

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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IGT,  
Petitioner

v.

ARISTOCRAT TECHNOLOGIES AUSTRALIA PTY LTD.,  
Patent Owner

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Case No. IPR2016-01171  
U.S. Patent No. 8,298,064

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

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**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)
Ex. 2003	<i>IGT v. Aristocrat Techs. Aus. Pty Ltd.</i> , Case No. IPR2016-01170, Paper 1 (Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,326,113) (P.T.A.B. June 8, 2016)

**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 1–23 of U.S. Patent No. 8,298,064 (the “’064 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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