

Paper No. \_\_\_\_\_  
Date Filed: July 13, 2017

Filed on behalf of: QMax Industries, LLC (Patent Owner)

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CONTROLS SOUTHEAST INC.,  
Petitioner

v.

QMAX INDUSTRIES, LLC  
Patent Owner

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Case No. IPR2017-00976  
Patent No. 8,469,082 B2

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CORRECTED MANDATORY NOTICES OF PATENT OWNER  
QMAX INDUSTRIES, LLC

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Filed: July 13, 2017

On March 27, 2017, pursuant to 37 CFR § 42.8, patent owner QMax Industries, LLC (“QMax”) submitted mandatory notices.

In a teleconference yesterday, counsel for the Petitioner was kind enough to bring to the undersigned’s attention that these mandatory notices did not include mention of pending patent applications. The undersigned apologizes profusely for this error, and now submits these corrected mandatory notices to remedy this.

The undersigned notes, in this regard, that there was no deceptive intent behind the previous omission of pending patent applications. The undersigned is new to trial practice, and failed to appreciate that “[a]dministrative matters include every application and patent claiming, or which may claim, the benefit of the priority of the filing date of the party’s involved patent or application as well as any ex parte and inter partes reexaminations for an involved patent.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760 (Aug. 14, 2012).

The undersigned again thanks Petitioner’s counsel for bringing this issue to the undersigned’s attention, and submits these corrected mandatory notices.

**Real Party-In-Interest (37 CFR § 42.8(b)(1))**

QMax Industries, LLC, a limited liability company organized and existing under the laws of the State of North Carolina and having its place of business at 10615 Texland Boulevard, Suite 400, Charlotte, North Carolina, is the real party in

interest. Rights in the patent were previously assigned to 3IP, LLC, a limited liability company organized and existing under the laws of the State of North Carolina. An assignment from inventor Thomas William Perry (“Perry”) to 3IP, LLC was recorded with the U.S. Patent and Trademark Office at reel/frame 028237/0728. 3IP, LLC was merged into QMax Industries, LLC effective June 19, 2013. The articles of merger merging 3IP, LLC into QMax Industries, LLC were recorded at the U.S. Patent and Trademark Office at reel/frame 030672/0073.

### **Related Matters (37 CFR § 42.8(b)(2))**

QMax is a defendant and counterclaimant in an action involving the patent that was brought by the petitioner in the United States District Court for the Western District of North Carolina, which has been assigned Case No. 3:16-cv-00230-FDW-DSC and has been assigned the caption “*Controls Southeast, Inc. v. QMax Industries, Inc.*” The petitioner also filed a petition for inter partes review of U.S. Patent No. 8,662,156, which also is owned by QMax. This related inter partes review has been assigned case no. IPR2017-00977.

Additionally, the following U.S. patent properties share commonality of disclosure and priority with U.S. Patent No. 8,469,082:

- U.S. Patent No. 8,662,156
- U.S. Patent No. 8,899,310

- U.S. Patent App. No. 14/556,057 (Pending)
- U.S. Patent App. No. 15/484,109 (Pending)
- U.S. Patent App. No. 15/484,111 (Pending)
- U.S. Patent App. No. 15/484,112 (Pending)
- U.S. Patent App. No. 15/484,115 (Pending)
- U.S. Patent App. No. 15/484,117 (Pending)
- U.S. Patent App. No. 15/484,120 (Pending)
- U.S. Patent App. No. 15/484,123 (Pending)

Although they may not affect or be affected by this proceeding, in the interest of full disclosure, Patent Owner notes that the following patent properties also share commonality of disclosure and priority with U.S. Patent No. 8,469,082:

- Patent Cooperation Treaty Patent Application  
PCT/US2009/066904 (expired)
- Brazilian Patent Application PI0922270-7 (abandoned)
- European Patent Application No. 09831257.2 (abandoned)
- Canadian Patent Application No. 2,745,879 (abandoned after allowance – reinstatement available)
- Australian Patent Application No. 2009322122 (abandoned)

**Lead and Back-Up Counsel (37 CFR § 42.8(b)(3))**

QMax designates the following lead and back-up counsel:

LEAD COUNSEL	BACK-UP COUNSEL
<p>Chad. D. Tillman Reg. No. 38,634</p> <p>Tillman Wright, PLLC 11325 N. Community House Rd. Suite 250 Charlotte, NC 28277</p> <p>Tel.: 704-248-6292 Fax: 877-248-5100 Email: chad@ti-law.com</p>	<p>Jeremy C. Doerre Reg. No. 62,146</p> <p>Tillman Wright, PLLC 11325 N. Community House Rd. Suite 250 Charlotte, NC 28277</p> <p>Tel.: 704-248-4883 Fax: 877-248-5100 Email: jdoerre@ti-law.com</p>

As both lead and back-up counsel are already counsel of record in the subject patent, pursuant to 37 CFR § 42.10(b) which sets forth that “the patent owner should not file an additional power of attorney if the designated counsel is already counsel of record in the subject patent or application,” a power of attorney is not being filed at this time.

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