

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OneD Material LLC
Petitioner

v.

Nexxon Limited
Patent Owner

Patent No. 8,940,437
Issue Date: January 27, 2015

Title: METHOD OF FABRICATING STRUCTURED PARTICLES COMPOSED
OF SILICON OR A SILICON-BASED MATERIAL AND THEIR USE IN
LITHIUM RECHARGEABLE BATTERIES

Inter Partes Review No. IPR2017-00961

PETITIONER'S RESPONSE TO NOTICE OF FILING DATE
ACCORDED TO PETITION

I. Introduction

Petitioners hereby respond to the Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response. IPR2017-00961, Paper 7.

In the Notice, the Board identified three defects with the filing:

- The list of Exhibits on page iii of the Petition is missing Exhibits 1015, 1023, and 1032.
- The exhibit labels of Exhibits 1042 and 1045 incorrectly identifies the exhibits as “Ex. 1053” and “Ex. 1044”, respectively.
- Failure to include in the petition a certification stating the number of words in the petition and whether that amount is within the word limit. 37 C.F.R. § 42.24(a), (d).

In Response, Petitioners are filing corrected Exhibits. Petitioners note that the Corrected Petition previously filed on February 21, 2017 (Paper 4) included the missing Exhibits from the list of Exhibits (specifically, Exhibits 1015, 1023, and 1032 were added to the List of Exhibits in the Corrected Petition). Additionally, both the originally filed Petition (Paper 2) and the Corrected Petition (Paper 4) included the certification stating the number of words in the petition and whether that amount was within the word limit. See, Papers 2 and 4, the page between the Conclusion and the Certificate of Service.

II. STATEMENT OF REASONS FOR RELIEF REQUESTED

On February 21, 2017, Petitioner filed a petition for *inter partes* review in

this case. IPR2017-00961, Paper 2. That same date, Petitioners filed a Motion to Correct a Clerical Error (Paper 3) and a Corrected Petition (Paper 4) to correct the missing exhibits in the table of exhibits.

Additionally, both the originally filed Petition (Paper 2) and the Corrected Petition (Paper 4) included the certificate of compliance, indicating the word count to be less than 10,000 words and that the word count complied with the word limit set forth in 37 C.F.R. §42.24(a),(d).

Petitioners submit herewith corrected versions of Exhibits 1015, 1023, and 1032.

The undersigned attorney welcomes a telephone call should the Board have any additional requests or questions.

III. Conclusion

For the foregoing reasons, Petitioners respectfully submit the Corrected Petition (Paper 4) and the corrected Exhibits submitted herewith resolve the defects identified in the Notice of Filing Date Accorded to Petition (Paper 7).

Respectfully submitted,

Dated: March 17, 2017

By: /Jennifer Hayes/

Reg. No. 50,845
Nixon Peabody LLP
300 South Grand Avenue, Suite 4100
Los Angeles, CA 90071-3151
Tel. (213) 629-6179
Fax (866) 781-9391

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Response to Notice of Filing Date Accorded to Petition

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITIONER'S RESPONSE TO NOTICE OF FILING DATE ACCORDED TO PETITION along with Corrected Exhibits 1042 and 1045 were served on February 21, 2017 by placing a copy into FEDERAL EXPRESS directed to the attorneys of record for the patent at the following address:

S. Richard Carden
Registration No. 44588
McDonnell Boehnen Hulbert & Berghoff LLP
300 S. Wacker Drive, Suite 3200
Chicago, IL 60606

James V. Suggs
Registration No. 50419
McDonnell Boehnen Hulbert & Berghoff LLP
300 S. Wacker Drive, Suite 3200
Chicago, IL 60606

Counsel for Patent Owner, Nexeon Ltd.

A courtesy copy of the Response and Corrected Exhibits were served in their entirety on March 17, 2017 by e-mail on the following individuals:

Richard Carden
carden@mbhb.com

James Suggs
suggs@mbhb.com

By: /Jennifer Hayes/
Counsel for Petitioner