

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTELLECTUAL VENTURES MANAGEMENT, LLC
Petitioner

v.

XILINX, INC.
Patent Owner

Case IPR2012-00018
Patent 7,566,960

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
SECOND SUBSTITUTE MOTION TO AMEND**

TABLE OF CONTENTS

I.	Statement of Relief Requested	1
II.	Overview	1
III.	Patent Owner’s Second Substitute Motion to Amend Goes Far Beyond “the Sole Purpose of Complying with the <i>Idle Free</i> Decision”	2
IV.	Substitute Claims 14-21 Should Be Rejected Under 35 U.S.C. § 112	4
V.	Substitute Claims 14-26 Are Unpatentable.....	5
A.	Alexander Discloses the New Limitations in Substitute Claims 14 and 22	5
1.	Alexander Pre-Dates the ‘960 Patent	5
2.	New Matter from Proposed Claim Amendments Is Identical to Alexander 6	
3.	Ground 10: Substitute Claims 14-18, 20-24 and 26 Are Obvious Under 35 § U.S.C. 103 Based on Chakravorty ‘362, Siniaguine, and Alexander	7
4.	Ground 11: Substitute Claims 19 and 25 Are Obvious Under 35 U.S.C. § 103 Based on Chakravorty ‘362, Siniaguine, Alexander, and Patel.....	8
5.	Ground 12: Substitute Claims 14-18, 20-24, and 26 Are Obvious Under 35 § U.S.C. 103 Based on Siniaguine, Ma, Chakravorty ‘362, and Alexander.	8
6.	Ground 13: Substitute Claims 19 and 25 Are Obvious Under 35 U.S.C. § 103 Based on Siniaguine, Ma, Chakravorty ‘362, Alexander, and Patel	9
B.	Pasco and Bellaar Disclose the New Limitations in Substitute Claims 14 and 22.....	10

1. Pasco and Bellaar Pre-Date the ‘960 Patent.....	10
2. Pasco and Bellaar Disclose the New Matter from the Proposed Claim Amendments.....	10
3. Ground 14: Substitute Claims 14-18, 20-24, and 26 Are Obvious Under 35 U.S.C. § 103 Based on Chakravorty ‘362, Siniaguine, Pasco, and Bellaar	12
4. Ground 15: Substitute Claims 19 and 25 Are Obvious Under 35 U.S.C. § 103 Based on Chakravorty ‘362, Siniaguine, Pasco, Bellaar, and Patel.....	13
5. Ground 16: Substitute Claims 14-18, 20-24, and 26 Are Obvious Under 35 § U.S.C. 103 Based on Siniaguine, Ma, Chakravorty ‘362, Pasco, and Bellaar	14
6. Ground 17: Substitute Claims 19 and 25 Are Obvious Under 35 U.S.C. § 103 Based on Siniaguine, Ma, Chakravorty ‘362, Pasco, Bellaar, and Patel ..	15
VI. Conclusion.....	15

I. Statement of Relief Requested

Petitioner opposes Patent Owner's Second Substitute Motion to Amend for the reasons set forth in its Petition (Paper 6), in its Reply to Patent Owner Response, and below.

II. Overview

Patent Owner attempts to circumvent the Board's Order of July 24, 2013 ("Board's Order"; Paper 24) in the submission of its Second Substitute Motion to Amend (Paper 26). The Board permitted Patent Owner to submit the Second Substitute Motion to Amend for "the sole purpose of complying with the *Idle Free* decision." Paper 24. But Patent Owner's submission goes far beyond what was permitted by the Board's Order.

Even assuming that Patent Owner's Second Substitute Motion to Amend did not violate the Board's Order, the proposed amendments do not provide any patentable subject matter. Specifically, the proposed amendments include subject matter that is identical to the subject matter disclosed in the Alexander prior art reference. Additionally, the Pasco and Bellaar prior art references disclose the new matter from the substitute claims. Thus, based on at least the prior art presented in the Petition, and the art identified herein, substitute claims 14-26 are not patentable.

III. Patent Owner's Second Substitute Motion to Amend Goes Far Beyond "the Sole Purpose of Complying with the *Idle Free* Decision"

Patent Owner's original Motion to Amend lacked a claim listing, thus circumventing the page limit. *See* Paper 20. Patent Owner then submitted a Substitute Motion to Amend to cure this deficiency. *See* Paper 22. Patent Owner then sought the Board's permission to file yet another Substitute Motion to Amend to comply with the *Idle Free* decision. The Board granted the Patent Owner permission to submit a Second Substitute Motion to Amend for the very limited and "sole purpose of complying with the *Idle Free* decision." Paper 24. Patent Owner's Second Substitute Motion to Amend goes far beyond what was needed to comply with the *Idle Free* decision. As such, the Motion should be denied. Moreover, given that the Patent Owner has had three attempts to submit a proper Motion to Amend, no further Motions or accommodations should be permitted.

Rather than simply provide a second substitute motion to comply with the *Idle Free* decision, Patent Owner inappropriately seeks to dramatically revise and correct numerous problems with its ill-formed Substitute Motion to Amend. For example, Patent Owner impermissibly uses the Second Substitute Motion to Amend as a vehicle to correct numerous 35 U.S.C. § 112 issues present in its Substitute Motion to Amend. For example, in the claim listing from Patent Owner's Substitute Motion to Amend, claim 19 recites "wherein at least one of the interposing structure structures comprises an AC load structure to match a

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.