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. Petitioner,

 \mathbf{v} .

CYPRESS SEMICONDUCTOR CORP.,
Patent Owner

Case No. IPR2014-01405 Patent 6,493,770

Before Amy Kattula, Trial Paralegal

PATENT OWNER'S PRELIMINARY RESPONSE



TABLE OF CONTENTS

				<u>Page</u>
I.	Intro	ducti	on and Statement of Relief Requested	1
II.	The Board Should Deny <i>Inter Partes</i> Review on Petitioner's Multiple Grounds of Invalidity			
	A.	pur the	itioner fails to articulate why the multiple grounds of ported invalidity are not redundant, the differences between grounds, and the differences among the references lerlying the grounds	4
III.	Petiti	ioner	's Asserted USB References Are Defective	7
	A.	Petitioner impermissibly relies on "admitted prior art" as a primary reference		7
		1.	Petitioner's citation to "admitted prior art" as to Grounds 1 and 2 does not fall within a recognized exception	9
		2.	The portions of the '770 Patent cited by Petitioner in Grounds 1, 2 and 4 do not qualify as "admitted prior art"	12
	B.	Pate	ent Owner intends to swear behind the Yap reference	17
IV.	Petitioner Fails To Establish a <i>Prima Facie</i> Case of Obviousness to Support its Proposed Grounds 2 and 4			18
V.	Proceeding on Grounds Based Solely on the PCMCIA References Would Realize Efficiencies across all of Petitioner's Related Petitions for <i>Inter Partes</i> Review			
VII				22 20



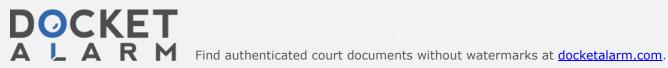
TABLE OF AUTHORITIES

	Page(s)
CASES	
Carestream Health, Inc. v. Smartplates, LLC, Case No. IPR2013-00600 (Paper 9, March 5, 2014)	10
Chimei Innolux Corp. v. Semiconductor Energy Lab. Co., Ltd., Case No. IPR2013-00038 (Paper 9, March 21, 2013)	9
Constant v. Advanced Micro-Devices Inc., 848 F.2d 1560 (Fed. Cir. 1988)	13
In re Lopresti, 333 F.2d 932 (CCPA 1964)	13
Intellectual Ventures Mgmt., LLC v. XILINX, Inc., Case No. IPR2012-00023 (Paper 35, February 11, 2014)	11
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (U.S. 2007)	16, 18, 19
Liberty Mut. Ins. Comp. v. Progressive Ins. Comp., Case No. CBM2012-00003 (Paper 8, October 25, 2012)	4
Mintz v. Dietz & Watson, Inc., 679 F.3d 1372 (Fed Cir. 2012)	16
Nichia Corp. v. Emcore Corp., Case No. IPR2012-00005 (Paper 68, February 11, 2014)	10
Oracle Corp. v. Clouding IP, LLC, IPR2013-00075 (Paper 15, June 13, 2013)	5
Riverwood Int'l Corp. v. R.A. Jones & Co., 324 F.3d 1346 (Fed. Cir. 2003)	13
Zoll Lifecor Corp. v. Koninklijke Philips Elecs. N.V., Case No. IPR2103-00616 (Paper 14, Jan. 13, 2014)	23
STATUTES	
35 U.S.C. § 102(a)	8



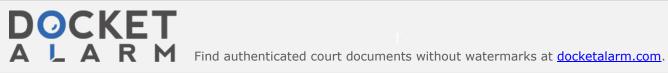
Case No. IPR2014-01405

Page(s)	
S.C. § 102(b)9	35 U.S.C
S.C. §103	35 U.S.C
S.C. § 311(b)	35 U.S.C
S.C. § 312(a) and § 312(b)11	35 U.S.C
S.C. § 314	35 U.S.C
S.C. § 326(b)4	35 U.S.C
ER AUTHORITIES	OTHER A
F.R. § 42.1(b)	37 C.F.R
F.R. § 42.107(a)1	37 C.F.R
Cong. Rec. S1350 (daily ed. March 8, 2011)28	157 Cong
ual of Patent Examining Procedure § 212913	Manual c
ual of Patent Examining Procedure § 2143(I)19	Manual c
at and Trademark Office, Office Patent Trial Practice Guide ublished in Fed. Reg. Vol. 77, No. 157, August 14, 2012)2	



LIST OF EXHIBITS

Exhibit No.	Description
2001	U.S. Patent No. 6,012,103 to Sartore et al. (filed on July 2, 1997) (issued on January 4, 2000)
2002	Petition To Institute an <i>Inter Partes</i> Review of U.S. Patent No. 6,012,103 (Case No. IPR2014-01386)
2003	U.S. Patent No. 6,249,825 to Sartore et al. (filed on January 4, 2000) (issued on June 19, 2001)
2004	Petition To Institute an <i>Inter Partes</i> Review of U.S. Patent No. 6,249,825 (Case No. IPR2014-01396)
2005	Patent and Trademark Office, Office Patent Trial Practice Guide (published in Fed. Reg. Vol. 77, No. 157, August 14, 2012)
2006	Liberty Mut. Ins. Comp. v. Progressive Ins. Comp., Case No. CBM2012-00003 (Paper 8, October 25, 2012)
2007	Oracle Corp. v. Clouding IP, LLC, IPR2013-00075 (Paper 15, June 13, 2013)
2008	Chimei Innolux Corp. v. Semiconductor Energy Lab. Co., Ltd., Case No. IPR2013-00038 (Paper 9, March 21, 2013)
2009	Nichia Corp. v. Emcore Corp., Case No. IPR2012-00005 (Paper 68, February 11, 2014)
2010	Carestream Health, Inc. v. Smartplates, LLC, Case No. IPR2013-00600 (Paper 9, March 5, 2014)
2011	Intellectual Ventures Mgmt., LLC v. XILINX, Inc., Case No. IPR2012-00023 (Paper 35, February 11, 2014)
2012	Zoll Lifecor Corp. v. Koninklijke Philips Elecs. N.V., IPR2013-00616 (Paper 14, January 13, 2014)



DOCKET A L A R M

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.

