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BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRW AUTOMOTIVE U.S. LLC Petitioner v.

MAGNA ELECTRONICS INC.
Patent Owner

Case IPR2015-00438 Patent 8,599,001

PATENT OWNER MAGNA ELECTRONICS INC.'S PRELIMINARY RESPONSE TO PETITION PURSUANT TO 37 C.F.R. § 42.107

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Geo. M. Martin Co. v. Alliance Mach. Sys. Int'l LLC, 618 F.3d 1294 (Fed. Cir. 2010)	16
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