

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Trial No.: to be assigned  
In re Patent of: Davies  
U.S. Patent No.: 7,250,105  
Issue Date: July 31, 2007  
Serial No.: 10/431,140  
Filing Date: May 7, 2003  
Title: MEASUREMENT OF SUBSTANCES IN LIQUIDS

*filed electronically*

**REQUEST FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NUMBER 7,250,105 UNDER 35 U.S.C. §§ 311-319**

Pharmatech Solutions, Inc. (“Requester” and “Petitioner”) respectfully requests *Inter Partes* Review of all claims (claims 1-3) of U.S. Patent Number 7,250,105 (“the ‘105 Patent”) titled “MEASUREMENT OF SUBSTANCES IN LIQUIDS”. The ‘105 Patent was filed May 7, 2003 and issued July 31, 2007, and it has not yet expired. A copy of the ‘105 Patent is attached as Exh. 1002.<sup>1</sup>

The fees set forth in 37 C.F.R. §§ 42.15(a)(1) and 42.15(a)(2) accompany this request. If any additional fee is necessary for this request to be fully considered, please charge Deposit Account No. 12-0600.

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<sup>1</sup> A complete listing of all exhibits is set forth in Exh. 1001.

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## **I. REAL PARTY IN INTEREST UNDER 37 C.F.R. § 42.8(b)(1)**

The real party in interest is Pharmatech Solutions, Inc. of Westlake Village, California.

## **II. GROUNDS FOR STANDING UNDER 37 C.F.R. § 42.104(a)**

The petitioner hereby certifies that the patent for which review is sought is available for *Inter Partes* Review (“IPR”) and that the petitioner is not barred or estopped from requesting an IPR challenging the patent claims on the grounds identified in the petition.

## **III. RELATED MATTERS UNDER 37 C.F.R. § 42.8(b)(2)**

The patent owner has sued the petitioner, alleging infringement of the ‘105 Patent. *Lifescan, Inc. v. Shasta Techs., LLC*, 5:11-CV-04494-EJD (N.D.Cal). The ‘105 Patent was first asserted through an amended complaint dated 12/10/2012.

## **IV. LEAD AND BACKUP COUNSEL UNDER 37 C.F.R. § 42.8(b)(3)**

Lead counsel for the requester is William A. Rudy of Lathrop & Gage LLP, USPTO Reg. No. 34,916. Backup counsel for the requester is A. Justin Poplin of Lathrop & Gage LLP, USPTO Reg. No. 53,476.

**V. SERVICE INFORMATION UNDER 37 C.F.R. § 42.8(b)(4)**

Requester may be served as follows:

PATENT DOCKETING

LATHROP & GAGE LLP

2345 Grand Boulevard, Suite 2800

Kansas City, MO 64108

Requester's lead counsel may also be contacted by phone at 816-460-5819.

**VI. CERTIFICATION UNDER 37 C.F.R. §§ 42.6(e)(4)(iii) and 42.105(a)**

Requester certifies that a copy of this request has been served in its entirety on the patent owner at the address provided for in § 42.6(e)(3). Specifically, this Request for *Inter Partes* Review is being served on the correspondent of record for the '105 Patent: Philip S. Johnson; Johnson & Johnson; One Johnson & Johnson Plaza; New Brunswick, NJ 08933.

**VII. STATEMENT OF PRECISE RELIEF REQUESTED UNDER 37 C.F.R. §§ 42.22(a)(1) and 42.104(b)(1)-(2)**

In regard to the '105 Patent, Petitioner respectfully requests:<sup>2</sup>

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<sup>2</sup> Referenced prior art accompanies this paper as set forth in Exh. 1001.

Detailed proposed rejections are set forth herein in Section IX(B).

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