

IPR2013-00029
U.S. Patent No. 5,632,545

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC.
Petitioner

v.

Patent of INTELLECTUAL VENTURES I LLC
Patent Owner

Case IPR2013-00029
Patent 5,632,545

INTELLECTUAL VENTURES' PATENT OWNER PRELIMINARY
RESPONSE PURSUANT TO 37 C.F.R. § 42.107(a)

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Table of Authorities

Cases

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Other Authorities

American Heritage College Dictionary, 3d edition, 1997.....2
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I. INTRODUCTION

The Board should not institute *inter partes review* because Xilinx has not met the basic threshold required by statute: it has not shown that there is a “reasonable likelihood that [it] would prevail with respect to at least [one] of the claims challenged in the petition.” 35 U.S.C. § 314(a). Xilinx also has not satisfied Patent Office regulations: “[t]he petition must specify where each element of the claim is found in the prior art patents or printed publications relied upon.” 37 C.F.R. § 42.104(b)(4).

First, Xilinx’s petition fails to specify where the relied-upon prior art shows a “light-shutter matrix system” as required by all claims in U.S. Patent No. 5,632,545 (the ‘545 patent). Instead, the petition filed by Xilinx either disregards this element entirely or points to a display structure that is not a “light-shutter matrix.” Second, Xilinx’s petition fails to specify where the relied-upon prior art shows a “video controller” as required by all claims in the ‘545 patent. The petition points to control circuitry that merely outputs a signal to individual components rather than controlling light-shutter matrices.

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