

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

CARL ZEISS SMT GMBH  
Petitioner

v.

NIKON CORPORATION  
Patent Owner

---

Case IPR2013-00363

Patent 7,348,575

---

**PATENT OWNER'S RESPONSE TO THE PETITION**

*Mail Stop "PATENT BOARD"*

Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## TABLE OF CONTENTS

I.	Introduction .....	1
II.	Customary Usage of the Term “Units” in Optical Design .....	1
III.	Summary of the 575 Patent .....	4
	A. Disclosure .....	4
	B. Independent Claim 55.....	7
IV.	Claim Construction.....	8
	A. Applicable Law.....	8
	B. Numbered Units – First Unit, Second Unit, Third Unit, and Fourth Unit .	9
	C. Both Zeiss and the Board Improperly Parse the Claim Recitation, and Thus Only Construe the Term “Unit” .....	10
	D. The Intrinsic Evidence.....	12
	1. The Language of Claim 55.....	12
	2. The Disclosure of the 575 Patent .....	15
	E. The Extrinsic Evidence.....	18
	1. Zeiss’ Dictionary Definition of “Unit” .....	19
	2. The Board’s Dictionary Definition of “Unit” .....	20
	3. The Testimony of Mr. Juergens .....	20
V.	Cited References.....	23
	A. Mann.....	23
	B. Asai .....	25
VI.	Mr. Juergens is Not an Expert in Projection Optical Systems .....	25
VII.	Mr. Juergens’ Selection of Numbered Units in Mann is Improper.....	27
VIII.	Mr. Juergens’ Declaration Contains Errors in the Underlying Data Used to Form His Conclusions and Thus Should Be Given Little Weight .....	34

IX.	Independent Claim 55 is not Anticipated By Mann.....	37
	A. Applicable Law.....	37
	B. Mann Fails to Disclose the Recited Numbered Units of Independent Claim 55 .....	38
X.	Dependent Claims 56-67 .....	38
	A. Dependent Claims 56-63 and 65-67 are not Anticipated By Mann.....	38
	B. Dependent Claim 64 is Not Obvious in View of the Combined Teachings of Mann and Asai .....	39
XI.	Conclusion and Relief Requested.....	39

**TABLE OF AUTHORITIES**

*ACTV, Inc. v. Walt Disney Co.*,  
346 F.3d 1082 (Fed. Cir. 2003) .....13

*Ashland Oil, Inc. v. Delta Resins & Refractories, Inc.*,  
776 F.2d 281 (Fed. Cir. 1985) .....29

*Bell Atl. Network Servs. v. Covad Commc'ns Grp.*,  
262 F.3d 1258 (Fed. Cir. 2001) .....9

*Carella v. Starlight Archery & Pro Line Co.*,  
804 F.2d 135 (Fed. Cir. 1986) .....29, 30

*Hockerson-Halberstadt, Inc. v. Converse Inc.*,  
183 F.3d 1369 (Fed. Cir. 1999) .....13

*In re Morris*,  
127 F.3d 1048 (Fed. Cir. 1997) .....8

*In re Suitco Surface, Inc.*,  
603 F.3d 1255 (Fed. Cir. 2010) .....15

*In re Translogic Tech., Inc.*,  
504 F.3d 1249 (Fed. Cir. 2007) .....8

*Kyocera Wireless Corp. v. International Trade Commission*,  
545 F.3d 1340 (Fed. Cir. 2008) .....13

*Newell Cos., Inc. v. Kenney Mfg. Co.*,  
864 F.2d 757 (Fed. Cir. 1988) .....33

*Phillips v. AWH Corp.*,  
415 F.3d 1303 (Fed. Cir. 2005) .....13, 22

*Schriber-Schroth Co. v. Cleveland Trust Co.*,  
311 U.S. 211 (1940).....15

...

*Tempo Lighting, Inc. v. Tivoli, LLC*,  
109 USPQ2d 1599 (Fed. Cir. 2014) .....8, 9, 12, 18

*Velander v. Garner*,  
348 F.3d 1359 (Fed. Cir. 2003) .....33

*Verdegaal Bros. v. Union Oil Co. of California*,  
814 F.2d 628 (Fed. Cir. 1987) .....37

*Vitronics Corp. v. Conceptronic, Inc.*,  
90 F.3d 1576 (Fed. Cir. 1996) .....22

# 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.