

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FILED VIA THE PATENT REVIEW PROCESSING SYSTEM

In re <i>Inter Partes</i> Review of:)	Trial Number: To be assigned
U.S. Patent No. 6,516,236 B1)	
Issued: February 4, 2003)	
Applicants: David W. Brown and Jay)	
S. Clark)	
Application No. 10/021,669)	
Filed: December 10, 2001)	
Title: Motion Control Systems)	
Currently in Litigation Styled:)	
<i>ROY-G-BIV Corporation v. ABB, Ltd.</i>)	
<i>et al.</i> , 6:11-cv-00622-LED – ED Tex.)	
(Tyler))	
)	

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450.

**PETITION FOR *INTER PARTES* REVIEW OF
CLAIMS 1-10 OF U.S. PATENT NO. 6,516,236 B1**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	2
II. BACKGROUND OF THE TECHNOLOGY AND PATENT	2
A. Summary of the Patented System	3
B. Middleware: Microsoft Windows & WOSA	6
C. “Motion Control Devices”	7
D. The Confluence of WOSA and “Motion Control Devices”	8
III. APPROPRIATE PRIORITY DATE FOR THE '236 PATENT CLAIMS	9
IV. PRINCIPLES OF CLAIM CONSTRUCTION	10
V. THE PRIOR ART	10
A. The Gertz Thesis	10
B. Microsoft’s WOSA/XFS Specifications	13
C. Stewart.....	15
D. Morrow.....	15
E. DDAG.....	16
F. Hall	16
G. Wright.....	17
VI. PROPOSED GROUNDS FOR UNPATENTABILITY	
NO. 1: GERTZ ANTICIPATES CLAIMS 1-10.....	17
A. A System for Generating a Sequence of Control Commands.....	17
B. Primitive and Non-Primitive Operations (all claims)	18
C. Core and Extended Driver Functions (all claims).....	21
D. A Set of Component Functions (all claims).....	22

E.	Component Code (all claims).....	22
F.	A Set of Software Drivers and a Selected Software Driver (all claims)	23
G.	Application Program (all claims)	24
H.	Motion Control Component (all claims)	25
I.	Driver Code for Implementing All of the Core Driver Functions and at Least Some of the Extended Driver Functions (Claims 2-6) ...	25
J.	Non-Supported Extended Driver Functions and Combinations of Core Driver Functions (Claims 4-6).....	26
K.	Pointer Table (Claims 5-6).....	27
L.	Driver Unit System, Application Unit System and Means for Determining and Converting (Claim 7)	28
M.	A Plurality of Destinations, a Plurality of Streams, and Stream Control Means for Communicating the Control Commands (Claim 8)	29
N.	Response Data, Response Stream Code (Claim 9)	30
O.	Command Format Template, Response Format Template, Means for Generating, Means for Parsing (Claim 10).....	30
VII.	PROPOSED GROUNDS FOR UNPATENTABILITY	
	NO. 2: WOSA/XFS ANTICIPATES CLAIMS 1-10.....	32
A.	A System for Generating a Sequence of Control Commands.....	33
B.	Primitive and Non-Primitive Operations (All Claims)	33
C.	Core and Extended Driver Functions (All Claims).....	34
D.	A Set of Component Functions (All Claims).....	35
E.	Component Code (All Claims).....	35
F.	A Set of Software Drivers and a Selected Software Driver (All Claims)	36

G.	Application Program (All Claims)	37
H.	Motion Control Component (All Claims)	38
I.	Driver Code for Implementing All of the Core Driver Functions and at Least Some of the Extended Driver Functions (Claims 2-6).....	38
J.	Driver Unit System, Application Unit System and Means for Determining and Converting (Claim 7)	39
K.	A Plurality of Destinations, a Plurality of Streams, and Stream Control Means for Communicating the Control Commands (Claim 8)	40
L.	Response Data, Response Stream Code (Claim 9)	40
M.	Command Format Template, Response Format Template, Command Data Strings, Response Data Strings (Claim 10)	41
VIII.	PROPOSED GROUNDS FOR UNPATENTABILITY NO. 3: GERTZ, STEWART, AND MORROW RENDER OBVIOUS ALL CHALLENGED CLAIMS: 1-10	42
A.	Obviousness: Content of the Prior Art	42
B.	Obviousness: Objective Indicia.....	43
C.	Obviousness: Reasons To Combine the References	44
IX.	PROPOSED GROUNDS FOR UNPATENTABILITY NO. 4: GERTZ AND DDAG RENDER OBVIOUS CLAIMS 1-10.....	44
X.	PROPOSED GROUNDS FOR UNPATENTABILITY NO. 5: GERTZ, DDAG, AND HALL RENDER OBVIOUS CLAIMS 1-10.....	45
XI.	PROPOSED GROUNDS FOR UNPATENTABILITY NO. 6: WOSA/XFS AND DDAG RENDER OBVIOUS CLAIMS 1-4 AND 7-10	46

XII. PROPOSED GROUNDS FOR
UNPATENTABILITY NO. 7: WOSA/XFS,
DDAG, AND HALL RENDER OBVIOUS CLAIMS 1-10.....47

XIII. PROPOSED GROUNDS FOR
UNPATENTABILITY NO. 8: GERTZ, WOSA/XFS,
AND WRIGHT RENDER OBVIOUS CLAIMS 1-1048

XIV. CONCLUSION.....49

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.