

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONIC CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC. &
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC.
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.
Patent Owner

Case IPR2014-01367
Patent 6,009,469

**PATENT OWNER'S PRELIMINARY RESPONSE
PURSUANT TO 37 C.F.R. § 42.107(a)**

TABLE OF CONTENTS

	<u>Page</u>
I. Introduction & Summary Of Arguments.....	1
II. Background And Overview Of The ‘469 Patent.....	5
A. The Problems And Solutions Identified By The ‘469 Patent.....	5
1. How To Determine (1) Whether A Network Application Is Available On-line; and (2) If So, That Application’s Address on the Network.....	5
2. Interface Elements For Facilitating The Creation Of Point-To-Point Communications Between Processes.....	9
B. The Challenged ‘469 Patent Claims.....	10
C. The ‘469 Patent’s Prosecution History.....	12
1. The Original Prosecution.....	12
2. The Ex Parte Reexaminations.....	13
D. The ‘479 Patent’s Relevant Litigation History.....	14
III. Samsung’s References Do Not Disclose The “Interface Element Representing A First Callee Process” Limitations Found In Challenged Claims 11, 12, 14, 16, 22, 23, 27, 30, and 31.....	15
A. The Microsoft Manual & NetBIOS Do Not Disclose The “Interface Element Representing A First Callee Process” Limitations (Ground 1).....	16
B. The Palmer And Pinard Combinations Cannot Remedy The Microsoft Manual & NetBIOS’s Failure To Disclose The “Interface Element Representing A First Callee Process” Element.....	19
1. Grounds 2-4 Are Redundant Of Ground 1.....	20
2. Samsung Fails To Provide The Necessary Support For The Proposed Palmer and Pinard Combinations.....	22
a. Samsung identifies no basis for combining Palmer with the Microsoft Manual and NetBIOS References (Grounds 2-4).....	23
b. Samsung identifies no basis for combining Pinard, with the Microsoft Manual, NetBIOS, & Palmer References (Grounds 3-4).....	25

IV.	Samsung’s References Do Not Disclose The “Connected To The Network”/”On-Line”/”Accessible” Elements Found In Challenged Claims 3, 6, 9, 14, 17, 18	30
A.	The Correct Claim Construction Analysis of “On-line” and “Connected To The Computer Network”	31
1.	The Correct Claim Construction Standard.....	31
2.	Samsung Has Not Overcome The Heavy Presumption That “On-Line” and “Connected To The Computer Network” Should Be Given Their Ordinary Meaning.....	34
a.	Samsung’s Proposed Construction Is Not The Ordinary Meaning Of Connected To the Computer Network”/”On-Line”	34
b.	The ‘469 Specification Confirms That The Ordinary Meaning Should Apply Here	35
c.	The Prosecution History Confirms That The Ordinary Meaning Should Apply Here	39
B.	The Microsoft Manual & NetBIOS Do Not Disclose The “Connected to The Network”/”On-Line” Elements Found In Every Challenged ‘469 Patent Claim.....	40
C.	The Pitkin Combination Cannot Remedy The Microsoft Manual and NetBIOS’s Failure To Disclose The “On-line” And “Connected To The Computer Network” Elements	43
1.	Samsung identifies no basis for combining Pitkin with the Microsoft Manual, NetBIOS, Palmer, and Pinard References.....	44
2.	Pitkin Does Not Teach The Missing “On-line” And “Connected To The Computer Network” Elements	45
V.	Samsung’s References Do Not Disclose The “Process” and “Callee Process” Elements	47
A.	Samsung Has Not Overcome The Heavy Presumption That “Process” Should Be Given Its Ordinary Meaning.....	48
1.	Samsung’s Implicit Construction of “Process” Is Inconsistent With Its Ordinary Meaning And The Claims.....	49
2.	The Applicants Did Not Redefine “Process” In The ‘469 Patent’s Specification or Prosecution History	51
B.	The Microsoft Manual & NetBIOS Do Not Disclose The “Process” Elements Found In All Challenged Claims.....	53

1.	Samsung Fails To Identify Where The Claimed “Process” Allegedly Is In the References	53
2.	Samsung Cannot Identify The “Process” Elements Because The Microsoft Manual and NetBIOS References Concern Registering A Computer, Not A “Process”	54
C.	The Microsoft Manual & NetBIOS Do Not Disclose The “Callee Process” Elements Found In Challenged Claims 9, 10, 14, 17, and 18	57

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Ariosa Diagnostics v. Verinata Health, Inc., et al.</i> , IPR2013-00276, Paper 43 (PTAB Oct. 23, 2014).....	23
<i>Aventis Pharma S.A. v. Hospira, Inc.</i> , 675 F.3d 1324 (Fed. Cir. 2012)	32
<i>Callcopy v. Verint Americas, et al.</i> , IPR2013-00486, Paper 11 (PTAB Feb. 5, 2014).....	22
<i>Dealertrack, Inc. v. Huber</i> , 674 F.3d 1315 (Fed. Cir. 2012)	33
<i>Heart Failure Technologies, LLC v. Cardiokinetix, Inc.</i> , IPR2013-00183, Paper 12 (PTAB Jul. 31, 2013).....	21, 27, 28
<i>Idle Free Sys., Inc. v. Bergstrom, Inc.</i> , IPR2012-00027, Paper 26 (PTAB Jun. 11, 2013).....	20
<i>In re Chaganti</i> , 554 Fed. Appx. 917 (Fed. Cir. 2014).....	23, 25
<i>In re Karn</i> , 441 F.3d 997 (Fed. Cir. 2006)	23, 25
<i>In re Paulsen</i> , 30 F.3d 1475 (Fed. Cir. 1994)	36
<i>In re Rambus</i> , 694 F.3d 42 (Fed. Cir. 2012)	31
<i>Innolux Corp. v. Semiconductor Energy Lab.</i> , IPR2013-00064, Paper 11 (PTAB Apr. 30, 2013)	31
<i>K-2 Corp. v. Salomon S.A.</i> , 191 F.3d 1356 (Fed. Cir. 1999)	33
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	22, 23

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.