

United States Patent & Trademark Office  
Patent Trial & Appeal Board

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IPR2014-00439

Patent No. 7,365,871

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IRON DOME LLC  
Petitioner

v.

E-WATCH, INC.  
Patent Owner

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**Petitioner's Reply to Patent Owner's Response**

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**Attached hereto: Appendix A – Petitioner’s Listing of Facts**

Table of Authorities

<i>Basmadjian v. Landry</i> , 54 U.S.P.Q.2d 1617 (BPAI 1997) .....	7
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<i>Monsanto Co. v. Mycogen Plant Sci., Inc.</i> , 261 F.3d 1356 (Fed. Cir. 2001).....	3

### **Currently-Filed Exhibits**

- Exh. 1006 Copy of page 39 of Patent Owner's Exhibit 2015 as annotated by Dr. Winston Ninh during his deposition.
- Exh. 1007 Deposition Transcript of Dr. Winston Ninh ('Ninh Dep. Tr.')

### **Previously-Filed Exhibits**

- Exh. 1001 U.S. Patent No. 7,365,871 ('challenged patent')
- Exh. 1002 Parulski et al.; U.S. Patent No. 6,122,526 ('Parulski')
- Exh. 1003 Reelee et al.; U.S. Patent No. 5,893,037 ('Reelee')
- Exh. 1004 "AFFIDAVIT OF DAVID A. MONROE UNDER 37 CFR 1.131" dated Dec. 27, 2004 in the prosecution history of the challenged patent ('Affidavit')
- Exh. 1005 "OFFICE COMMUNICATION" dated Aug. 9, 2005 in the prosecution history of the challenged patent ('Office Action')

### **Citation Form Used**

Reference to supporting documents indicated by "@\_\_\_\_\_".

Citations to U.S. Patents are shown as [column number : line numbers].

Citations to line-numbered documents are shown as [page number : line numbers].

Claim terms are distinguished from other text by "underlining."

**A. Introductory Matters and Listing of Facts**

Patent Owner attempts to antedate the Parulski and Reelee prior art by submitting the declarations of 11 witnesses encompassing a total of 22 exhibits with only sparse explanations about their relevance. It is as if the Patent Owner has simply dumped a pile of papers onto the table and saying that there's a golden ring somewhere in the pile that demonstrates conception and reduction to practice. Neither the Petitioner nor the Board should not be expected to trawl through these voluminous exhibits to find the information that supports Patent Owner's position.

Patent Owner has made no effort to sort out and summarize the content of these exhibits. Accordingly, for the convenience of the Board, Petitioner offers a summary of Patent Owner's exhibits by way of a Listing of Facts in the attached Appendix A. Petitioner neither admits nor denies these assertion of facts. This listing of facts does not count under the page limit requirements. *See* 37 CFR 42.24(c).

**B. Patent Owner Fails to Establish Conception and Diligence**

The Parulski and Reelee prior art precedes the effective filing date of the challenged patent. The evidence submitted by Patent Owner to antedate Parulski and Reelee is insufficient to establish conception and fails to demonstrate sufficient diligence.

- 1. There is no coherent story of conceiving the entire claimed invention.**

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