

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

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

**CORRECTED 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**

TABLE OF CONTENTS

I. MANDATORY NOTICES	1
A. Real Parties-in-Interest	1
B. Related Matters	1
C. Counsel.....	1
D. Service Information	1
II. CERTIFICATION OF GROUNDS FOR STANDING.....	1
III. OVERVIEW OF CHALLENGE AND RELIEF REQUESTED	2
A. Prior Art Patents and Printed Publications	2
B. Grounds for Challenge.....	3
IV. OVERVIEW OF THE ‘707 PATENT.....	4
V. CLAIM CONSTRUCTION.....	9
A. “Light-Output”.....	9
B. Broadest Reasonable Construction for Remaining Terms	9
VI. LEVEL OF ORDINARY SKILL IN THE ART	10
VII. STATEMENT OF MATERIAL FACTS	10
VIII. IDENTIFICATION OF HOW THE CHALLENGED CLAIMS ARE UNPATENABLE.....	20
A. Claims 68-75, 98, 99, 116, 117, 123, 124, and 125 are anticipated by Kamada (Ex. 1016).....	21
B. Claims 66, 76 and 128 are anticipated by Nakai (Ex. 1017).....	33
C. Claims 66 and 128 are obvious over Nakai (Ex. 1017) in view of TSNC Paper (Ex. 1026).....	35
D. Claims 64, 65, 80, 85-88, 91, 120, and 121 are obvious over Kamada (Ex. 1016) in view of JP ‘252 (Ex. 1019)	37
E. Claim 100 is obvious over Greene (Ex. 1020) in view of Kamada (Ex. 1018) 44	
F. Claim 118 is obvious over Kamada (Ex. 1016) in view of JP ‘252 (Ex. 1019), further in view of Mizukoshi (Ex. 1021).....	47
G. Claim 119 is obvious over Kamada (Ex. 1016) in view of JP ‘252 (Ex. 1019), further in view of JP ‘924 (Ex. 1023)	49
H. Claim 122 is obvious over Kamada (Ex. 1016) in view of JP ‘252 (Ex. 1019), further in view of Nakai (Ex. 1017).....	50
I. Claim 126 is obvious over Kamada (Ex. 1016) in view of JP ‘924 (Ex. 1023) 52	
J. Claim 127 is obvious over Kamada (Ex. 1016) in view of Arai (Ex. 1024)..	53
K. Claim 129 is obvious over Nakai (Ex. 1017) in view of Kamada (Ex. 1016) 56	
L. Claim 129 is obvious over Nakai (Ex. 1017) in view of JP ‘737 (Ex. 1028)	57

IX. CONCLUSION60

TABLE OF AUTHORITIES

Cases

<i>In re GPAC Inc.</i> , 57 F.3d 1573 (Fed. Cir. 1995).....	10
<i>St. Jude Medical</i> , IPR2013-00041, Paper No. 12.....	10

Statutes

§ 102	<i>passim</i>
§ 103	<i>passim</i>
35 U.S.C. § 314(a)	4

Rules and Other Authorities

37 C.F.R. § 42.22	2, 10
37 C.F.R. § 42.100	9
37 C.F.R. § 42.104	1, 2, 9, 20

...

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

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.