

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,504,746

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the *Inter Partes* Review of U.S. Patent No. 8,504,746

Trial No.: Not Yet Assigned

Issued: August 6, 2013

Filed: September 27, 2010

Inventor: Michael Tasler

Assignee: Papst Licensing GmbH & Co., KG

Title: ANALOG DATA GENERATING AND PROCESSING DEVICE
FOR USE WITH A PERSONAL COMPUTER

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PETITION FOR *INTER PARTES* REVIEW
UNDER 37 C.F.R. § 42.100

Inter partes review is respectfully requested for claims 1-12, 14-15, 17-21, 23-31, 34-35 (the “Challenged Claims”) of U.S. Patent No. 8,504,746 (“the ’746 patent”), attached hereto as Exhibit 1201.

The undersigned representative of Petitioners authorizes the Patent Office to charge the \$23,000 Petition Fee to Deposit Account 501432, ref: 876346-605001. 30 claims are being reviewed, so \$8,000 excess claim fees are due. The undersigned representative further authorizes payment for any additional fees that may be due in

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connection with this Petition to be charged to the above-referenced Deposit Account.

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I. Introduction

The '746 patent specification describes an interface device designed to facilitate the transfer of data between an input/output (“i/o”) device and a host computer that allegedly obviates the need for installation of driver software on the computer. Ex. 1201 at 1:37-40; 7:11-20.

The '746 patent is owned by Papst Licensing GmbH & Co., KG (“Papst” or the “Patent Owner”). The District Court judge in a litigation involving an ancestor of the '746 patent described Papst by stating that “the business of Papst is litigation, not invention or production.” Ex. 1202 (Memorandum Order of Judge Collyer) at 6 (emphasis in original). Papst acquired the patent family, including the five earlier applications and two issued patents related to application no. 12/891,443 (“the '443 application”) from which the '746 patent issued, nine years after the filing date of the earliest application in the chain. See USPTO Assignment Record executed Mar. 8, 2006, at 17314-114. The '443 application was filed and prosecuted entirely under Papst’s control during the pendency of patent infringement litigation filed by Papst against the Petitioners and others based on the two earlier-issued patents.

Filed in 2010, the '443 application, issued in 2013. During prosecution of the '443 application, Papst presented nearly 600 references for the Examiner to consider via Information Disclosure Statements – a near impossible task for a tightly time constrained examination. As a result, the Examiner did not focus on certain highly

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