UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

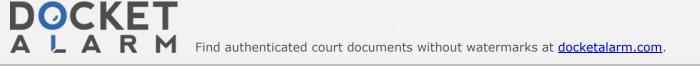
SONY CORPORATION, SONY ELECTRONICS INC., SONY MOBILE COMMUNICATIONS AB, and SONY MOBILE COMMUNICATIONS (USA) INC. Petitioners,

v.

MEMORY INTEGRITY, LLC, Patent Owner.

> Case IPR2015-00158 Patent 7,296,121 B2

## PETITIONERS' OPPOSITION TO PATENT OWNER MOTION TO AMEND PURSUANT TO 37 C.F.R. § 42.23



## **TABLE OF CONTENTS**

		I	Page
I.	Introduction		
II.	MI's Motion to Amend Fails to Comply with C.F.R. § 42.20(c)1		
III.	Substitute Claims 29-34 Are Not Enabled and Lack Written Description Support		
IV.	Subs	stitute Claims 29-34 Are Not Patentable Over the Prior Art	6
	A.	The Combination of the Culler Book, Laudon, and Smith Renders Claims 29-34 Obvious	
		1. Claims 29-34	11
V.	CON	ICLUSION	25

## LIST OF EXHIBITS

Ex. No.	Exhibit Name
Sony-1001	U.S. Patent No. 7,296,121 ("the '121 Patent")
Sony-1002	File History for U.S. Pat. App. No. 10/966,161
Sony-1003	U.S. Patent No. 7,003,633 ("the '633 Patent")
Sony-1004	Comparison of '121 Patent and '633 Patent Specifications
Sony-1005	U.S. Patent No. 7,698,509 to Koster ("Koster")
Sony-1006	Jeffrey Kuskin, et al., <i>The Stanford FLASH Multiprocessor</i> , PROCEEDINGS ON THE 21ST ANNUAL INTERNATIONAL SYMPOSIUM ON COMPUTER ARCHITECTURE, IEEE (1994) ("Kuskin")
Sony-1007	S. Park et al., <i>Verification of Cache Coherence Protocols by</i> <i>Aggregation of Distributed Transactions</i> , Theory of Computing Systems 31 (1998) ("Park")
Sony-1008	U.S. Patent No. 6,088,769 to Luick ("Luick")
Sony-1009	U.S. Pat. Pub. 2002/0073261 ("Kosaraju")
Sony-1010	AUTHORITATIVE DICTIONARY OF IEEE STANDARDS TERMS (2000)
Sony-1011	Jeffrey L. Hilbert, APPLICATION SPECIFIC INTEGRATED CIRCUIT (ASIC) TECHNOLOGY (Academic Press 1991)
Sony-1012	Ronald Sass, Andrew G. Schmidt, EMBEDDED SYSTEMS DESIGN WITH PLATFORM FPGAS: PRINCIPLES AND PRACTICES (Morgan Kaufmann 2010)
Sony-1013	Expert Declaration of Daniel J. Sorin
Sony-1014	Curriculum Vitae of Daniel J. Sorin
Sony-1015	Supplemental Expert Declaration of Daniel J. Sorin
Sony-1016	Deposition Transcript of Vojin Oklobdzija (November 23–24, 2015)
Sony-1017	David E. Culler et al., Parallel Computer Architecture: A Hardware/software Approach (1st Ed.) (1998)
Sony-1018	James Laudon and Daniel Lenoski, Proceedings of the 24th Annual International Symposium on Computer Architecture, "The SGI Origin: A ccNUMA Highly Scalable Server" (1997)

DOCKET ALARM Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

Ex. No.	Exhibit Name
Sony-1019	Michael John Sebastian Smith, APPLICATION-SPECIFIC INTEGRATED CIRCUITS (1997) ("Smith")
Sony-1020	Motion to Amend Opposition Declaration of Dr. Robert Horst

#### I. Introduction

Petitioners submit this Opposition to Memory Integrity's ("MI") Motion to Amend ("MTA") (Paper 18). The MTA should be denied for three primary reasons. First, MI failed to meet its burden of proof under 37 C.F.R. § 42.20(c) by failing to identify how the features in the proposed substitute claims are distinguished from the prior art of record. Second, the substitute claims are not enabled. Third, the prior art combination discussed below render the substitute claims obvious.

### II. MI's Motion to Amend Fails to Comply with 37 C.F.R. § 42.20(c)

MI "has the burden of proof to establish that it is entitled to the requested relief." *See* 37 C.F.R. § 42.20(c). Section 42.20(c) "places the burden on the patent owner to show a patentable distinction of each proposed substitute claim over the prior art." *Idle Free Sys., Inc. v. Bergstrom, Inc.*, Case IPR2012-00027, slip op. at 7 (PTAB June 11, 2013) (Paper 26); *Microsoft Corp. v. Proxyconn, Inc.*, No. 2014-1542, 2015 WL 3747257, at \*13-14 (Fed. Cir. June 16, 2015) (affirming denial where patent owner failed to establish the patentability over the prior art of record).

Here, MI failed to meet the burden imposed by § 42.20(c) for at least three reasons. First, MI argues that, "all of the substitute claims find support in the '347 Application, [thus] the Koster reference is not prior art to any of the proposed substitute claims." MTA, p. 22. MI provides no discussion comparing Koster's

## 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.