

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., LG ELECTRONICS U.S.A., INC. AND
LG ELECTRONICS MOBILECOMM U.S.A, INC.
Petitioners,

v.

CYPRESS SEMICONDUCTOR CORP.,
Patent Owner.

Case IPR2014-01302
Patent 8,059,015

PATENT OWNER'S PRELIMINARY RESPONSE

Before ANDREW KELLOGG, *Trial Paralegal*

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION AND STATEMENT OF RELIEF REQUESTED	1
II. THE BOARD SHOULD PROCEED ONLY ON GROUNDS 1 AND 2.....	2
A. Petitioner fails to articulate why the multiple grounds of purported invalidity are not redundant, the differences between the grounds and the differences among the references underlying the grounds	4
B. Proceeding on multiple grounds will be inefficient.....	7
C. Efficiency dictates that the Board institute trial only on the Hristov-Based Grounds (Grounds 1 and 2)	9
1. Hristov describes Boie as redundant.....	9
2. The Hristov-Based Grounds assert only a single reference.....	12
3. Proceeding only on the Hristov-Based Grounds would be most efficient in view of the related patents and proceedings	12
a. The IPRs for the '015 Patent, '497 Patent and '973 Patents are related	13
III. CONCLUSION.....	19

TABLE OF AUTHORITIES

	<u>Page(s)</u>
CASES	
<i>Larose Industries, LLC v. Capriola Corp.</i> , IPR2013-00120 (Paper 20, July 22, 2013)	5
<i>Liberty Mutual Ins. Comp. v. Progressive Ins. Comp.</i> , CBM2012-00003 (Paper 7, October 25, 2012)	4
<i>Oracle Corp. v. Clouding IP, LLC</i> , IPR2013-00075 (Paper 15, June 13, 2013).....	5
<i>Scentair Technologies v. Prolitec, Inc.</i> , IPR2013-00179 (Paper, 18 August 23, 2013)	5
<i>Sony Corp. v. Yissum Research Development Co. of the Hebrew Univ. of Jerusalem</i> , IPR2013-00219 (Paper 33, Nov. 21, 2013)	5
<i>Zoll Lifecor Corp. v. Koninklijke Philips Elecs. N.V.</i> , IPR2013-00616 (Paper 14, Jan 13, 2014).....	15
<i>ZTE Corp. v. ContentGuard Holdings, Inc.</i> , IPR2013-00133 (Paper 53, February 26, 2014)	15
STATUTES	
37 C.F.R. § 42	4
37 C.F.R. § 42.1(b)	4, 6, 20
37 C.F.R. § 42.8(b)(2).....	13
37 C.F.R. § 42.107(a).....	1
37 C.F.R. § 42.108(b)	6
35 U.S.C. § 314(a)	19
35 U.S.C. § 326(b)	4

OTHER AUTHORITIES

157 Cong. Rec. S1350 (daily ed. Mar. 8, 2011)19

LIST OF EXHIBITS

Exhibit No.	Description
2001	U.S. Patent No. 8,004,497 to XiaoPing (filed on May 18, 2006) (issued on Aug. 23, 2011)
2002	Petition To Institute an <i>Inter Partes</i> Review of U.S. Patent No. 8,004,497 (Case No. IPR2014-01342)
2003	U.S. Patent No. 8,519,973 to XiaoPing (filed on April 9, 2012) (issued on Aug. 27, 2013)
2004	Petition To Institute an <i>Inter Partes</i> Review of U.S. Patent No. 8,519,973 (Case No. IPR2014-01343)
2005	<i>Liberty Mutual Ins. Comp. v. Progressive Ins. Comp.</i> , CBM2012-00003 (Paper 7, October 25, 2012)
2006	<i>Oracle Corp. v. Clouding IP, LLC</i> , IPR2013-00075 (Paper 15, June 13, 2013)
2007	<i>Scentair Technologies v. Prolitec, Inc.</i> , IPR2013-00179 (Paper 18, August 23, 2013)
2008	<i>Larose Industries, LLC v. Capriola Corp.</i> , IPR2013-00120 (Paper 20, July 22, 2013)
2009	<i>Sony Corp. v. Yissum Research Development Co. of the Hebrew Univ. of Jerusalem</i> , IPR2013-00219 (Paper 33, November 21, 2013)
2010	Patent and Trademark Office, Office Patent Trial Practice Guide (published in Fed. Reg. Vol. 77, No. 157, August 14, 2012)
2011	<i>Zoll Lifecor Corp. v. Koninklijke Philips Elecs. N.V.</i> , IPR2013-00616 (Paper 14, January 13, 2014)
2012	Congressional Record, 112th Congress, 1st Session, Vol. 157, No. 34, S1348 (March 8, 2011) (statement of Sen. Leahy)
2013	<i>ZTE Corp. v. ContentGuard Holdings, Inc.</i> , IPR2013-00133 (Paper 53, February 26, 2014)

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.