

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PNY TECHNOLOGIES, INC.  
Petitioner

v.

PHISON ELECTRONICS CORP.  
Patent Owner

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Case IPR2013-00472  
Patent 7,518,879

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PETITIONER'S REPLY TO PATENT OWNER RESPONSE

*Filed Electronically via PRPS*

To the Board,

Petitioner PNY Technologies, Inc. ("Petitioner") timely submits this "Petitioner Reply to Patent Owner Response" ("Reply") on September 8, 2014, in response to the "Patent Owner Phison Electronic Corp.'s Response Under 37 C.F.R. § 42.120" ("Response") filed July 8, 2014 (Paper No. 24). Petitioner respectfully requests entry and consideration of this Reply and a final determination that all claims (i.e., Claims 1-21) of U.S. Patent No. 7,518,879 (the "879 Patent") are unpatentable and cancelled.

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PETITIONER'S UPDATED LIST OF EXHIBITS AS OF SEPTEMBER 8, 2014

- PNY Exhibit 1001: U.S. Patent No. 7,518,879 to Chung et al., issued April 14, 2009
- PNY Exhibit 1002: Power of Attorney
- PNY Exhibit 1003: U.S. Patent No. 7,352,601 to Minneman et al., issued on April 1, 2008
- PNY Exhibit 1004: U.S. Patent Publication No. 2006/0002096 to Wang et al., published on January 5, 2006
- PNY Exhibit 1005: U.S. Patent No. 7,074,052 to Ni et al., issued on July 11, 2006
- PNY Exhibit 1006: U.S. Patent Publication No. 2004/0027809 to Takahashi et al., published on February 12, 2004
- PNY Exhibit 1007: The American Heritage Dictionary of the English Language, Fourth Edition, Copyright 2000, Houghton Mifflin Company, Boston - New York: "indentation"
- PNY Exhibit 1008: Transcript of the Oral Deposition of Steven Carl Visser Taken on July 23, 2014 ("Visser Deposition")

## **I. Introduction**

Petitioner submits this Reply in response to the Response filed on July 8, 2014. Since the Response did not include a Statement of Facts section, this Reply does not include a corresponding section disputing any Statement of Facts.

## **II. The Board's Claim Constructions Are Proper and Should be Adopted**

Contrary to Patent Owner's assertions, Petitioner respectfully submits that the Board properly construed and interpreted the terms "concave," "prop," and "fixed" for the reasons set forth below. Nothing set forth in the Response warrants alteration of the Board's constructions.

### **A. The Board Properly Construed "Concave" as "Curving Inwards From a Housing"**

The Board construed the term "concave" as "curving inwards from a housing." *See* Paper No. 10, p. 7; *see also* Decision – Institution of *Inter Partes* Review (Paper No. 8 in IPR2014-00150) ("Second Decision"), p. 7. For the reasons set forth below, Petitioner respectfully submits that this construction is correct.

#### ***1. Patent Owner and its Expert Agree that "Concave" includes "Curving Inwards"***

As a preliminary matter, Patent Owner does not dispute that the construction of the term "concave" includes the concept of "curving inwards." *See* Response, p. 9 ("Patent Owner agrees that a proper construction of 'concave' must include at least 'curving inwards, '...'). Moreover, Patent Owner's expert, Steve Visser,

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