

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Aaron B. Sternberg
U.S. Patent No.: 8,894,066
Issue Date: November 25, 2014
Appl. Serial No.: 14/155,013
Filing Date: January 14, 2014
Title: METHOD OF FACILITATING USER PREFERENCE IN
CREATIVE DESIGN OF A CONTROLLER

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SECOND CORRECTED PETITION FOR *INTER PARTES* REVIEW
OF UNITED STATES PATENT NO. 8,894,066 PURSUANT
TO 35 U.S.C. §§ 311–319, 37 C.F.R. § 42

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	<i>main casing. Philo discloses a main casing conformably fits around a portion of the exterior surface of the housing of the RCX brick. See, for example, Philo, Brick Simon page:</i>	26
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EXHIBITS

- A1 U.S. Patent No. 8,894,066 to Aaron B. Sternberg et al. (“’066 patent”)
- A2 File History of ’066 patent
- B1 *Building Robots with Lego® Mindstorms™: The ULTIMATE Tool for Mindstorms Maniacs!*, by Mario Ferrari, Giulio Ferrari, and Ralph Hempel, published 2002
- B2 Philo’s Home Page, www.philohome.com
- B3 Gasperi’s Mindstorms RCX Sensor Input Page, www.plazaeearth.com/usr/gasperilego.htm
- B4 U.S. Patent No. 6,443,796 to Shackelford
- B5 U.S. Patent Publication No. 2002/0196250 to Anderson et al.
- B6 Xbox Forums web page from 2005

Rubicon Communications, LP (“Petitioner”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 of claims 1-8 of U.S. Patent No. 8,894,066 (the “’066 patent”), entitled “Method of Facilitating Preference in Creative Design of a Controller,” which is assigned to Lego Systems A/S (“Patent Owner”). As discussed in further detail below, there is a reasonable likelihood that Petitioners will prevail with respect to at least one claim challenged herein.

I. Mandatory Notices Under 37 C.F.R. § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner, Rubicon Communications, LP, Smallworks, LLC, Rubicon Communications, LLC, James W. Thompson, and Jamie L. Thompson are the real parties-in-interest.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Patent Owner filed an action against Petitioner, alleging infringement of the ’066 patent. *Lego Systems A/S v. Rubicon Communications, LP dba Smallworks and Smallworks, LLC*, Case No. 3:15-cv-00823 (VLB) (D. Connecticut), filed June 10, 2015) (“the Litigation”).

C. Designation of Counsel Under 37 C.F.R. § 42.8(b)(3)

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D. Service Information Under 37 C.F.R. § 42.8(b)(4)

Please address all correspondence and service to counsel at the address provided above.

II. Payment of Fees – 37 C.F.R. § 42.103

The Petitioners authorize the Patent and Trademark Office to charge the fee set out in 37 C.F.R. § 42.15(a) for this Petition and any additional fees that may be required, or credit any overpayment, to Deposit Account No. 501505/5805-04211/EBM.

III. Requirements for IPR under 37 C.F.R. § 42.104

A. Grounds for Standing Under 37 C.F.R. § 42.104(a)

Petitioner certifies that the '066 patent is available for IPR and that Petitioner is not barred or estopped from requesting IPR on the grounds identified herein.

B. Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested

Petitioner requests IPR of claims 1-8 of the '066 patent on the grounds set forth in the table below and requests that each of these claims be found unpatentable.

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