

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

PRIME WIRE & CABLE, INC.)
)
Petitioner,)
)
v.)
)
CANTIGNY LIGHTING)
CONTROL, LLC.)
)
Patent owner)
)
JASCO PRODUCTS, INC.)
)
Licensee)

**Case: IPR2018-01592
Patent No.: 9,320,122**

EXHIBIT 1003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No. 9,320,122 §
§
Issued: Apr. 19, 2016 §
§
For: PROGRAMMABLE LIGHT § **37 CFR 1.501 Citation of prior art and**
TIMER AND A METHOD § **written statements in patent files**
OF IMPLEMENTING A §
PROGRAMMABLE LIGHT §
TIMER §
§
Patentee: Cantigny Lighting §
Control, LLC §
§
Art Unit: 2841 (for §

Rule 501 citation of prior art and written “claim scope statements”
in U.S. Pat. No. 9,320,122

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Cantigny Lighting Control, LLC’s (“Cantigny”) owns U.S. Patent No. 9,320,122 (“the ‘122 patent”)(Real/Frame: 038505/0163).¹ Mid-2016, Cantigny sued Jasco Products Company, LLC (“Jasco”) for infringement of the ‘122 patent in the District Court for the Northern District of Illinois, Eastern Division (Civil Action No. 16-cv-05794). Cantigny’s complaint in that lawsuit contains multiple

¹ Cantigny “holds total legal ownership” of the ‘122 patent. The inventor and patent attorney of record, John Joseph King, formed Cantigny as “a vehicle for the development of consumer products using his inventions in light timing technology.” Document #1, page 1, ¶ 1, *Cantigny v. Jasco* (case no. 1:16-cv-05794).

infringement contentions and associated “claim scope statements” that are now made of record pursuant to 35 U.S.C. § 301 and 37 C.F.R. § 1.501 (“rule 501”). Importantly, Cantigny’s overreach on the scope of its claims causes the claims to encompass prior art that was not considered by the USPTO before it decided to allow the ‘122 patent. Such prior art was presumably overlooked during the Examiner’s patentability search and examination of the patented technology because the USPTO and Cantigny took a much narrower position on the claims during prosecution than Cantigny now takes in the Federal Courts and in the marketplace. Moving forward, fairness, equity, and rule 501 demand that Cantigny either (1) explain its forum-dependent positions on claim scope and state for the record the limitations of its claims via its own Rule 501 citation or (2) otherwise be held to its invalidatingly expansive positions on claim scope during any reexaminations or *inter partes* reviews of this patent. *See* MPEP § 2202 (“The basic purpose for citing written claim scope statements is to ensure that the patent owner takes consistent positions regarding the scope of the claims of a particular patent in the courts and before the Office.”).

March 14, 2018
Date

Respectfully Submitted,

Bryce A. Johnson
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Reg. No. 74,733

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<u>2.</u>	At least independent claims 1 and 15 of the ‘122 patent are invalid under AIA 35 U.S.C. § 102 (a)(1) for being anticipated by Data Sheet for “4980 Programmable repeat cycle ON-OFF timer” (published Oct. 1, 2010) by <i>Artisan Controls Corporation</i> , in view of Cantigny’s “claim scope statements”	35
<u>3.</u>	At least independent claim 8 of the ‘122 patent is invalid under AIA 35 U.S.C. § 102 (a)(1) for being anticipated by Data Sheet for “5100	

configurable countdown timer” (published Aug. 21, 2013) by *Artisan Controls Corporation*, in view of Cantigny’s “claim scope statements” ...42

4. At least the independent claims of the ‘122 patent are invalid under AIA 35 U.S.C. § 102 (a)(1) for being anticipated by U.S. Pat. No. 4,279,012(issued Jul. 14, 1981) by *Beckerdorff et al.* for a “programmable appliance controller” in view of Cantigny’s “claim scope statements”48

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