

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EMERSON ELECTRIC CO,  
Petitioner

v.

SIPCO, LLC,  
Patent Owner

Case IPR2017-00216  
U.S. Patent 8,013,732

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SIPCO, LLC'S PATENT OWNER PRELIMINARY RESPONSE  
PURSUANT TO 37 C.F.R. § 42.107(a)

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**CASES**

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## I. INTRODUCTION

The principal inventor of U.S. Patent No. 8,013,732 (“the ’732 patent”), Thomas David Petite, is a Native American who has been honored extensively for his inventions and his contributions to technology.<sup>1</sup> The United States Patent & Trademark Office (USPTO) issued a Collectible Card for Mr. Petite to honor him for his contributions as a Native American inventor.<sup>2</sup> Mr. Petite was honored as a Native American inventor at the Native American Intellectual Property Enterprise Council Reception by the Director of the USPTO at that time, Mr. David Kappos.<sup>3</sup> The USPTO director Michelle Lee issued a letter to Mr. Petite acknowledging him for helping to train patent examiners.<sup>4</sup> The Georgia State Senate issued a resolution honoring Mr. David Petite as a Native American inventor.<sup>5</sup>

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<sup>1</sup> Exhibit 2001, ¶¶ 3-6.

<sup>2</sup> Exhibit 2002.

<sup>3</sup> Exhibit 2004.

<sup>4</sup> Exhibit 2005.

<sup>5</sup> Exhibit 2003.

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