IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT: RE43,707

INVENTOR: TOM KIMPE ET AL.

FILED: DECEMBER 28, 2011 ISSUED: OCTOBER 2, 2012

TITLE: METHODS, APPARATUS, AND DEVICES FOR NOISE REDUCTION

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PETITION FOR *INTER PARTES REVIEW* OF U.S. PATENT NO. RE43,707 UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104



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TABLE OF AUTHORITIES

Cases

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Statutes	
§ 102	passim
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I. MANDATORY NOTICES

A. Real Parties-in-Interest

Eizo Corporation ("Petitioner") is the real party-in-interest.

B. Related Matters

The following matters would affect or be affected by a decision in this proceeding: *Barco*, *N.V. et al v. Eizo Nanao Corporation et al*, 11-cv-00258 (N.D. Ga.); *inter partes* reexamination application no. 95/002,047 and *inter partes review* 2014-00358.

C. Counsel

Lead Counsel: Marc K. Weinstein (Registration No. 43,250)

Backup Counsel: Joseph Milowic (Registration No. 52,034)

D. Service Information

Email: marcweinstein@quinnemanuel.com

Post: Quinn Emanuel Urquhart & Sullivan LLP, NBF Hibiya Bldg., 25F,

1-1-7 Uchisaiwai-cho, Chiyoda-ku, Tokyo 100-0011, Japan

Telephone: +813-5510-1711 Facsimile: +813-5510-1712

II. CERTIFICATION OF GROUNDS FOR STANDING

Petitioner certifies pursuant to Rule 42.104(a) that the patent for which review is sought is available for *inter partes* review and that Petitioner is not barred or estopped from requesting an *inter partes* review challenging the patent claims on



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