

56	Non Patent Literature	ShahsAnswerPlaintiffsFifthAme ndedComplaint_MOPHI098P1. pdf	3069742 818441326b9fab82538006eb4b0df48a9a3 bd129	no	34
Warnings:					
Information:					
57	Non Patent Literature	ExpertReportofDrDavidMunson August282014.PDF	4375185 ea722424462ad5645ec039d17f84d120c7c 9a739	no	100
Warnings:					
Information:					
58	Non Patent Literature	ExpertReportJohnFeland_MOP HI098P1.pdf	4466931 20be6ddc9a57d901ecf94b36b086541dfcc 10f05	no	51
Warnings:					
Information:					
59	Non Patent Literature	RebutalExpertReportJohnFelan d_MOPHI098P1.pdf	5144851 bcb265a63b281e038df7093e6f4f5142db6 c767	no	57
Warnings:					
Information:					
Total Files Size (in bytes):			173975213		

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New Applications Under 35 U.S.C. 111

If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office

If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

Interferences@uspto.gov
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Entered: April 17, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

INCASE DESIGNS CORP.,
Junior Party
(Patents 7,889,498; 7,782,610; 7,612,997; and 8,531,833
Inventors: Markus Diebel and David Johnson),

v.

MOPHIE, INC.,
Senior Party
(Application 12/938,351
Inventors: Daniel Huang and Matthew Brand).

Patent Interference 105,946(RES)
(Technology Center 2800)

Before: RICHARD E. SCHAFER, RICHARD TORCZON and
HUNG H. BUI, *Administrative Patent Judges*.

SCHAFER, *Administrative Patent Judge*.

Judgment - Request for Adverse – 37 C.F.R. § 41.127(b)(3)

1 Incase Designs Corp. has filed a request for adverse judgment conceding
2 priority with respect to the subject matter of Count 1, the sole count in this
3 interference (Paper 72). *See* 37 C.F.R. § 41.127(b)(3).

1 Accordingly, it is

2 **ORDERED** that judgment as to the subject matter of Count 1 (Paper 21,
3 p. 2) is awarded against Patents 7,889,498; 7,782,610; 7,612,997; and 8,531,833;

4 **FURTHER ORDERED** that claims 1-20 of Patent 7,612,997, claims 1-20
5 of Patent 7,782,610, claims 1-3 of Patent 7,889,498 and claims 1-49 of
6 Patent 8,531,833, all corresponding to Count 1, are cancelled (35 U.S.C. § 135(a)
7 (1999)¹);

8 **FURTHER ORDERED** that a copy of this judgment be made of record in
9 the files of Patents 7,889,498; 7,782,610; 7,612,997 and 8,531,833 and
10 Application 12/938,351;

11 **FURTHER ORDERED** that if there is any settlement agreement or related
12 documents which have not been filed, attention is directed to 35 U.S.C. § 135(c)
13 and 37 C.F.R. § 41.205.

¹ Patent interferences continue under the relevant statutes in effect on
15 March 2013. *See* Pub. L. 112-29, § 3(n), 125 Stat. 284, 293 (2011).

cc: By Electronic Transmission:

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Patent Interference 105,946(RES)
(Technology Center 2800)

SCHAFFER, *Administrative Patent Judge.*

Redeclaration - 37 CFR § 41.203(c)

1 This interference is redeclared to add Incase Patent 8,531,833. The
2 conditions of the interference are changed as shown below:

1 **Identification and order of the parties**

2 **Junior Party**
3 Named inventors: Markus Diebel and David Johnson
4 Involved Patents: **8,531,833**
5 7,889,498
6 7,782,610
7 7,612,997
8 Title: Portable Electronic Device Case with
9 Battery
10 Assignee: Incase Designs Corp.

11 **Senior Party**
12 Named Inventors: Daniel Huang and Matthew Brand
13 Involved Application 12/938,351
14 Title: Battery Pack, Holster, and Extendible
15 Processing and Interface Platform for
16 Mobile Devices
17 Assignee: Mophie, Inc.

18 **Count and claims of the parties**

19 Count 1
20 Claim 21 of Application 12/938,351 *or Claim 78 of Application 12/938,351* or
21 Claim 1 of Patent 7,612,997 or Claim 1 of Patent 7,782,610 or Claim 2 of Patent
22 7,889,498.

23 The claims of the parties are:

24 Incase
25 **8,531,833** **1-49**
26 7,889,498 1-3
27 7,782,610 1-20
28 7,612,997 1-20
29 Mophie
30 12/938,351 21-23, 25-33 and 45-97

1 The claims of the parties that correspond to Count 1 are:

2 Incase

3	8,531,833	1-49
4	7,889,498	1-3
5	7,782,610	1-20
6	7,612,997	1-20

7 Mophie

8 12/938,351 21-23, 25-33 and 45-97

9 The claims of the parties that do not correspond to Count 1, and therefore are not
10 involved in the interference, are:

11 Incase

12	8,531,833	None
13	7,889,498	None
14	7,782,610	None
15	7,612,997	None

16 Mophie

17 12/938,351 None

18 The parties are accorded the benefit of following effective filing dates for the
19 subject matter of Count 1:

20 Incase

21 Application 12/464,059 filed May 11, 2009

22 Mophie

23 Application 12/357262 filed January 21, 2009

24 **Heading to be used on papers**

25 The following heading must be used on all papers filed in this interference,
26 see SO ¶ 106.1.1: