Filed on behalf of ABB, Inc.

By: Richard D. Mc Leod (Reg. No. 46,921)
Rick.mcleod@klarquist.com
Michael D. Jones (Reg. No. 41,879)
michael.jones@klarquist.com
Klarquist Sparkman LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204
Telephone: (503) 595-5300
Facsimile: (503) 595-5301

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 (joined with IPR2013-00282)
Patent 6,516,236 B1

——————

**ABB'S RESPONSE TO PATENT OWNER'S MOTION
FOR OBSERVATIONS ON CROSS EXAMINATION**

TABLE OF CONTENTS

I.   INTRODUCTION

ABB timely submits this Reply to Patent Owner's Amended Motion for

Observations on Cross Examination (Paper #67).

RGB's motion for observations does not present observations in "concise

statement[s] of the relevance of identified testimony to an identified argument or

portion of an exhibit" and is an improper attempt "to raise new issues, re-argue

issues, or pursue objections," by linking portions of testimony into argument.

Thus, the Board should refuse entry of RGB's observations. ABB will

nevertheless respond briefly RGB's topics.

II.   DR. STEWART'S LACK OF EXPERTISE (PP. 1-3)

In Exhibit 1130, at paragraph 15, Dr. Voyles testified that "…David Stewart

was insulated from the primary research into advanced manipulators that was the

focus of the bulk of the work in the lab. By this, I mean he did not have a

background in kinematics, robotic sensors, or visual servoing nor was he

considered a user of robotic manipulators."

In Exhibit 2013, at 38:20-25, Dr. Voyles testified that "I hold him in high

regard as a software engineer. As a specialist in embedded systems. He

ABB's Response to Patent Owner's Motion

acknowledges his own weaknesses in motion control and robotics. Those are not his specialties. And frequently did so at the time we were in the lab together."

In Exhibit 1104, 85:24 – 86:1, Dr. Stewart testified that "I would not consider myself an expert in kinematic theory."

In Exhibit 2014, Dr. Papanikolopoulos testified:

"I was disappointed because David, even in his work at Maryland, he tried to do stuff that he was not familiar with…" (58:3-6)

"What I mean is actually [Stewart] didn't get tenure at Maryland…he didn't stay in academia." (59:16-18)

"And again, my negative comments are mainly about the pieces of work I have seen after '92, and especially when you see a very bright individual." (61:2-5)

"So I told him, for example the pinball project is not a project of academic interest. It's more like a hobby. And then I will get some presentations where he will try in papers where he will start dropping the quality in order to get out papers…" (64:2-8)

"So I have to look at the facts and what is written and make an assessment. This is exactly why when I read this declaration where [Stewart] seems actually not even to recall his own thesis, or he makes statements about Onika or he makes statements about there is no way

ABB's Response to Patent Owner's Motion

that Morrow and Gertz will have worked together or the work of one -
- but this is not CMU was about." (66:2-10)

"And this is the point I'm trying to make that I don't recognize this
person. He's not the person I knew." (66:14-16; see also Ex. 1014,
66:24 – 67:2).

This testimony is relevant to RGB's assertion that Dr. Stewart is held in high
regard.

III.   DR. VOYLES DISPUTED STEWART'S RELIABILITY (P. 2)

In Exhibit 1104, at 14:1-14, Dr. Stewart was asked "Now, after you were
engaged in this case, have you gone back and read through your thesis in its
entirety?" and responded "Define what you mean by read...I did scan through, you
know, section by section, to refresh my mind."

In Exhibit 2013, at 29:7-10, Dr. Voyles testified that "I believe based on [Dr.
Stewart's] declaration that there are elements that though he authored many years
ago, he may have forgotten or lost relevance that I have to it."

This testimony is also relevant to the weight that should be afforded Dr.
Stewart's opinions in this proceeding.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

fastcase®
Smarter legal research.