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REQUEST FOR INTER PARTES REEXAMINATION TRANSMITTAL FORM

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Attorney Docket No.: A0985.70000US00

Date: November 12, 2010

1. This is a request for *inter partes* reexamination pursuant to 37 CFR 1.913 of patent number 7,043,543 B2 issued May 9, 2006. The request is made by a third party requester, identified herein below.
2. a. The name and address of the person requesting reexamination is:
- American Power Conversion Corporation
 132 Fairgrounds Road
 West Kingston, RI 02892
- b. The real party in interest (37 CFR 1.915(b)(8)) is: American Power Conversion Corporation
3. a. A check in the amount of \$ _____ is enclosed to cover the reexamination fee, 37 CFR 1.20(c)(2);
- b. The Director is hereby authorized to charge the fee as set forth in 37 CFR 1.20(c)(2) to Deposit Account No. 23/2825; or
- c. Payment by credit card. Form PTO-2038 is attached.
4. Any refund should be made by check or credit to Deposit Account No. 23/2825 37 CFR 1.26(c). If payment is made by credit card, refund must be made to credit card account.
5. A copy of the patent to be reexamined having a double column format on one side of a separate paper is enclosed. 37 CFR 1.915(b)(5)
6. CD-ROM or CD-R in duplicate, Computer Program (Appendix) or large table
- Landscape Table on CD
7. Nucleotide and/or Amino Acid Sequence Submission
If applicable, items a.- c. are required.
- a. Computer Readable Form (CRF)
- b. Specification Sequence Listing on:
- i. CD-ROM (2 copies) or CD-R (2 copies); or
- ii. paper
- c. Statements verifying identity of above copies
8. A copy of any disclaimer, certificate of correction or reexamination certificate issued in the patent is included.
9. Reexamination of claim(s) 1-23 is requested.
10. A copy of every patent or printed publication relied upon is submitted herewith including a listing thereof on Form PTO/SB/08, PTO-1449, or equivalent.
11. An English language translation of all necessary and pertinent non-English language patents and/or printed publications is included.

Certificate of Electronic Filing Under 37 CFR 1.8

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4).

Dated: November 12, 2010

Signature: 

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12. The attached detailed request includes at least the following items:
- A statement identifying each substantial new question of patentability based on prior patents and printed publications. 37 CFR 1.915(b)(3)
 - An identification of every claim for which reexamination is requested, and a detailed explanation of the pertinency and manner of applying the cited art to every claim for which reexamination is requested. 37 CFR 1.915(b)(1) and (3)
13. It is certified that the estoppel provisions of 37 CFR 1.907 do not prohibit this reexamination. 37 CFR 1.915(b)(7)
14. a. It is certified that a copy of this request is being served in its entirety on the patent owner as provided in 37 CFR 1.33(c).
The name and address of the party served and the date of service are:
- Robert Ryan, Esq.
 HOLLAND & HART, LLP
 P.O. Box 8749
 Denver, CO 80201
- Date of Service: November 12, 2010 ; or
- b. A duplicate copy is enclosed since service on patent owner was not possible. An explanation of the efforts made to serve patent owner **is attached**. See MPEP 2620.

15. Correspondence Address: Direct all communication about the application to:

The address associated with Customer Number:

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OR

Firm or Individual Name

Address

City	State	Zip
Country	Telephone	Email

16. The patent is currently the subject of the following concurrent proceeding(s):
- Copending reissue Application No. _____
 - Copending reexamination Control No. _____
 - Copending Interference No. _____
 - Copending litigation styled:
Server Technology, Inc. v. American Power Conversion Corporation,
Case No. 3:06-CV-00698-LRH-VPC (D. Nev.)

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Authorized Signature For Third Party Requestor

November 12, 2010

Date

Edmund J. Walsh

Typed/Printed Name

32,950

Registration Number, if applicable

Electronic Deposit
Date of Deposit: November 12, 2010
Docket No.: A0985.70000US00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Ewing et al.
U.S. Patent No.: 7,043,543 B2
Issue Date: May 9, 2006
Serial No.: 09/930,780
Filing Date: August 15, 2001
Examiner: Jeffrey Pwu
Real Party in Interest: American Power Conversion Corporation
Title: VERTICAL-MOUNT ELECTRICAL POWER DISTRIBUTION PLUGSTRIP

Mail Stop “*Inter Partes* Reexam”
Attn: Central Reexamination Unit
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**DETAILED REQUEST FOR *INTER PARTES* REEXAMINATION
UNDER 35 U.S.C. §§ 311-318 AND 37 C.F.R. § 1.902 *ET SEQ.***

Dear Sir:

American Power Conversion Corporation (“APC”) requests *inter partes* reexamination of claims 1-23 of U.S. patent No. 7,043,543 B2 (the “‘543 patent”), which issued on May 9, 2006 to Ewing et al. The ‘543 patent is assigned to Server Technology, Inc. (“STI”), and is being asserted against APC in the U.S. District Court for the District of Nevada.¹ In that litigation, STI contends that APC infringes a number of claims of the ‘543 patent, as well as other STI patents. APC has alleged in that litigation that it does not infringe any claims of the ‘543 patent and that the claims are invalid for failure to satisfy the conditions for patentability set forth by 35 U.S.C. § 101 *et seq.*

¹ *Server Technology, Inc v. American Power Conversion Corporation*, Case No. 3:06-CV-00698-LRH-VPC, in the U.S. District Court for the District of Nevada. referred to herein as the STI/APC Litigation.

During prosecution of the '543 patent, a number of patents and printed publications were cited and discussed. APC, however, has located additional U.S. patents and prior art printed publications that were not considered by the Examiner and that invalidate the claims of the '543 patent (hereinafter the "new art") as either anticipated or obvious. In addition, some of the patents and printed publications cited during prosecution also render claims of the '543 patent obvious (hereinafter the "old art"; see MPEP § 2642(II)(A)), when the old art is viewed in a different way or when it is viewed in light of the new art.

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