

Filed on behalf of:
Iradion Laser, Inc.
By: Joshua P. Larsen (Lead Counsel)
joshua.larsen@btlaw.com
Paul B. Hunt (Back-up Counsel)
paul.hunt@btlaw.com

Paper No. 1
Date: November 10, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IRADION LASER, INC.,

Petitioner,

v.

NOVANTA CORP. (formerly GSI GROUP CORP.),

Patent Owner.

Patent 6,198,759

**PETITION FOR INTER PARTES REVIEW
OF U.S. PATENT NO. 6,198,759**

TABLE OF CONTENTS

	<u>Page</u>
TABLE OF AUTHORITIES	iii
EXHIBIT LIST	iv
I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1).....	1
A. Real Party-In-Interest under 37 C.F.R. § 42.8(b)(1).....	1
B. Related Matters under 37 C.F.R. § 42.8(b)(2)	1
C. Lead and Back-Up Counsel under 37 C.F.R. § 42.8(b)(3)	2
D. Service Information under 37 C.F.R. § 42.8(b)(4).....	2
II. PAYMENT OF FEES – 37 C.F.R. § 42.103.....	2
III. GROUNDS FOR STANDING UNDER § 42.104(a)	2
IV. IDENTIFICATION OF CHALLENGE UNDER § 42.104(b)	3
A. Claim Construction under 37 C.F.R. § 42.104(b)(3)	4
B. Ground 1 – Anticipation of Claims 11, 14, 24, 26, and 28 under 35 U.S.C. § 102(b) by Opower (Ex. 1004)	6
1. Claim 11	6
2. Claim 14	14
3. Claim 24	15
4. Claim 26	23
5. Claim 28	24
6. Conclusion regarding Ground 1	25

Patent 6,198,759
Petition for *Inter Partes* Review

C.	Ground 2 – Anticipation of Claims 11, 14, 24, 26, and 28 under 35 U.S.C. § 102(b) by Vitruk (Ex. 1005).....	25
1.	Claim 11	26
2.	Claim 14	32
3.	Claim 24	33
4.	Claim 26	37
5.	Claim 28	38
6.	Conclusion Regarding Ground 2	39
D.	Ground 3 – Obviousness of Claims 11, 14, 24, 26, and 28 under 35 U.S.C. § 103 over Opower (Ex. 1004) and/or Vitruk (Ex. 1005)	40
V.	CONCLUSION AND RELIEF REQUESTED	43

TABLE OF AUTHORITIES

<u>Cases</u>	<u>Page(s)</u>
<i>Boston Sci. Scimed, Inc. v. Cordis Corp.</i> , 554 F.3d 982 (Fed. Cir. 2009)	41, 42
<i>Callaway Golf Co. v. Acushnet Co.</i> , 576 F.3d 1331 (Fed. Cir. 2009)	25
<i>In re King</i> , 801 F.2d 1324 (Fed.Cir.1986)	15, 33
<i>In re McDaniel</i> , 293 F.3d 1379 (Fed. Cir. 2002)	40,41
<i>Kennametal, Inc. v. Ingersoll Cutting Tool Co.</i> , 780 F.3d 1376 (Fed. Cir. 2015)	<i>passim</i>
<i>Net MoneyIN v. Verisign</i> , 545 F.3d 1359 (Fed. Cir. 2008)	<i>passim</i>
<i>Oracle Corp. v. Click-to-Call Techs. LP</i> , IPR2013-00312 (PTAB Oct. 30, 2013)	3
<i>Vibrant Media, Inc. v. Gen'l Elec. Co.</i> , IPR2013-00172 (PTAB July 28, 2014)	5
<i>Norian Corp. v. Stryker Corp.</i> , 363 F.3d 1321 (Fed. Cir. 2004)	43
 <u>Rules</u>	
37 C.F.R. § 42.100(b)	4
77 Fed. Reg. 48756 (August 14, 2012)	6

EXHIBIT LIST

Ex. No.	Brief Description
1001	U.S. Patent No. 6,198,759 to Broderick et al. (“the ’759 Patent”)
1002	U.S. Patent No. 6,614,826 to Bethel et al. (“the ’826 Patent”)
1003	File Wrapper of the ’759 Patent (U.S. Patent Application No. 09/472,733)
1004	U.S. Patent No. 5,220,577 to Opower (“Opower”)
1005	U.S. Patent No. 5,822,354 to Vitruk (“Vitruk”)
1006	Plaintiff Novanta Corporation’s Proposed Claim Constructions in <i>Novanta Corporation v. Iradion Laser, Inc.</i> , Case 1:15-cv-01033-SLR-SRF (Nov. 7, 2016)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.