

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BlackBerry Corp.,
Petitioner

v.

Cypress Semiconductor Corp.,
Patent Owner.

Case IPR2014-_____
Patent U.S. 8,059,015

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,059,015
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
US Patent and Trademark Office
PO Box 1450
Alexandria, Virginia 22313-1450

TABLE OF CONTENTS

I.	MANDATORY NOTICES	1
II.	CERTIFICATION OF GROUNDS FOR STANDING	3
III.	OVERVIEW OF CHALLENGE AND RELIEF REQUESTED	3
	A. Prior Art Patents and Printed Publications	3
	B. Grounds for Challenge	4
IV.	OVERVIEW OF THE ‘015 PATENT	5
	A. The Patent Application	5
	B. Prosecution of the ‘015 Patent	8
V.	CLAIM CONSTRUCTION	9
	A. “sensor element”	9
	B. “capacitance sensor”	10
VI.	LEVEL OF ORDINARY SKILL IN THE ART	11
VII.	IDENTIFICATION OF HOW THE CHALLENGED CLAIMS ARE UNPATENTABLE	12
	A. Claims 1, 2, 4-7, 17-19, 21, and 22 are anticipated under 35 U.S.C. § 102(b) by Binstead	12
	B. Claims 13 and 15 are rendered obvious under 35 U.S.C. § 103(a) by Binstead in view of Levy	29
	C. Claims 1, 2, 4-7, 13 17-19, 21, and 22 are anticipated under 35 U.S.C. § 102(b) by Boie	31
	D. Claim 15 is rendered obvious under 35 U.S.C. § 103(a) by Boie in view of Hristov	48
VIII.	CONCLUSION	49

EXHIBIT LIST

- 1001 U.S. Patent No. 8,059,015 to Hua et al.
- 1002 U.S. Patent No. 6,137,427 to Binstead
- 1003 U.S. Patent No. 7,391,861 to Levy
- 1004 U.S. Patent No. 5,463,388 to Boie et al.
- 1005 U.S. Patent No. 7,821,502 to Hristov
- 1006 Provisional Application No. 60/697,613 to Hristov
- 1007 Declaration of Daniel J. Wigdor
- 1008 Infringement Contentions Served by Patent Owner
- 1009 Curriculum Vita for Daniel J. Wigdor
- 1010 Excerpts from the prosecution history of U.S. Patent No. 8,059,015

I. MANDATORY NOTICES

Pursuant to 37 C.F.R. § 42.8(a)(1), BlackBerry Corp. (“BlackBerry” or “Petitioner”) provides the following mandatory disclosures.

Real Parties-in-Interest: BlackBerry Corp. and BlackBerry Ltd. are the real parties-in-interest.

Related Matters: Petitioner states that U.S. Patent No. 8,059,015 (“the ‘015 patent,” attached hereto as Ex. 1001) is asserted in co-pending litigation captioned *Cypress Semiconductor Corp. v. BlackBerry Ltd. et al.*, No. 5:13-cv-04183-LHK (N.D. Cal.), complaint filed on September 10, 2013 and served on September 12, 2013. The ‘015 patent is also involved in co-pending litigation captioned *Cypress Semiconductor Corp. v. LG Electronics, Inc. et al.*, No. 4:13-cv-04034-SBA (N.D. Cal.).

On August 15, 2014, a petition for *inter partes* review against claims 1, 2, 4-7, 13, 15, 17-19, 21, and 22 of the ‘015 patent was filed by LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc. (collectively, “LGE”). (Case IPR2014-01302.) U.S. Patent Nos. 8,004,497 (“the ‘497 patent”) and 8,519,973 (“the ‘973 patent”) involve similar subject matter as the ‘015 patent and have been asserted in both the BlackBerry and LGE litigations. Petitions for *inter partes* review against claims 1-4 of the ‘497 patent (Case

IPR2014-01342) and claims 1-8, 11, 12, and 14-20 of the '973 patent (Case IPR2014-01343) were also filed by LGE on August 20, 2014.

Petitioner is filing a petition for *inter partes* review for each of the '497 and '973 patents concurrently with this petition.

Counsel: Pursuant to 37 C.F.R. § 42.8(b)(3), Petitioner provides the following designation of counsel:

Lead Counsel: Robert C. Mattson (Reg. No. 42,850)

Backup Counsel: John S. Kern (Reg. No. 42,719) and Monica S. Ullagaddi (Reg. No. 63,823)

Service Information: Pursuant to 37 C.F.R. § 42.8(b)(4), papers concerning this matter should be served on the following:

Address: Oblon Spivak, 1940 Duke Street, Alexandria, VA 22314

Email: cpdocketmattson@oblon.com

cpdocketkern@oblon.com

cpdocketullagaddi@oblon.com

Telephone: 703-412-6466 Facsimile: 703-413-2220

Petitioner consents to electronic service at the above email addresses.

Fees: The undersigned authorizes the Office to charge the fee required by 37 C.F.R. § 42.15(a) for this Petition for *inter partes* review to Deposit Account No. 15-0030 and any additional fees that might be due in connection with this Petition.

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.