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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPECTRUM BRANDS, INC.

Petitioner

v.

ASSA ABLOY AB

Patent Owner.

Case No. TBD

U.S. Patent No. 7,706,778

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,706,778

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<i>Microsoft Corp. v. Proxyconn, Inc.</i> , Nos. 2014-1542, -1543, 2015 WL 3747257 (Fed. Cir. June 16, 2015)	16
<i>Newell Cos., Inc. v. Kenney Mfg. Co.</i> , 864 F.2d 757 (Fed. Cir. 1988)	59
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OTHER AUTHORITIES

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