

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ARENDI S.A.R.L.,)	
)	
Plaintiff,)	
)	C.A. No. 12-1601-LPS
v.)	
)	JURY TRIAL DEMANDED
MOTOROLA MOBILITY LLC F/K/A)	
MOTOROLA MOBILITY, INC.,)	PUBLIC VERSION
)	
Defendant.)	
<hr/>		
ARENDI S.A.R.L.,)	
)	
Plaintiff,)	C.A. No. 13-919-LPS
)	
v.)	JURY TRIAL DEMANDED
)	PUBLIC VERSION
GOOGLE LLC,)	
)	
Defendant.)	

**DEFENDANTS' BRIEF IN OPPOSITION TO ARENDI'S
MOTION FOR PARTIAL SUMMARY JUDGMENT**

OF COUNSEL:

Robert W. Unikel
Michelle Marek Figueiredo
John Cotiguala
Matt Lind
PAUL HASTINGS LLP
71 South Wacker Drive, Suite 4500
Chicago, IL 60606
Tel: (312) 449-6000

Robert R. Laurenzi
PAUL HASTINGS LLP
200 Park Avenue
New York, NY 10166
Tel: (212) 318-6000

David E. Moore (#3983)
Bindu A. Palapura (#5370)
Stephanie E. O'Byrne (#4446)
POTTER ANDERSON & CORROON LLP
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19801
Tel: (302) 984-6000
dmoore@potteranderson.com
bpalapura@potteranderson.com
sobyrne@potteranderson.com

*Attorneys for Defendants Motorola Mobility
LLC f/k/a Motorola Mobility, Inc. and Google
Inc.*

Ariell Bratton
PAUL HASTINGS LLP
4747 Executive Drive, 12th Floor
San Diego, CA 92121
Tel: (858) 458-3000

Ginger Anders
MUNGER, TOLLES & OLSON LLP
601 Massachusetts Avenue NW, Suite 500E
Washington, D.C. 20001
Tel: (202) 220-1100

Dated: April 8, 2021
7158181

Public Version Dated: April 15, 2021

TABLE OF CONTENTS

I. NATURE AND STAGE OF THE PROCEEDINGS 1

II. SUMMARY OF ARGUMENT 1

III. STATEMENT OF FACTS 3

IV. LEGAL STANDARDS GOVERNING MOTIONS FOR SUMMARY JUDGMENT 7

V. ARGUMENT 7

 A. IPR Estoppel Does Not Apply 7

 1. Legal Standards Governing IPR Estoppel 8

 2. Arendi Waived IPR Estoppel 9

 3. None of Defendants’ Invalidity Grounds Is Subject to IPR Estoppel 11

 a. The challenged prior art systems could not have been raised during the IPR proceedings and thus are excluded from IPR estoppel 12

 b. The Miller, Luciw, LiveDoc, and Drop Zones Publications are not estopped because the PTAB denied institution of IPR based on these publications 23

 c. The other challenged prior art references are not subject to IPR estoppel 25

 d. Arendi’s supporting evidence is improper and demonstrates the existence of a material fact dispute 27

 B. Arendi’s Assertion That The Apple Data Detectors, LiveDoc, Selection Recognition Agent and Eudora Systems “Did Not Exist” Fails 28

 1. The Apple Data Detectors System 32

 2. The LiveDoc System 36

 3. The Selection Recognition Agent System 37

 4. Eudora 37

 C. The Laptops Showing Apple Data Detectors and LiveDoc Are Competent Evidence 38

 D. Defendants’ Other Challenged Affirmative Defenses 39

 1. Section 286 may limit damages 39

 2. Section 288 limitation on damages 40

 3. Equitable estoppel, waiver, and unclean hands 40

 4. Motorola’s laches defense 40

VI. CONCLUSION 40

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Arendi S.à.r.l. v. Apple</i> , 832 F.3d 1355 (Fed. Cir. 2016).....	4
<i>Cadence Pharma., Inc. v. Exela Pharma Sciences, LLC</i> , C.A. No. 11-733-LPS, 2013 WL 11083853 (D. Del. Nov. 14, 2013)	30
<i>Cal Inst. of Tech. v. Broadcom Ltd.</i> , No. 16-3714-GW, 2019 WL 8192255 (C.D. Cal. Aug. 9, 2019)	13, 26
<i>ClearLamp, LLC v. LKQ Corp.</i> , No. 12 C 2533, 2016 WL 4734389 (N.D. Ill. Mar. 18, 2016)	14
<i>CliniComp Int'l, Inc. v. Athenahealth, Inc.</i> , No. A-18-CV-00425-LY, 2020 WL 7011768 (W.D. Tex. Oct. 28, 2020)	12
<i>Eddy v. Virgin Islands Water and Power Auth.</i> , 256 F.3d 204 (3d Cir. 2001).....	9
<i>In re Epstein</i> , 32 F.3d 1559 (Fed. Cir. 1994).....	29, 32
<i>Finjan, Inc. v. Symantec Corp.</i> , C.A. No. 10-593-GMS, 2013 WL 5302560 (D. Del. Sept. 19, 2013)	34
<i>f'real Foods, LLC v. Hamilton Beach Brands, Inc.</i> , C.A. No. 16-41-CFC, 2019 WL 1558486 (D. Del. Apr. 10, 2019)	9
<i>Good Tech. Corp. v. Mobileiron, Inc.</i> , 2015 WL 4197554 (N.D. Cal. July 10, 2015).....	29, 30
<i>Graham v. John Deere Co. of Kansas City</i> , 383 U.S. 1 (1966).....	23, 30
<i>HP v. MPHJ Tech. Inv., LLC</i> , 817 F.3d 1339 (Fed. Cir. 2016).....	23
<i>INVISTA N. Am. S.à.r.l. v. M&G USA Corp.</i> , C.A. No. 11-1007-SLR-CJB, 2013 U.S. Dist. LEXIS 88633 (D. Del. June 25, 2013)	9
<i>Juno Therapeutics, Inc. v. Kite Pharm.</i> , No. 17-07639, 2018 WL 1470594 (C.D. Cal. Mar. 8, 2018).....	11

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.