NO: 429591US

UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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CYPRESS SEMICONDUCTOR CORP.
Petitioner

v.

BLACKBERRY LTD.
Patent Owner

_____

Case IPR2014-00400
Patent U.S. 6,034,623

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PATENT OWNER'S RESPONSE TO THE PETITION

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Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

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I. INTRODUCTION

The Board instituted *inter partes* review as to claim 3 of U.S. Patent No. 6,034,623 ("the '623 patent") on the obviousness ground based on Simionescu (US 5,963,650, Ex. 1007) set forth in the Petition submitted by Petitioner, Cypress Semiconductor Corp. The Board also instituted *inter partes* review as to claim 4 of the '623 patent on the obviousness ground based on Argyroudis (US 5,748,104, Ex. 1008) and Reagle (US 5,386,518, Ex. 1011) set forth in the Petition. However, Petitioner's adopted grounds for challenging claims 3 and 4 of the '623 patent fail to account for each and every element of claims 3 and 4.

The '623 patent discloses and claims (claim 3) a dual-mode radio modem that reconfigures a serial port depending on a mode of operation. Petitioner argues it would have been obvious to a person of ordinary skill in the art in view of the teachings of Simionescu (Ex. 1007) to create a dual-mode modem that could be used as a standard radio modem or a special purpose telemetry computer. However, as discussed in detail below, the '623 patent does not merely claim a dual-mode radio modem, but instead claims a dual-mode radio modem that reconfigures a serial port depending on the choice of mode of operation. Petitioner fails to identify where this feature can be found in any of

the references cited in the Petition, or why it would have been obvious to modify the systems disclosed by these references to include this feature.

Claim 4 recites a radio modem that includes a microprocessor that is coupled to both a radio frequency interface circuit and a serial interface that is directly connected to a plurality of input/output devices. By way of a telemetry management program, the microprocessor controls and communicates with the input/output devices over the serial interface, and manages communication with the radio frequency interface circuit. Neither Argyroudis nor Reagle, either alone or in combination, disclose or render obvious a radio modem in which a single microprocessor controls both input/output devices over a serial interface and a radio frequency interface circuit.

II. BACKGROUND

A. The State of the Art of Radio Telemetry Devices as of 1997

The '623 patent is directed toward the field of radio telemetry. In a telemetry system analog or digital metering data, such as an analog measurement of a process variable, or the digital state of a switch, is captured at a remote location by a telemetry computer and is then transmitted to a central computer facility via a telecommunication device. In radio telemetry the

telecommunication device is a radio modem that transmits the metering data between the telemetry computer and the central computer facility via radio frequency waves, thus eliminating the need for land-line wiring, such as a telephone line.

The '623 patent discloses that prior art radio telemetry systems include a separate telemetry computer and radio modem at a remote location for capturing and transmitting data to the central computer facility. (Ex. 1001, 1:39-42.) The patent explains that implementors of these types of systems incorporate an embedded programmed microprocessor as the telemetry computer, and interface the telemetry computer to input/output devices such as a complex analog to digital converter board, or a simple switch. (Ex. 1001, 1:42-46.) The telemetry computer is also connected to the radio modem, generally via a serial interface. (Ex. 1001, 1:46-48.) The telemetry computer controls and monitors the interface to the input/output devices and communicates with the central computer system using the radio modem. (Ex. 1001, 1:48-50.) In these types of prior art telemetry systems, the radio modem is simply a module that performs only the communication function of the

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