

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.

Petitioners

v.

E-WATCH, INC. and E-WATCH CORPORATION

Patent Owner

CASE: To Be Assigned

Patent No. 7,643,168 B2

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,643,168 B2**

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EXHIBIT LIST

- Ex. 1001 U.S. Patent No. 7,643,168 B2 to David A. Monroe (“the 168 Patent”)
- Ex. 1002 Certified Translation of the Japanese Patent Application Publication No. H06-133081 to Morita (“Morita”) and the corresponding Japanese language patent application
- Ex. 1003 U.S. Patent No. 5,477,264 to Sarbadhikari *et al.* (“Sardabhikari”)
- Ex. 1004 PCT Application Publication No. WO 95/23485 to Longginou (“Longginou”)
- Ex. 1005 U.K. Patent Application GB 2,289,555 A to Wilska *et al.* (“Wilska”)
- Ex. 1006 European Patent Application Publication No. 0594992 A1 to Yamagishi (“Yamagishi-992”)
- Ex. 1007 U.S. Patent No. 5,550,754 B2 to McNelley *et al.* (“McNelley”)
- Ex. 1008 Declaration of Kenneth Parulski including Attachments A-D (“Parulski Declaration”)

I. INTRODUCTION

Pursuant to 35 U.S.C. § 311 and 37 C.F.R. § 42.100, HTC Corporation and HTC America, Inc. (“Petitioners”) petition for *inter partes* review of claims 1-6, 8, 10-11, 13-18, 21-29 and 31 (“the Challenged Claims”) of U.S. Pat. No. 7,643,168 B2 (“the 168 Patent,” Ex. 1001). E-Watch, Inc. and E-Watch Corp. are referred to as “Patent Owner” because the 168 Patent is assigned to E-Watch, Inc. based on USPTO records, and E-Watch Corp. claims to be the exclusive licensee of the 168 Patent in their complaint filed under Case No. 2:13-cv-01063. This Petition demonstrates a reasonable likelihood that Petitioners will prevail with respect to at least one of the Challenged Claims which are unpatentable under 35 U.S.C. §103.

II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(B)

A. REAL PARTY IN INTEREST

HTC Corporation and HTC America, Inc. are the real parties in interest.

B. RELATED MATTERS

Patent Owner is asserting the 168 Patent and U.S. Pat. No. 7,365,871 B2 against Petitioners in an on-going patent infringement lawsuit in *E-WATCH, INC. and E-WATCH CORP. et al. v. HTC et al.*, 2:13-cv-01063 filed in the E. District of Texas on Dec. 9, 2013, and against other entities in 9 other lawsuits. In addition, Petitioners are pursuing a petition for *inter partes* review of the 871 Patent.

C. NOTICE OF COUNSEL AND SERVICE INFORMATION

Pursuant to 37 C.F.R. §§ 42.8(b)(3) and 42.10(a), Petitioners appoint Bing

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