

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IGT,
Petitioner,

v.

ARISTOCRAT TECHNOLOGIES AUSTRALIA PTY LTD.,
Patent Owner.

Case IPR2016-01170
U. S. Patent No. 7,326,113

**PATENT OWNER PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. § 42.107**

TABLE OF CONTENTS

I.	Introduction.....	1
II.	The Declaration Of Petitioner’s Expert, A Recently Employed Member Of Its Legal Department, Is Entitled To No Weight.....	2
III.	The Invention Claimed In the ’113 Patent Involves the Novel Use Of Special Symbols That Overlie Symbols On A Reel And That Are Held In A Superimposed Representation In At Least One Further Game.....	5
IV.	Petitioner’s Ground 1 Of Invalidity, That Claims 1–5 Are Unpatentable Over The Combination Of Legato And Timperley, Fail Without Mr. Michaelson’s Declaration.....	6
A.	Petitioner Has Failed To Show That Legato Is Prior Art Under 35 U.S.C. § 102.	7
B.	The Teachings Of Legato And Timperley Fail To Render Challenged Claims 1–5 Unpatentable.....	8
C.	Petitioner’s Reliance On A Former Employee’s Declaration To Favorably Interpret And Combine Legato With Timperley Is Insufficient To Render The Challenged Claims Unpatentable.	11
D.	Petitioner’s Reliance On Legato In Combination With Timperley <i>In Further Combination</i> With The Declaration Of Mr. Michaelson Is Insufficient To Render Claim 5 Unpatentable.....	14
V.	Petitioner’s Ground 2 Of Invalidity, That Claims 6–11 Are Unpatentable Over the Combination of Legato, Timperley, And Bennett, Fail Without Mr. Michaelson’s Declaration.	14
VI.	Conclusion.	17

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	16
<i>Kyocera Wireless Corp. v. Int'l Trade Comm'n</i> , 545 F.3d 1340 (Fed. Cir. 2008)	7
<i>In re Wyer</i> , 655 F.2d 221 (C.C.P.A. 1981)	7
Statutes	
35 U.S.C. § 102.....	7, 8, 15
Other Authorities	
37 C.F.R. § 42.65(a).....	12, 13

LIST OF EXHIBITS

EXHIBIT	DESCRIPTION
Ex. 2001	Complaint for Patent Infringement, <i>IGT v. Aristocrat Techs.</i> , No. 2:15-cv-00473 (D. Nev. Mar. 16, 2015)
Ex. 2002	Declaration of Richard Michaelson, <i>Aristocrat Techs. v. Int'l Game Tech.</i> , No. 5:06-cv-03717 (N.D. Cal. June 2, 2009)

I. Introduction.

Patent Owner Aristocrat Technologies Australian Pty Ltd. (“Aristocrat” or “Patent Owner”) hereby submits the following preliminary response to the Petition filed by IGT (“IGT” or “Petitioner”) on June 8, 2016, requesting *inter partes* review of claims 1–11 of U.S. Patent No. 7,326,113 (the “’113 Patent”). Aristocrat requests that the Board deny *inter partes* review as to all grounds of IGT’s Petition. As explained below, all grounds in IGT’s Petition fail to satisfy the legal standard for instituting *inter partes* review. Moreover, Patent Owner submits that IGT’s Petition relies on the biased statements of a recently-employed member of its legal department, Richard Michaelson, who was in IGT’s legal department at the time IGT analyzed and decided to file its lawsuit against Aristocrat. Mr. Michaelson’s close association with Petitioner over the course of twenty years, including at senior positions throughout the company, renders him a mere extension of Petitioner. His declaration should be afforded little to no weight, and the statements contained therein should be treated as *Petitioner’s* own opinions rather than as impartial expert testimony. Absent Mr. Michaelson’s declaration, Petitioner fails to provide a motivation to combine references to support its obviousness claim.

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