Filed on behalf of Invensys Systems, Inc.
By: Jeffrey L. Johnson (Jeffrey.johnson@dlapiper.com)
DLA PIPER LLP (US)
1000 Louisiana, Suite 2800
Houston, TX 77002
Telephone: 713.425.8400
Facsimile: 713.425.8401

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRO MOTION, INC.

Petitioner

v.

INVENSYS SYSTEMS, INC.

Patent Owner

Case IPR 2014-00393

U.S. Patent No. 7,571,062

PATENT OWNER RESPONSE PURSUANT TO 37 C.F.R. § 42.120

Table of Contents

Page

I. INTRODUCTION 1

II. THE '062 PATENT 2

III. CLAIM CONSTRUCTION 6

IV. CLAIMS 1 AND 29 ARE NOT ANTICIPATED BY ROMANO 7

A. Romano Does Not Disclose Using Both Sensor Channel Signals to Generate the Drive Signal 9

B. Romano's Phase Adjustment Does Not Compensate for Time Delays Associated With Multiple Components 21

V. CONCLUSION 26

Ex. No.	Exhibit
2001	ProQuest Dialog Search Strategy, "Cash in on Flowmeter Innovation: there is an abundance of new technology, not only for sophisticated uses, but also for fundamental ones," Marshall, 03/2003
2002	ISA Show products, 12/01/02
2003	MICRO MOTION WHITE PAPER, Explaining how two-phase flow affects mass flowmeters, 2004
2004	Press Information, Invensys Digital Coriolis Mass Flowmeter Receives Control Engineering Editors' Choice Award, 01/30/03
2005	Chemical Engineering; Capitalizing on Cold Chemistry, Cash in On Flowmeter Innovation; 03/2003, INVENSYS0129339
2006	Model RFT9739 Rack-Mount Transmitter Instruction Manual, Version 3 Transmitters, February 2000," INVENSYS0111554
2007	MICRO MOTION WHITE PAPER, The Micro Motion® ELITE® Promise, Patten, 2005
2008	Micro Motion Press Releases, Emerson Announces Next Generation Enhancements to Micro Motion® Coriolis Flowmeters, 06/29/06
2009	IPR2013-00223, 08/15/13 Decision, Paper 9
2010	CBM2012-00003, 10/25/12 Order, Paper 7
2011	IPR2012-00006, 5/10/13, Paper 43
2012	IPR2013-00054, 4/8/13, Paper 12
2013	(Exhibit served on Petitioner and not filed with PTAB)
2014	(Exhibit served on Petitioner and not filed with PTAB)
2015	Declaration of Dr. Jeffrey S. Vipperman
2016	Datasheet for Philips MUX
2017	Datasheet for Maxim MUX
2018	Claim Construction "Memorandum Opinion and Order" (Dkt. No. 203) from Invensys Systems, Inc. v. Emerson Electric Co., et al., CA. No. 6:12-cv-00799-LED (E.D. Tex.)
2019	Excerpt from Horowitz & Hill, "The Art of Electronics" (2d ed. 1989)
2020	Excerpt from "Harris' Shock And Vibration Handbook" (5th ed. 2002)
2021	Sidman 8/6/2014 Transcript from IPR2014-00170

2022	Sidman 8/7/2014 Transcript from IPR2014-00170
2023	U.S. Patent No. 6,754,594 (Ex. 1001 in IPR2014-00390)
2024	Declaration of Dr. Michael D. Sidman (Ex. 1002 in IPR2014-00390)

I. INTRODUCTION

The Petition in this *inter partes* review sought cancellation of twelve claims of U.S. Patent No. 7,571,062 (the "'062 patent", Ex. 1001). The Board instituted trial in this on only four claims: claims 1, 19, 40 and 45. In a separate motion, Patent Owner has canceled claims 40 and 45, leaving only claims 1 and 29 at issue. The only ground for which trial of claims 1 and 29 was instituted is anticipation under 35 U.S.C. § 102 by U.S. Patent No. 4,934,196 ("Romano", Ex. 1006) and thus only that ground remains at issue.

Claim 1, from which claim 29 depends, includes a requirement to "adjust a phase of the drive signal to compensate for a time delay associated with components connected between the sensor and the driver." The linchpin of Petitioner's anticipation challenge to claim 1 over Romano is its expert's assertion that signals from both velocity sensor signals are used to generate the drive signal in a digital drive embodiment of Romano, and thus a certain phase shift applied to digitized samples of the right velocity sensor signal for measurement purposes– the only phase shift identified in the Petition or the accompanying declaration - "propagates through" as a phase shift of the drive signal output in that embodiment. This assertion is demonstrably false. As discussed in detail below, and as distinct from measurement operations, Romano actually discloses that only *one* sensor signal – the *left* sensor signal – is used to generate the drive signal

DOCKET ALARM

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.