

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
(pursuant to Joinder with IPR2013-00282)
U.S. Patent No. 6,516,236

PATENT OWNER'S REQUEST FOR ORAL ARGUMENT
PURSUANT TO 37 CFR §42.70

Patent Owner, Roy-G-Biv Corporation (“Roy-G-Biv Corporation” or “RGB”) hereby requests oral argument be held before the Board pursuant to 37 CFR §42.70, on all of the instituted grounds of alleged unpatentability, and all issues briefed with respect thereto, including at least the following:

I. ISSUES TO BE ARGUED

1. Whether Petitioner ABB, Inc. (“ABB”) has met its burden to prove that the Gertz Reference expressly or inherently teaches that:

- a. An "Action" is a "function" (as necessary to meet the claim limitation "Component Function").
- b. A "Configuration" is a "function" (as necessary to meet the claim limitation "Extended Driver Function").
- c. A "Control Task" is a "function" (as necessary to meet the claim limitation "Core Driver Function").
- d. Anything in Gertz is "Component Code"
- e. The operations "read trackball data" and "perform forward kinematics" meet the claimed limitation "primitive operations"

2. Whether Petitioner has met its burden to prove that a person of ordinary skill would have combined the teachings of the Gertz, Stewart and Morrow References, as alleged in the Petition.

3. Whether the Patent Owner Roy-G-Biv Corporation has met its burden of showing, under the required rule of reason analysis, that the Gertz and Morrow references do not qualify as prior art by virtue of RGB's substantial and unrebutted showings of prior conception and reasonable diligence from at least as early as July 24, 1994 through the constructive reduction to practice evidenced by the filing of Priority Application No. 08/454,736 on May 30, 1995.

4. Whether RGB's Motion to Exclude should be granted.

5. Any additional issues raised by ABB in Oral Argument.

6. Any additional issues subsequently raised or allowed by the Board in any future briefing or Orders.

The Patent Owner requests no more than 1.5 hours per side if combined with Trial No. IPR2013-00074.

Dated: December 12, 2013.

Respectfully submitted by:

/Richard T. Black/
RICHARD T. BLACK
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, Washington 98101-3299
Tel: (206) 447-6251
Fax:(206) 749-2062
Email: blacr@foster.com
Registration No.: 40514

/Richard S. Meyer/
RICHARD S. MEYER
Boies, Schiller & Flexner LLP
5301 Wisconsin Avenue NW, Suite 800
Washington, DC 20015
Tel: (202) 237-2727
Fax: (202) 237-6131
Email: rmeyer@BSFLLP.com
Registration No.: 32541

*Attorneys for Patent Owner,
Roy-G-Biv Corporation*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Request for Oral Argument was served on PETITIONER by placing a copy into U.S. EXPRESS MAIL directed to the attorneys of record for the petitioner at the following address:

Richard D. McLeod
Klarquist Sparkman LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Michael D. Jones
Klarquist Sparkman LLP
One World Trade Center, Suite 1600
121 S.W. Salmon Street
Portland, Oregon 97204

Dated: December 12, 2013

By:

/Richard T. Black/
RICHARD T. BLACK
Foster Pepper PLLC
1111 Third Avenue, Suite 3400
Seattle, Washington 98101-3299
Tel: (206) 447-6251
Fax: (206) 749-2062
Email: blacr@foster.com
Registration No.: 40514

RICHARD S. MEYER
Boies, Schiller & Flexner LLP
5301 Wisconsin Avenue NW, Suite 800
Washington, DC 20015
Tel: (202) 237-2727
Fax: (202) 237-6131
Email: rmeyer@BSFLLP.com
Registration No.: 32541

Attorneys for Patent Owner,
Roy-G-Biv Corporation