

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENNOX INDUSTRIES INC.,

Petitioner,

v.

ROSEN TECHNOLOGIES LLC,

Patent Owner.

IPR2023-00719

U.S. Patent No.: 7,232,075

**PETITIONER'S UPDATED MANDATORY NOTICES
UNDER 37 C.F.R. § 42.8(a)(3)**

Submitted Electronically

PETITIONER’S EXHIBIT LIST

Ex[No.]	Description of Documents
1001	U.S. Patent No. 7,232,075 (“’075 Patent”)
1002	Declaration of R. Jacob Baker, Ph.D., P.E.
1003	Prosecution File History of the ’075 Patent
1004	U.S. Patent No. 7,050,026 to Rosen (“’026 Patent”)
1005	U.S. Patent Application Publication No. 2003/0150926 A1 by Rosen (“ <i>Rosen</i> ”)
1006	U.S. Patent Application Publication No. 2003/0142121 A1 by Rosen (“ <i>Rosen-II</i> ”)
1007	International Patent Application Publication No. WO 02/48851 A2 by Smith (“ <i>Smith</i> ”)
1008	Prosecution File History of the ’026 Patent.
1009	Plaintiff’s Proposed Claim Constructions, <i>Rosen Technologies LLC v. Lennox Industries, Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Feb. 2, 2023)
1010	Defendant’s Disclosure of Claim Constructions Extrinsic Evidence, <i>Rosen Technologies LLC v. Lennox Industries, Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Feb. 2, 2023)
1011	Scheduling Order, <i>Rosen Technologies LLC v. Lennox Industries, Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Sept. 1, 2022)
1012	Transcript of Deposition of Howard J. Rosen, December 14, 2022, <i>Rosen Technologies LLC v. Lennox Industries, Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex.)
1013	U.S. Patent No. 4,071,745 to Hall (“ <i>Hall</i> ”)
1014	U.S. Patent No. 4,382,544 to Stewart (“ <i>Stewart</i> ”)
1015	U.S. Patent No. 4,669,654 to Levine (“ <i>Levine</i> ”)

Ex[No.]	Description of Documents
1016	Excerpts of IEEE Standard Dictionary of Electrical and Electronics Terms, Fourth Edition, ANSI/IEEE Std 100-1988 (Nov. 3, 1988)
1017	R.L. Timings and P. Twigg, The Pocket Illustrated Dictionary of Engineering Terms (2001)
1018	International Patent Application Publication No. WO 03/040839 by Geiwitz (“ <i>Geiwitz</i> ”)
1019	Cardio manual, Secant home automation inc (“ <i>Cardio Manual</i> ”)
1020	Statutory Disclaimer filed in U.S. Patent Application No. 10/060,768
1021	U.S. Patent No. 6,161,133 to Kikinis (“ <i>Kikinis</i> ”)
1022	Gillett et al., A Taxonomy of Internet Appliances (September 2000)
1023	U.S. Patent Application Publication No. 2002/0083121 by Chang (“ <i>Chang</i> ”)
1024	U.S. Patent No. 5,848,064 to Cowan (“ <i>Cowan</i> ”)
1025	U.S. Patent No. 5,619,250 to McClellan (“ <i>McClellan</i> ”)
1026	Joint Claim Construction and Prehearing Statement, <i>Rosen Technologies LLC v. Lennox Industries, Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Feb. 23, 2023)
1027	European Patent Application Publication No. EP2053505 A2 by Britt (“ <i>Britt</i> ”)
1028	Andrew T. Dufresne, Nathan K. Kelley, & Lori Gordon, <i>How reliable are trial dates relied on by the PTAB in the Fintiv analysis?</i> , PERKINS COIE 1600 PTAB & BEYOND, Oct. 29, 2021
1029	Dani Kass, <i>Fintiv Fails: PTAB Uses ‘Remarkably Inaccurate’ Trial Dates</i> , LAW360, Nov. 2, 2021

Ex[No.]	Description of Documents
1030	Order Granting Unopposed Motion to Amend Scheduling Order, <i>Rosen Technologies LLC v. Lennox Industries, Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Mar. 13, 2023)
1031	Katherine K. Vidal, Memorandum: Interim Procedure for Discretionary Denials in AIA Post-Grant Proceedings with Parallel District Court Litigation (June 21, 2022)
1032	Plaintiff’s Amended Disclosure of Asserted Claims and Preliminary Infringement Contentions, <i>Rosen Technologies LLC v. Lennox Industries, Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Nov. 21, 2022)
1033	Joint Motion to Stay Pending <i>Inter Partes</i> Review, <i>Rosen Technologies LLC v. Lennox Industries Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. July 28, 2023)
1034	Docket Navigator Statistics Regarding Grant of Joint Motions to Stay Pending <i>Inter Partes</i> Review
1035	Order Granting Joint Motion to Modify Deadlines, <i>Rosen Technologies LLC v. Lennox Industries Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. June 1, 2023)
1036	Joint Motion to Modify Deadlines, <i>Rosen Technologies LLC v. Lennox Industries Inc.</i> , No. 3:22-cv-00732 (N.D. Tex. Aug. 24, 2023)
1037	Email from Trials@USPTO.GOV (August 23, 2023)
1038	Order Granting Joint Motion to Stay Pending <i>Inter Partes</i> Review, <i>Rosen Technologies LLC v. Lennox Industries Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Sept. 12, 2023)
1039	Stipulated Consent Judgment As To ’318 And ’075 Patents, <i>Rosen Technologies LLC v. Lennox Industries Inc.</i> , No. 3:22-cv-00732-K (N.D. Tex. Jan. 17, 2024)

I. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(3)

Pursuant to 37 C.F.R. § 42.8(a)(3), Petitioner provides the following updates to its mandatory notices.

A. Real Party-in-Interest under 37 C.F.R. 42.8(b)(1) - Unchanged

The real parties-in-interest are Lennox Industries Inc., Lennox International Inc., Heatcraft Inc., Heatcraft Technologies Inc., and Lennox Procurement Company Inc. Lennox Industries Inc. is the Petitioner. Lennox Industries Inc., Heatcraft Inc., Heatcraft Technologies Inc., and Lennox Procurement Company Inc. are wholly owned subsidiaries of Lennox International Inc. No other parties exercised or could have exercised control over this Petition; no other parties funded or directed this Petition. See Office Patent Trial Practice Guide, 77 Fed. Reg. 48759-60.

B. Related Matters under 37 C.F.R. 42.8(b)(2) - Updated

As of the filing date of this Petition, and to the best knowledge of Petitioner, the '075 Patent is involved in the following:

Rosen Technologies LLC v. Lennox Industries Inc., Case No. 3:22-cv-00732 (N.D. Tex.) (“NDTX Litigation”). The '075 Patent was first asserted against Petitioner in a Complaint for Patent Infringement filed on March 31, 2022. Petitioner moved to dismiss the complaint on June 21, 2022. On January 4, 2023, Petitioner’s motion to dismiss was granted in part and denied in part. On January 17, 2024, the district court granted the parties’ Joint Motion for Entry of Consent Judgment and dismissed Patent Owner’s claims against Petitioner as to the '075

Patent with prejudice. See EX1039 at 3.

As of the filing date of this Petition, and to the best knowledge of Petitioner, the '075 Patent has been involved in the following proceedings in which Petitioner was not a party:

Rosen Technologies LLC v. Resideo Technologies, Inc., Case No. 6:22-cv-00131 (W.D. Tex.) (dismissed on October 27, 2022); and

Verdant Environmental Technologies v. Ecobee, Inc., Case No 1:10-cv-02771 (N.D. Ill.) (closed pursuant to notice of voluntary dismissal on November 1, 2010).

C. Lead and Back-Up Counsel under 37 C.F.R. 42.8(b)(3) - Unchanged

Petitioner provides the following designation of counsel:

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D. Service Information under 37 C.F.R. 42.8(b)(4) - Unchanged

Please address all correspondence to lead and back-up counsel. Petitioner consents to service at lead counsel's address provided above. Petitioner consents to electronic service, provided it is made to all of the following e-mail addresses:

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Respectfully Submitted,

February 1, 2024

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CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. § 42.6(e), the undersigned certifies that on February 1, 2024, a complete and entire copy of **PETITIONER'S UPDATED MANDATORY NOTICES UNDER 37 C.F.R. § 42.8(a)(3)** and Exhibit 1039 were served on Patent Owner via email at the following correspondence addresses:

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Date: February 1, 2024

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