UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARP CORPORATION
Petitioner

v.

SURPASS TECH INNOVATION LLC
Patent Owner

Case IPR2015-00022
U.S. Patent No. 7,420,550

PATENT OWNER SURPASS TECH INNOVATION LLC'S PRELIMINARY RESPONSE

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TABLE OF AUTHORITIES

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LIST OF PATENT OWNER'S EXHIBITS

Exhibit	Description
2001	U.S. Patent No. 6,724,855 to Sugawara *et al*.
2002	U.S. Patent No. 6,774,884 to Shimoda *et al*.
2003	U.S. Patent No. 6,961,167 to Prins *et al*.

I. Introduction

The Petition for *inter partes* review of U.S. Patent No. 7,420,550 ("the '550 patent") should be denied and no trial instituted because there is no "reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

The Petition (cited to herein as "Pet.") presents grounds for challenge against claims 1-5 of the '550 patent based entirely on obviousness grounds. But Petitioner's obviousness-based challenges not only fail to address every element of the challenged claims; they also lack sufficient rationale for why a person of ordinary skill in the art would have modified the prior art to reach the claimed invention. And Petitioner does not include any expert testimony in support of its Petition. This results in numerous instances where the attorney argument lacks any "underlying facts or data," in violation of 37 C.F.R. § 42.65(a). Finally, the claim charts presented in the Petition are filled with single-spaced attorney argument and characterizations, once again in violation of the Board's rules, and all such argument should be disregarded by the Board.[1] See Pet. at 35-38; 51-55.

[1] "If there is *any* need to explain how a reference discloses or teaches a limitation, that explanation must be elsewhere in the petition—not in a claim chart." *VMware, Inc. v. Electronics and Telecommunications Research Institute,* IPR2014-00901,

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