

Filed on behalf of Intellectual Ventures II LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. AND TELEFONAKTIEBOLAGET
LM ERICSSON,
Petitioners

v.

INTELLECTUAL VENTURES II LLC
Patent Owner

Case IPR2014-01195
Patent No. 7,787,431

PATENT OWNER RESPONSE

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TABLE OF AUTHORITIES

Cases

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<i>Deering Precision Instruments, L.L.C. v. Vector Distribution Systems, Inc.</i> , 347 F.3d 1314 (Fed. Cir. 2003)	17
<i>Digital-Vending Servs. Int’l, LLC v. Univ. of Phoenix, Inc.</i> , 672 F.3d 1270 (Fed. Cir. 2012)	13
<i>Epcon Gas Systems, Inc. v. Bauer Compressors, Inc.</i> , 279 F.3d 1022 (Fed. Cir. 2002)	17
<i>Google v. EveryMD</i> , IPR2014-000347, Paper No. 9 (P.T.A.B. May 22, 2014)	7
<i>InTouch Technologies, Inc. v. VGO Communications</i> , 751 F.3d 1327 (Fed. Cir. 2014)	42, 59
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<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012)	43
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