.S. Patent No. 6,516,236 (“the ’236 Patent”).

A. Statement of Relief Requested

Pursuant to 35 U.S.C. § 316, Patent Owner respectfully requests that the Board find that originally issued and previously re-examined claims 1-4 and 8-10 of the ’236 Patent are not invalid and, specifically, that the claims are patentable in view of the sole proposed ground of unpatentability under consideration.

B. Summary of Patent Owner’s Argument

No proposed ground of unpatentability is premised on anticipation. Instead, the sole ground of unpatentability for claims 1-4 and 8-10 is premised on obviousness based upon the combination of three different references: (a) M.W.

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