

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. 7,365,871 B2

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 7,365,871 B2**

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EXHIBIT LIST

- Ex. 1001 U.S. Patent No. 7,365,871 B2 to David A. Monroe (“the 871 Patent”)
- Ex. 1002 U.K. Patent Application GB 2,289,555 A to Wilska *et al.* (“Wilska”)
- Ex. 1003 Certified Translation of the Japanese Patent Publication No. H06-176114 to Yamagishi (“Yamagishi-114”), Certification of English Translation and the Original Japanese Document
- Ex. 1004 U.S. Patent No. 5,550,754 B2 to McNelley *et al.* (“McNelley”)
- Ex. 1005 European Patent Application Publication No. 0594992 A1 to Yamagishi (“Yamagishi-992”)
- Ex. 1006 Declaration of Kenneth Parulski including Attachments A-D
- Ex. 1007 Selected Portions of the 871 Patent Prosecution File History

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I. INTRODUCTION

Pursuant to 35 U.S.C. § 311 and 37 C.F.R. § 42.100, HTC Corp. and HTC America, Inc. (collectively “Petitioners”) petition for *inter partes* review of claims 1-8 and 12-15 of U.S. Pat. No. 7,365,871 B2 (“the 871 Patent,” Ex. 1001). E-Watch, Inc. and E-Watch Corporation are collectively referred to as Patent Owner because the 871 Patent is assigned to E-Watch, Inc. based on USPTO records and E-Watch Corporation claims to be the exclusive licensee of the 871 Patent in their complaint filed under Case No. 2:13-cv-01063 in the Eastern District of Texas.

This Petition shows that there is a reasonable likelihood that Petitioners will prevail with respect to at least one of the claims 1-8 and 12-15. These claims are unpatentable under 35 U.S.C. §103. The Office is respectfully requested to institute a trial for *inter partes* review and to cancel claims 1-8 and 12-15.

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 871 Patent and U.S. Pat. No. 7,643,168 B2 (“the 168 Patent”) against Petitioners in an on-going patent infringement lawsuit in *E-WATCH, INC. and E-WATCH CORPORATION et al. v. HTC CORPORATION and HTC AMERICA, INC. et al.*, 2:13-cv-01063 filed in the Eastern District of

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