

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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RF CONTROLS, LLC,

*Petitioner,*

v.

A-1 PACKAGING SOLUTIONS, INC.,

*Patent Owner.*

Patent No. 8,690,057  
Issue Date: April 8, 2014

Title: RADIO FREQUENCY IDENTIFICATION SYSTEM FOR TRACKING  
AND MANAGING MATERIALS IN A MANUFACTURING PROCESS

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Case IPR: IPR2014-01536

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**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,690,057  
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.1-.80 && 42.100-.123**



## **I. GROUNDS FOR STANDING TO PETITION THE BOARD FOR INTER PARTES REVIEW**

Pursuant to 37 C.F.R. § 42.104(a), Petitioner submits the following certifications that *inter partes* review is available for United States Patent No. 8,690,057 (“the ‘057 patent” or “’057”) (**Ex. 1001**) and that Petitioner has standing to petition the Patent Trial and Appeal Board (the “Board”) concerning same.

### **A. Certification that the ‘057 Patent May Be Contested by Petitioner**

Pursuant to 37 C.F.R. § 42.101, Petitioner certifies that Petitioner is not the patent owner and that Petitioner is not barred or estopped from requesting *inter partes* review of ‘057. Neither Petitioner, nor any party in privity with Petitioner, has filed a civil action challenging the validity of any claim in ‘057, and ‘057 has not been the subject of a prior *inter partes* review instituted by Petitioner or any party in privity with Petitioner that has resulted in a final written decision. 35 U.S.C. § 315(e)(1). Petitioner also certifies that Petitioner has not been served with a complaint alleging infringement of ‘057. This Petition is timely filed pursuant to the Leahy-Smith America Invents Technical Corrections Act, Public Law 112-274 (Jan. 14, 2013), Section 1(d)(1).

### **B. Fee for *Inter Partes* Review**

Pursuant to 37 C.F.R. § 42.15(a), the Petitioner has paid the fee specified by 37 C.F.R. § 42.15(a) by credit card at the time of filing. No further fees are

believed owed at this time but the Director is authorized to charge any further fees deemed due, or credit any overpayment, to Deposit Account No. 50-0975.

**C. Mandatory Notices**

Pursuant to 37 C.F.R. § 42.8(b), Petitioner provides the following mandatory notices.

**1. Real Party in Interest**

Pursuant to 37 C.F.R. § 42.8(b)(1), the real party in interest, is RF Controls, LLC (“RFC”) located at 1400 South 3rd Street, Suite 220, St. Louis MO 63104.

**2. Related Matters**

Pursuant to 37 C.F.R. § 42.8(b)(2), RFC is not aware of any other judicial or administrative matter that would affect, or be affected by, a decision in this proceeding.

**3. Lead and Back-up Counsel**

Pursuant to 37 C.F.R. § 42.8(b)(3), lead and backup counsel for RFC are as follows:

<u>Lead Counsel</u>	<u>Back-up Counsel</u>
Michael J. Hickey Reg. No. 51,801 <a href="mailto:mhickey@lewisrice.com">mhickey@lewisrice.com</a> (314) 444-7630	Kirk A. Damman Reg. No. 42,461 <a href="mailto:kdamman@lewisrice.com">kdamman@lewisrice.com</a> (314) 444-7783
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#### 4. Service Information

Proof of Service of this Petition is provided in **Attachment A** hereto.

## II. IDENTIFICATION OF CHALLENGED CLAIMS

Pursuant to 37 C.F.R. § 42.104(b), claims 1-16 in the '057 patent are unpatentable as anticipated under pre-AIA 35 U.S.C. § 102(a), (b) and/or (e), and/or as obvious over the prior art under pre-AIA 35 U.S.C. § 103(a).

Specifically:

(i) Claims 1-7, 10-11, 13, 15-16 are anticipated under § 102(e) by U.S. Patent Application No. 13/214,823 (Subramanian) (Ex. 1006), published as Publication No. US 2013/0049925 A1 (Ex. 1021);

(ii) Claim 1 is anticipated under § 102(b) or (e) by U.S. Patent No. 8,493,182 (Hofer) (Ex. 1007), published as application Publication No. US 2011/0090062 A1 (Ex. 1022);

(iii) Claim 1 is anticipated under § 102(b) by U.S. Patent No. 7,667,575 (Husak) (Ex. 1009);

(iv) Claims 1-16 are rendered obvious under § 103(a) by *Subramanian Hofer*, and/or *Husak*.

(v) Claims 8-9, 12 and 14 are rendered obvious under § 103(a) by *Subramanian* in view of *Takaku*.

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