

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

MOTOROLA MOBILITY LLC  
Petitioner

v.

ARNOUSE DIGITAL DEVICE CORPORATION  
Patent Owner

---

*Inter Partes* Review No. IPR2013-00010

Patent No. 7,516,484

---

**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

## TABLE OF CONTENTS

I.	Background.....	1
II.	Statement of Material Facts.....	1
III.	Statement of Relief Requested .....	2
IV.	Response to Patent Owner’s Arguments .....	2
A.	Overview .....	2
B.	Kobayashi discloses the “security protocol” that the Patent Owner argues is novel under its improperly narrow construction.....	4
C.	The Patent Owner’s proposed construction does not comply with the broadest reasonable construction rule.....	6
D.	Both claim limitations can refer to the same component.....	10
E.	Claims 1, 3, 7, 15, 16, 18, and 20 should be cancelled under 35 U.S.C. § 102 over Nelson. ....	13
V.	Conclusion .....	15

## I. Background

On October 2, 2012, Motorola Mobility LLC (“Petitioner”) filed a Petition for *inter partes* review of U.S. Patent No. 7,516,484 (the “’484 patent”). (Paper 2.) The Patent Trial and Appeal Board (“PTAB”) instituted the *inter partes* review on February 12, 2013, finding that the Petitioner had shown a reasonable likelihood that claims 1, 3, 7, 15, 16, 18, and 20 of the ’484 patent are anticipated by U.S. Patent No. 5,463,742 to Kobayashi (“Kobayashi,” Ex. 1003) and U.S. Patent No. 5,436,857 to Nelson (“Nelson,” Ex. 1004). (See Paper 21.)

The Scheduling Order provided, *inter alia*, that the Patent Owner could file a Response to the Petition on or before May 13, 2013 and that Petitioner can reply on or before August 12, 2013. (Paper 22.) On May 6, 2013, the Patent Owner filed a Response to the Petition. (Paper 33.) Accordingly, Petitioner files this Reply.

## II. Statement of Material Facts

The Patent Owner argues that Petitioner did not submit a statement of material facts and, thus, the Patent Owner could not properly submit a statement of material facts in dispute. (Paper 33, p. 6.) There is no requirement that Petitioner submit a statement of material facts in a petition for *inter partes* review. 37 C.F.R. § 42.22(c) states that “[e]ach petition or motion *may* include a statement of material fact.” (emphasis added.) “A party is *not required* to submit a statement of material fact in its briefing.” 77 Fed. Reg. 48756, 48763 (August 14, 2012)

(emphasis added.) Thus, Petitioner did not include a statement of material facts in its Petition.

### III. Statement of Relief Requested

Pursuant to 35 U.S.C. § 311, Petitioner requests cancellation of claims 1, 3, 7, 15, 16, 18, and 20 as being anticipated under 35 U.S.C. § 102(b) by Kobayashi and/or Nelson.<sup>1</sup>

### IV. Response to Patent Owner's Arguments

#### A. Overview

The Patent Owner first addresses the Board's construction of "the portable computer excludes means for a user to interact directly with the portable computer," stating that the Patent Owner objects "to any inference or conclusion that this phrase *limits the capabilities/configuration of the reader of claim 1.*" (Paper 33, p. 7, fn. 2.) (emphasis added.) Petitioner respectfully notes that this is a claim limitation which, by definition, limits the claim. Moreover, the Board relied on this claim limitation to exclude the Warren prior art reference. (Paper 21, pp.

---

<sup>1</sup> Petitioner also asserted that claims 1, 3, 7, 15, 16, 18, and 20 should be canceled as anticipated under 35 U.S.C. § 102 by U.S. Patent No. 6,029,183 to Jenkins ("Jenkins") and/or, under Patent Owner's interpretation of the '484 patent in parallel litigation and U.S. Patent No. 6,999,792 to Warren ("Warren"). Petitioner further asserted that claims 1, 3, 7, 15, 16, 18, and 20 should be canceled as obvious under 35 U.S.C. § 103 over the combination of Kobayashi, Nelson, or Warren in view of Jenkins. The PTAB did not reach the issue of whether Jenkins or the referenced combination invalidated the claims at issue because it found them cumulative of the Kobayashi and Nelson references. However, in the event that either Kobayashi or Nelson are not found to anticipate the claims at issue, Petitioner reserves the right to rely on each ground of rejection detailed in its petition for *inter partes* review. (Paper 2.)

10-11.) Thus, this limitation means that the '484 Patent does not cover systems involving a portable computer that *includes* means for a user to interact directly with the portable computer.<sup>2</sup>

The Patent Owner then alleges that the phrase “connector for connecting” as recited by independent claims 1 and 15 is not limited by the phrase “wherein the readers are configured so that they will not operate with a computer other than a portable computer of the system.” (Paper 33, pp. 14-17.) The Patent Owner argues that “connector” is broadly described in the specification and at the same time argues that the broadest reasonable construction of “connector for connecting” requires an independent component, e.g., a USB dongle. (Paper 33, pp. 14, 16.)

Moreover, the Patent Owner asserts that “wherein the readers are configured so that they will not operate with a computer other than a portable computer of the system” requires that the “portable computers and readers are matched via security protocols so as to eliminate the possibility of access to the portable computers by just any reader.” (Paper 33, p. 22.) Such a construction is far narrower than the broadest reasonable interpretation of this claim limitation. Even the Patent Owner advocated for a broader construction in the litigation, where narrower construction

---

<sup>2</sup> Petitioner notes that in the co-pending litigation, *Arnouse Digital Devices Corp. v. Motorola Mobility, Inc.*, No. 5:11-cv-00155-cr (D. Vt.), the Patent Owner has alleged that this element is infringed by Motorola smartphones coupled to a Motorola Lapdock. These smartphones clearly include the same type of input/output means found in the device disclosed by Warren, and excluded by the plain language of the claims of the '484 Patent. (*See, e.g.*, Ex. 1009, pp. 22-23.) Patent Owner’s transparent attempt to preserve its meritless infringement claim against these devices should be rejected.

# 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.