

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. 1002.¹

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.

¹ A complete listing of all exhibits is set forth in Exh. 1001.

TABLE OF CONTENTS

I. REAL PARTY IN INTEREST UNDER 37 C.F.R. § 42.8(b)(1)2

II. GROUNDS FOR STANDING UNDER 37 C.F.R. § 42.104(a)2

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

IV. LEAD AND BACKUP COUNSEL UNDER 37 C.F.R. § 42.8(b)(3)2

V. SERVICE INFORMATION UNDER 37 C.F.R. § 42.8(b)(4)3

VI. CERTIFICATION UNDER 37 C.F.R. §§ 42.6(e)(4)(iii) and 42.105(a).....3

VII. STATEMENT OF PRECISE RELIEF REQUESTED UNDER
37 C.F.R. §§ 42.22(a)(1) and 42.104(b)(1)-(2)3

VIII. CONSTRUCTION OF CHALLENGED CLAIMS UNDER
37 C.F.R. § 42.104(b)(2)5

IX. STATEMENT OF REASONS FOR THE RELIEF REQUESTED
UNDER 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4), SHOWING THAT
THERE IS A REASONABLE LIKELIHOOD THAT THE
REQUESTER WILL PREVAIL UNDER 35 U.S.C. § 314(a)7

A. Background and Introduction.....7

B. Grounds of Rejection10

1. Ground 110

2. Ground 2.....16

3. Ground 3.....21

4. Ground 4.....27

5. Ground 5.....33

6. Ground 6.....34

7.	Ground 7.....	35
8.	Ground 8.....	39
9.	Ground 9.....	42
10.	Ground 10.....	46
11.	Ground 11.....	51
12.	Ground 12.....	56
13.	Ground 13.....	57

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:²

² Referenced prior art accompanies this paper as set forth in Exh. 1001.

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

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.