

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC,

Petitioners,

v.

Arendi S.A.R.L.,

Patent Owner.

Case No. IPR2014-01142

Patent No. 7,917,843

PATENT OWNER ARENDI S.A.R.L.'S PRELIMINARY RESPONSE
UNDER 35 U.S.C. § 313 and 37 C.F.R. § 42.107

EXHIBIT LIST

Arendi Exhibit Number	Description
2001	American Heritage College dictionary 3 rd edition 1997 definition of the term “configure”.
2002	<i>Arendi S.A.R.L. v. Samsung Electronics Co. Ltd., et al.</i> , Case No. 1:2012cv01598 (D. Del.), Complaint
2003	<i>Arendi S.A.R.L. v. Samsung Electronics Co. Ltd., et al.</i> , Case No. 1:2012cv01598 (D. Del.), Proof of Service

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V. SINCE THE PRIOR ART DOES NOT RENDER ANY CLAIM OBVIOUS, NO *INTER PARTES* REVIEW SHOULD BE INITIATED..... 10

 A. Because (i) Pandit fails to disclose “performing a search using at least part of the first information as a search term in order to find the second information... wherein the specific type or types of second information is dependent at least in part on the type or types of the first information” and “in consequence of receipt by the first computer program of the user command... causing a search... using a second computer program, in order to find second information” and (ii) “common sense” cannot be used to supply the missing limitation, Ground I fails to establish that Petitioners have a reasonable likelihood of prevailing based upon obviousness..... 10

 B. Because the hypothesized search for duplicate first information is not a search “using at least part of the first information as a search term in order to find the second information... associated with the search term in an information source external to the document”, Ground I fails to establish that the Petitioners have a reasonable likelihood of prevailing based on obviousness. 21

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INTRODUCTION

Patent Owner Arendi S.A.R.L. (“Arendi” or “Patent Owner”) respectfully requests that the Board decline to initiate *inter partes* review of claims 1, 2, 8, 14-17, 20, 21, 23, 24, 30, 36-39, 42 and 43 of U.S. Patent No. 7,917,843 (the “’843 Patent”) because Petitioners Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Telecommunications America, LLC (“Petitioners”) have failed to show that they have a reasonable likelihood of prevailing with respect to any of the challenged claims. 35 U.S.C. § 314.

Petitioners have submitted a proposed ground for challenge based on obviousness. At least one claim element is missing from the relied-upon reference. Very recently, the Federal Circuit Court of Appeals set forth a clear statement of the law with respect to proper use of “common sense” in a proceeding before the U.S. Patent and Trademark Office. Consequently, Petitioners may not simply argue “common sense” to substitute for the limitation that is missing from the prior art. Thus, Petitioners have failed to meet its initial burden to show that each element was known in the prior art.

I. OVERVIEW OF THE ‘843 PATENT

The ‘843 Patent is directed, among other things, to computer-implemented processes for automating a user’s interaction between a first application, such as a word processing application or spreadsheet application, on the one hand, and a

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