UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Prime Focus Creative Services Canada Inc.,

Petitioner

V.

Legend3D, Inc.,

Patent Owner

U.S. Patent No. 7,907,793 IPR2016-01243

PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO AMEND

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Cases	
Corning Optical Commc'n RF, LLC, v. PPC Broadband, Inc., Case IPR2014-00441 (PTAB Oct. 20, 2014)	10
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EXHIBIT LIST

Exhibit	Description
1001	U.S. Patent No. 7,907,793 ("the '793 Patent")
1002	File History for the '793 Patent
1003	U.S. Patent No. 7,181,081 ("the '081 Patent")
1004	U.S. Patent No. 7,333,670 ("the '670 Patent")
1005	U.S. Patent Application No. 12/241,992 ("Passmore")
1006	U.S. Patent No. 7,573,475 ("Sullivan")
1007	Declaration of Rob S. Schmitt from Business Wire, Inc. attaching:
	 Exhibit 1: "Legend Films Successfully Raise \$5 Million in Venture Capital Funding" (press release)
	• Exhibit 2: "Night of the Living Dead' to Be Released in Color and 3D" (press release)
1008	Curriculum Vitae of Dr. David Forsyth
1009	CORRECTED DECLARATION of David Forsyth, Ph.D.
1010	U.S. Patent No. 7,577,312
1011	Article: "How do 3D firms work?" available at http://www.physics.org/article-questions.asp?id=56
1012	Book excerpt: Rendering Techniques 2001, edited by Steven J. Gortler and Karol Myszkowski (2001)
1013	Article: Matt Sullivan, "Trick and Treat: Behind the Scenes of the New Nightmare Before Christmas and the 3D Movie Revolution," Popular Mechanics, available at http://www.popularmechanics.com/technology/gadgets/a3607/4200796/ .
1014	Redline of specification from '081 Patent to '793 Patent
1015	Redline of specification from '670 Patent to '793 Patent



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