# UNITED STATES PATENT AND TRADEMARK OFFICE ————— BEFORE THE PATENT TRIAL AND APPEAL BOARD —————

APPLE INC., Petitioner

V.

## MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC Patent Owner

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Case IPR2014-01033 Patent 5,894,506

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## PATENT OWNER MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC'S PRELIMINARY RESPONSE

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#### **TABLE OF CONTENTS**

				<u>Page</u>				
I.	INT	RODUCTION						
II.	BAC	CKGRO	KGROUND					
III.	PROPER CLAIM CONSTRUCTION							
		1.	"a first file," "a second file corresponding to the first file," and "a third file corresponding to the first file"	4				
		2.	"the message code"	6				
		3.	"relaying the message code"	7				
		4.	"a message terminal" and "a designated other message terminal"	9				
		5.	"a file of canned messages and message codes and a file of canned multiple response options and response codes"	11				
		6.	"the response code"	12				
		7.	"transmitting the message code and the response code" and "compiling the assigned message code and the response codes"					
IV.	REFERENCES RELIED UPON BY PETITIONER							
	A.	Cannon						
	В.	LaPorta						
	C.	Will						
V.	GROUND 1 – CLAIMS 8-9 ARE NOT ANTICIPATED BY CANNON.							
	A.	Cannon does not disclose relaying the message code						
	В.	Cannon and LaPorta are not prior art						
VI.	GROUND 2 – CLAIMS 10, 19, AND 21 ARE NOT OBVIOUS OVER <i>CANNON</i> IN VIEW OF <i>LAPORTA</i>							
	A.	Cannon and LaPorta do not disclose relaying message codes or separate files for messages and responses						



		1.	Claim 10 is not obvious over Cannon in view of LaPorta4					
	2.	2.	Claims 19 and 21 are not obvious over <i>Cannon</i> in view of <i>LaPorta</i> .					
			i.	Neither <i>Cannon</i> Nor <i>LaPorta</i> Teaches or Suggests Elements 19(a) or 21(a) of Independent Claims 19 and 21	45			
			ii.	Neither <i>Cannon</i> Nor <i>LaPorta</i> Teaches or Suggests Elements 19(e) or 21(e) of Independent Claims 19 and 21	48			
	B.	Cann	on and	LaPorta are not prior art	53			
VII.	GROUND 3 – CLAIMS 11-12 ARE NOT OBVIOUS OVER <i>CANNON</i> IN VIEW OF <i>WILL</i> .							
	A.	Cann	Cannon and Will do not disclose relaying a message code					
	B.	Cann	on is n	ot prior art.	56			
VIII.	GROUND 4 – CLAIMS 13-14 ARE NOT OBVIOUS OVER <i>CANNON</i> IN VIEW OF <i>WILL</i> AND <i>LAPORTA</i>							
	<b>A.</b>	Cannon, Will, and LaPorta do not disclose relaying a message code						
	В.	Cann	on and	LaPorta are not prior art	57			
IX.	CON	CLUS	ION		57			



#### **TABLE OF AUTHORITIES**

]	Page
<u>CASES</u>	
Advanced Display Sys. Inc. v. Kent State Univ., 212 F.3d 1272 (Fed. Cir. 2000)	33
Facebook, Inc. v. Evolutionary Intelligence, LLC, IPR2014-00093, Paper 12 (P.T.A.B. Apr. 28, 2014)	3
<i>In re Royka</i> , 490 F.2d 981 (CCPA 1974)	41, 44
In re Zletz, 13 USPQ2d 1320 (Fed. Cir. 1989)	3
Net MoneyIN, Inc. v. VeriSign, Inc., 545 F.3d 1359 (Fed. Cir. 2008)	33, 35
Xerox Corp. v. 3Com Corp., 458 F.3d 1310 (Fed. Cir. 2006)	33
OTHER AUTHORITIES	
35 United States Code § 102	1
35 United States Code § 103	1
35 United States Code § 312(c)	2
37 Code of Federal Regulations § 42.100(b)	3
37 Code of Federal Regulations § 42.104(b)(3)	2
Manual of Patent Examining Procedure § 715.07	38



#### **PATENT OWNER EXHIBIT LIST**

- 2000. April 2014 Deposition of Mr. Gregory Pinter in *Mobile Telecommunications Technologies, LLC v. Sprint Nextel Corporation*, Civil Action No. 2:12-cv-832-JRG-RSP, U.S.D.C. for the Eastern District of Texas
- 2001. Sheth Memo dated February 17, 1995
- 2002. Huller Memo dated February 23, 1995
- 2003. 1995 Functional Requirements dated March 13, 1995
- 2004. The WSJ article dated September 19, 1995
- 2005. USA Today article dated September 19, 1995



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