WNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD MICROSOFT CORPORATION, Petitioner, v. SAINT REGIS MOHAWK TRIBE, Patent Owner.

PATENT OWNER SAINT REGIS MOHAWK TRIBE'S PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT 7,620,800

IPR2018-01605



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TABLE OF AUTHORITIES

CASES:

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Butamax Advanced Biofuels LLC v. Gevo, Inc., Case IPR2014-00581, slip op. at 12–13 (PTAB Oct. 14, 2014)12
General Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha, Case IPR2016–01357, Paper 19 at 9-10 (PTAB Sept. 6, 2017)6, 7, 11
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Kinetic Techs. v. Skyworks Solutions, Inc., No. IPR2014-00529, slip op. at 15-16 (PTAB Sept. 23, 2014)37
Masabi Ltd. v. Bytemark, Inc., IPR2017-01449, slip op. at 43-44 (PTAB Dec. 3, 2018)37



Mylan Pharms., Inc. v. Bayer Intellectual Property GMBH, Case IPR2018-01143, slip op. at 12-14 (PTAB Dec. 3, 2018)
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37 C.F.R. § 42.6540



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