

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.
Petitioner

v.

SPEX TECHNOLOGIES, INC.
Patent Owner

Case IPR: IPR2017-00824
U.S. Patent No. 6,088,802

Date: January 31, 2017

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

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Exhibit List for *Inter Partes* Review of U.S. Patent No. 6,088,802

Exhibit Description	Exhibit No.
U.S. Patent No. 6,088,802	1001
Prosecution History of U.S. Patent No. 6,088,802	1002
WO 95/16238, to Jones et al. (“Jones”)	1003
U.S. Patent No. 5,675,645, to Schwartz et al.	1004
U.S. Patent No. 5,237,609, to Kimura	1005
Patent Owner’s Claims Chart, comparing the ’802 patent to a Petitioner product that Patent Owner accuses of infringement	1006
U.S. Patent No. 5,465,338, to Clay	1007
<u>Common Interface Specification for Conditional Access and Other Digital Video Broadcasting Decoder Applications</u> , Digital Video Broadcasting, DVB Document A017, May 1996 (hereinafter “Common Interface Specification”)	1008
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**I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED
(37 C.F.R. § 42.22(A))**

Kingston Technology Company, Inc. (“Petitioner”) hereby petitions for institution of *inter partes* review of U.S. Patent No. 6,088,802 (the “’802 patent”) (Ex. 1001). The ’802 patent issued on July 11, 2000. SPEX Technologies, Inc. (“Patent Owner”) alleges that it is the assignee of the ’802 patent. Petitioner respectfully requests cancellation of claims 1-3, 6-8, 11-15, 23-28, and 36-39 of the ’802 patent based on the grounds of unpatentability herein. The prior art and other evidence offered with this Petition establishes that all elements in the challenged claims of the ’802 patent were well known as of the earliest alleged priority date, and that the claimed methods and systems recited in the ’802 patent were obvious.

II. GROUNDS FOR STANDING (37 C.F.R. § 42.104(A))

Petitioner certifies that the ’802 patent is available for review under 35 U.S.C. § 311(c) and that Petitioner is not estopped from requesting an *inter partes* review challenging claims 1-3, 6-8, 11-15, 23-28, and 36-39 on the grounds identified herein.

III. MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1))

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

The real party in interest is Petitioner Kingston Technology Company, Inc. Parent company Kingston Technology Corporation and the affiliate company Kingston Digital Inc. do not have control over this Petition, and, thus, are not believed to be real parties in interest. However, Petitioner identifies these entities pursuant to 37 C.F.R. § 42.8(b)(1) as they are related to Petitioner and are co-Defendants in the pending suit filed by SPEX Technologies, Inc. (see below).

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

The following matter would be affected by a decision in this proceeding: SPEX Technologies, Inc. v. Kingston Tech. Corp., et al., Case No. 8:16-cv-01790 (C.D. Cal.), filed September 27, 2016. Patent Owner has asserted claim 11 of the '802 patent against Petitioner in this matter.

Petitioner also is filing a petition for *inter partes* review of Patent Owner's U.S. Patent No. 6,003,135, which was filed the same day and relates to the same subject matter as the '802 patent (though the two patents are not related by priority claim), and which patent also is being asserted against Petitioner in the litigation identified in the prior paragraph.

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