IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRIME WIRE & CABLE, INC.)	
)	
Petitioner,)	
)	
v.)	Case: IPR2018-01592
)	Patent No.: 9,320,122
CANTIGNY LIGHTING)	
CONTROL, LLC.)	
,)	
Patent owner)	
)	
JASCO PRODUCTS, INC.)	
)	
Licensee)	

PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 9,320,122 UNDER 35 U.S.C. §§311-319 AND 37 C.F.R. 42.100 et seq.

PRIME Wire & Cable, Inc. (hereinafter "PRIME") requests cancelation of claims 1 through 20 of Pat. No. 9,320,122 (issued Apr. 19, 2016) ("the '122 patent") [Ex. 1001].

Filed on behalf of PRIME by:

John K. Buche & Bryce A. Johnson Buche & Associates, P.C.



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a.	Claims 1-20 of the '122 patent should be canceled under §102 & §103 over basic light timers described in prior art that were missed during the hasty 3.5 month prosecution of the claims.	1
b.	Claims 1-20 of the '122 issued as the result of missed prior art and should be canceled as obvious under §102 and §103 over sprinkler timers since the same technology was obvious to use for controlling landscape lights.	2
c.	The '122 patent's priority as a so-called "divisional" is not deserved and, as a result, the claims should be canceled under §102 over one particular prior art timer that precedes the actual '122 filing date	5
d.	Prosecution of Serial No. 15/822,295 (filed Nov. 27, 2017) ("the '295 child") demonstrates how the '122 claims should be canceled under §102 over <i>Hatemata</i> [Ex. 1032]	10
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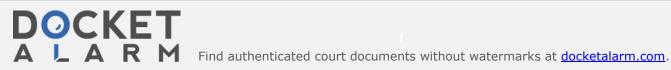
III. TH	IE '122 PATENT17
A.	The '122 patent speaks to a simple timer with a display (and some buttons) used to turn appliances on and/or off
B.	Claims 1 & 15 describe timers with buttons that can be used to program on/off times. Claim 8 and its dependents describe a timer that features buttons that activate pre-stored timing patterns for electrical appliances. In JASCO's actual timer shown below, one can see timing patterns and associated buttons:
C.	JASCO marks its timer (shown below) with "patented" under the '122 patent
D.	JASCO was itself sued by the patent owner, CANTIGNY, for this same product—before it acquired a license to the '122 and used it against competitors, like PRIME
E.	PRIME filed a 37 CFR §1.501 Citation of "claim scope statements" [Ex. 1003] in the file of the '122 patent to demonstrate how the patent owner, CANTIGNY, asserted its patent claims over JASCO's timer21
F.	There is pending '295 child application by CANTIGNY that is for the same timer claimed in the '122 patent that was recently rejected as anticipated by §102 prior art Hatemata [Ex. 1032]
G.	The patent prosecution of the '122 was unusual in several respects: (a) the duration of prosecution lasted 3.5 months even though the case was not expedited; (b) a data-dump via IDS was reviewed only after an allowance was granted; (c) prosecution counsel is the alleged inventor, attorney of record, and principle member of the non-practicing entity, CANTIGNY, that first initiated claims over the timers; (d) priority claims appear to have been manipulated to both target and avoid JASCO's timer as prior art—because the '122 patent was a so-called "divisional" that added descriptions not found in the parent; and (e) no substantive patentability analysis was made of record, including of priority claims in the so-called "divisional," and the Examiner's search notes show that classification based searching for prior art was extremely limited
	ENTIFICATION OF CHALLENGES AND PRECISE RELIEF



a.	Claims for which IPR is requested [37 C.F.R. §42.104(b)(1)]25
b.	The specific prior art and statutory grounds on which the challenge is based and identification and relevance of the supporting evidence [37 C.F.R. §42.104(b)(2),(5)]
c.	A person having skill in the art
d.	Claim Construction [37 C.F.R. §42.104(b)(3)]: The Broadest Reasonable Construction Standard ("BRCS") governs
NO	R SHOULD BE INSTITUTED BECAUSE IT IS MORE LIKELY THAN OT THAT AT LEAST ONE OF THE CHALLENGED CLAIMS OF THE 2 PATENT IS UNPATENTABLE [37 C.F.R. §42.108(c), §42.104(b)(4)]29
1.	Claim 15 is invalid under §102(a)(1) for lacking novelty in view of "How to program a Timex TX12874"
2.	Claims 1, 2, 5, 7, 15, 19, & 20 are invalid under §102(a)(2) for lacking novelty in view of <i>Stack</i>
3.	Claims 1, 6, 7, 15 & 20 and are invalid under 35 U.S.C. 102(a)(1) for lacking novelty in view of <i>Kamii</i>
4.	Claims 1-7 & 15-20 are invalid as obvious under §103 by <i>Brundisini</i> 's sprinkler timer in view of <i>Miller</i> 's teaching of how to modify any given sprinkler timer to make an outdoor (i.e., landscape) light timer39
5.	Claims 1, 2, 5-16, & 19-20 are invalid as obvious under §103 by <i>Lavoie</i> in view of <i>Miller</i> 's teaching of how to modify a sprinkler timer to make an outdoor (i.e., landscape) light timer
6.	As Effectively filed Nov. 18, 2015, claims 1 and 6-14, 15 and 20 of the '122 are invalid under §102 for being anticipated in view of JASCO's Published Instruction Manual, Instructional YouTube videos, and Design Patent for its own timer, and CANTIGNY's admissions53
7.	Claims 1 and 6-14, 15 and 20 of the '122 are invalid under §103 for being obvious in view of JASCO's Published Instruction Manuals, Instructional YouTube videos, and Design Patent for its timer
8.	Claims 1-2, 7, 8, 14-17 and 20 invalid under 35 U.S.C. 102(a)(1) for lacking novelty over <i>Hatemata</i> consistent with the USPTO's rejection70



9. Claims 8-12 & 14 are invalid as obvious under §103 over Simon in view of <i>Miller</i> 's teaching of how to modify any given sprinkler timer to make an outdoor (i.e., landscape) light timer.)
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