

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 IPR2014-00150  
Patent 7,518,879

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**PATENT OWNER PHISON ELECTRONICS CORP.'S  
PRELIMINARY RESPONSE**

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**LIST OF EXHIBITS**

<b>Exhibit No.</b>	<b>Description</b>
2001	File History of the '879 Patent
2002	U.S. Publication No. 2007/0178769 to Ni ("Ni Publication")
2003	Collins English Dictionary, p. 350 (2005)
2004	Erik Oberg et al., <i>Machinery's Handbook</i> , 26 <sup>th</sup> Edition, pp. 720-973 (2000)
2005	Oxford English Dictionary, p. 654 (2005)
2006	Webster's New World Dictionary, p. 287 (1991).
2007	<u><a href="http://www.universetoday.com/82338/concave-lens">www.universetoday.com/82338/concave-lens</a></u> ; retrieved 2/18/2014

**TABLE OF AUTHORITIES**

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<i>Chi. Bd. Options Exch., Inc. v. Int’l Sec. Exch., LLC.</i> 677 F.3d 1361, 1369 (Fed. Cir. 2012).....	7
<i>Tempo Lighting Inc. v. Tivoli LLC.</i> 2014 U.S. App. LEXIS 2437 at (Fed. Cir. 2014).....	9
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Pursuant to 37 C.F.R. § 42.107(a), the patent owner, Phison Electronics Corp. (“Patent Owner”), hereby submits the following Preliminary Response in response to the Petition for *Inter Partes* Review (“IPR”) of U.S. Patent No. 7,518,879 (“the ‘879 patent”).

## I. INTRODUCTION

The ‘879 patent, entitled “Universal Serial Bus (USB) Memory Plug” contains twenty-one claims, of which claims 1, 11, and 17 are independent. The Petition asserts invalidity of claims 1-21. The Petition relies on two different references and the alleged “Applicant Admitted Prior Art (AAPA)” of the ‘879 patent<sup>1</sup> to propose four grounds of unpatentability: (1) anticipation based on Elbaz (Ground 1), (2) obviousness based on Elbaz in view of the AAPA of the ‘879 patent (Ground 2), (3) obviousness based on Elbaz in view of Deng (Ground 3), and (4) obviousness based on Elbaz and

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<sup>1</sup> For brevity, the patent owner will refer to the alleged Applicant Admitted Prior Art simply as the “AAPA” of the ‘879 patent in the present response. However, patent owner does not necessarily agree that the ‘879 patent includes any admitted prior art.

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