

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC., SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,  
SAMSUNG ELECTRONICS AMERICA, INC. AND SAMSUNG  
ELECTRONICS COL., LTD.  
Petitioners

v.

MICROGRAFX, LLC  
Patent Owner

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CASE IPR2014-00532  
Patent 5,959,633

**PATENT OWNER'S PRELIMINARY RESPONSE UNDER 37  
CFR § 42.107 TO PETITION FOR *INTER PARTES* REVIEW  
OF UNITED STATES PATENT NO. 5,959,633**

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

## TABLE OF CONTENTS

I.	INTRODUCTION .....	1
II.	AUTHORIZATION FOR PAYMENT OF FEES .....	1
III.	SUMMARY OF THE ARGUMENT .....	1
IV.	BACKGROUND .....	3
	A. History of Micrografx.....	3
	B. The '633 Patent Invention .....	3
V.	ARGUMENT .....	6
	A. Legal Standards .....	6
	B. Claim Construction.....	8
	C. The Petition Does Not Demonstrate a Reasonable Likelihood of Prevailing on Proposed Ground 1: Anticipation Under § 102 by Walton .....	8
	i. Overview of Walton .....	9
	ii. Walton cannot anticipate claims 1-4, 6, 8-11, 13, and 15 because it does not disclose a “computer program [further] operable to: . . . delegate the production of a graphical image of the external shape to the external capabilities” .....	13
	iii. Petitioners’ attempt to introduce obviousness with conclusory boilerplate language in their petition and expert declaration is improper, unsupported by evidence, and cannot meet their burden to justify instituting a trial .....	18
	D. The Petition Does Not Demonstrate a Reasonable Likelihood of Prevailing on Proposed Ground 2: Obviousness Under § 103 by Eick in view of <i>Inside     Visual C++</i> .....	19
	i. Overview of Eick.....	20
	ii. Overview of Kruglinski .....	22

iii. Claims 1-4, 6, 8-11, 13, and 15 would not have been obvious over Eick in view of Kruglinski because Eick teaches away from external libraries.....22

VI. CONCLUSION .....25

## TABLE OF AUTHORITIES

### Cases

<i>In re Abbott Diabetes Care, Inc.</i> , 696 F.3d 1142 (Fed. Cir. 2012) .....	7
<i>In re Ochiai</i> , 71 F.3d 1565 (Fed. Cir. 1995) .....	7
<i>In re Suitco Surface, Inc.</i> , 603 F.3d 1255 (Fed. Cir. 2011) .....	7
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008) .....	6
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) .....	7
<i>Sanofi-Synthelabo v. Apotex, Inc.</i> , 470 F.3d 1368 (Fed. Cir. 2006) .....	6
<i>Scripps Clinic &amp; Research Found. v. Genentech, Inc.</i> , 927 F.2d 1565 (Fed. Cir. 1991) .....	6
<i>Toshiba Corp. v. Intellectual Ventures II LLC</i> , IPR2014-00201, Paper 9 (May 21, 2014) .....	18
<i>TRW Automotive US LLC v. Magna Electronics, Inc.</i> , IPR2014-00258, Paper 16 (June 26, 2014) .....	18
<i>Wowza Media Systems, LLC v. Adobe Systems Inc.</i> , IPR2013-00054, Paper No. 12 (April 8, 2013) .....	19

## I. INTRODUCTION

Patent Owner Micrografx, LLC (hereafter “Patent Owner”) hereby respectfully submits this Preliminary Response to the Petition seeking *Inter Partes* review in this matter. This filing is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, as it is being filed within three months of the April 8, 2014 mailing date of the Notice granting the Petition a filing date.

A trial should not be instituted in this matter as none of the grounds relied upon in the Petition gives rise to a reasonable likelihood of Petitioner prevailing with respect to any claim of U.S. Patent No. 5,959,633 (“the ’633 Patent”).

## II. AUTHORIZATION FOR PAYMENT OF FEES

The Board is authorized to charge any fees incurred by the Patent Owner in this Case IPR2014-00532 to Deposit Account No. 504592.

## III. SUMMARY OF THE ARGUMENT

The challenged claims recite a computerized system comprising a computer program that is “operable to: access an external shape . . . , the external shape comprising external capabilities; and delegate the production of a graphical image of the external shape to the external capabilities.” With respect to Ground 1 based on asserted anticipation by Walton, Petitioners failed to present a reasonable likelihood that Walton discloses external shapes with external capabilities and a computer program that delegates the production of a graphical image of the external shape to the external capabilities. Petitioners cannot show that a computer program can

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