

ATTORNEY-CLIENT PRIVILEGED

blacr@foster.com

Registration No.: 40514

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ABB, INC.

Petitioner

v.

ROY-G-BIV CORPORATION

Patent Owner

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Trial No.: IPR2013-00062

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

MOTION CONTROL SYSTEMS

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**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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