

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC., SAMSUNG ELECTRONICS AMERICA, INC. AND
SAMSUNG ELECTRONICS CO., LTD.
Petitioners

v.

MICROGRAFX, LLC
Patent Owner

CASE IPR2014-00532
Patent 5,959,633

**PATENT OWNER'S MOTION FOR OBSERVATIONS
REGARDING CROSS EXAMINATION**

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EXHIBIT LIST

Petitioners' Exhibits

Exhibit Number	Description	Date submitted to PRPS
Google-1001	5,959,633 Patent McFarland, et al	03/24/14
Google-1002	5,959,633 File History	03/24/14
Google-1003	Lastra Declaration	03/24/14
Google-1004	5,883,639 Patent (Walton, et al)	03/24/14
Google-1005	5,564,048 Patent (Eick, et al)	03/24/14
Google-1006	Inside Visual C 2nd Ed Version 1.5 (Kruglinski)	03/24/14
Google-1007	American Heritage Dictionary	03/24/14
Google-1008	Preliminary Disclosure of Asserted Claims & Infringement Contentions	03/24/14
Google-1009	Almeling Declaration In Support of Google's Motion for Pro Hac Vice Admission	09/19/14
Google-1010	Second Declaration of David S. Almeling in Support of Petitioners' Motion for <i>Pro Hac Vice</i> Admission	09/30/14
Google-1011	2 nd Lastra Declaration	02/13/2015
Google-1012	Transcript of the 02/04/2015 Deposition of Mr. Garry Kitchen	02/13/2015
Google-1013	Assignment history of the '633 patent	02/13/2015
Google-1014	Stroutsup, Bjarne, "The C++ Programming Language", 2 nd Edition	02/13/2015
Google-1015	5,999,987 Patent (O'Farrell et al)	02/13/2015
Google-1016	5,923,877 Patent (Berner et al)	02/13/2015
Google-1017	PCT Pub. No. WO1996008765 (Foody et al)	02/13/2015
Google-1018	4,622,633 Patent (Ceccon et al)	02/13/2015
Google-1019	5,475,817 Patent (Waldo et al)	02/13/2015
Google-1020	EP Pub. No. EP0567699 A1 (Barman)	02/13/2015
Google-1021	5,726,979 Patent (Henderson et al)	02/13/2015

Patent Owner's Exhibits

Exhibit Number	Description	Date submitted to PRPS
Micrografx-2001	Lastra Declaration (NOT FILED)	
Micrografx-2002	IPR2014-00532 Decision to Institute IPR 8-12-14 (NOT FILED)	
Micrografx-2003	Annotated Figure 3 from Lastra Declaration	11/21/14
Micrografx-2004	Transcript of the 11/6/2014 Deposition of Dr. Anselmo Lastra	11/21/14
Micrografx-2005	Declaration of Garry Kitchen	11/21/14
Micrografx-2006	IEEE Authoritative Dictionary 7 th Edition	11/21/14
Micrografx-2007	IBM Terminology Online Dictionary	11/21/14
Micrografx-2008	Transcript of the 03/27/2015 Deposition of Dr. Anselmo Lastra	04/1/2015

Patent Owner Micrografx LLC respectfully submits the following observations on the March 27, 2015 cross-examination of Petitioners' reply declarant Dr. Anselmo Lastra. *See* MICROGRAFX-2008 (transcript).

1. In MICROGRAFX-2008, on page 29, lines 18-21, Petitioners' expert was asked, "Is it accurate to say that the user code only communicates [sic: communicates] with the VSE system through the client server 414?" Dr. Lastra responded, "Yes, I believe that's true." Dr. Lastra gave a similar response at page 31, lines 7-13. This testimony is relevant to Petitioners' argument on pages 7-11 of their Reply brief (Paper 25) that Walton discloses a "computer program further operable to: . . . delegate the production of a graphical image of the external shape to the external capabilities." This testimony is also relevant to Patent Owner's argument on pages 22-24 of Patent Owner's Response (Paper 22) that Walton does not disclose "an external shape stored outside the computer program" and to Patent Owner's argument on pages 24-34 of Patent Owner's Response (Paper 22) that Walton does not disclose a "computer program [further] operable to: . . . delegate the production of a graphical image of the external shape to the external capabilities." The testimony is relevant because it shows that communications between user code and graphical objects in Walton must be handled by the VSE system and are not direct.

2. In MICROGRAFX-2008, on page 33, lines 5-24; page 36, lines 4-17; page 37, line 22 to page 38, line 8; and page 94, line 4 to page 97, line 3, Petitioners' expert

testified regarding the series of communications that take place when user code wants to send a behavior event to the VSE system to cause a change in a displayed graphic as disclosed in Walton. In MICROGRAFX-2008, on page 43, line 20 to page 44, line 19, Petitioners' expert testified that he doesn't "recall another" "communication mechanism disclosed in Walton, other than the VSE behavior event routing that we've discussed, between the user code and graphical objects that is pertinent to [his] analysis in [his] second declaration." This testimony is relevant to Petitioners' argument on pages 7-11 of their Reply brief (Paper 25) that Walton discloses a "computer program further operable to: . . . delegate the production of a graphical image of the external shape to the external capabilities." This testimony is also relevant to Patent Owner's argument on pages 22-24 of Patent Owner's Response (Paper 22) that Walton does not disclose "an external shape stored outside the computer program" and to Patent Owner's argument on pages 24-34 of Patent Owner's Response (Paper 22) that Walton does not disclose a "computer program [further] operable to: . . . delegate the production of a graphical image of the external shape to the external capabilities." The testimony is relevant because it shows that communications between user code and graphical objects in Walton must be handled by the VSE system and are not direct.

3. In MICROGRAFX-2008, on page 47, line 24 to page 48, line 21, Petitioners' expert testified that the "Example Graphics Program" disclosed in Eick is relied on

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