
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., HTC CORPORATION, HTC AMERICA, INC., SAMSUNG
ELECTRONICS CO. LTD, SAMSUNG ELECTRONICS AMERICA, INC.,
SAMSUNG TELECOMMUNICATIONS AMERICA, LLC AND
AMAZON.COM, INC.
Petitioners

v.

MEMORY INTEGRITY, LLC
Patent Owner

U.S. Patent No. 7,296,121

Inter Partes Review Case No. 2015-00159

**MEMORY INTEGRITY, LLC'S REPLY IN SUPPORT OF
MOTION TO AMEND PURSUANT TO 37 C.F.R. § 42.121**

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EXHIBIT LIST

Exhibit No.	Description
2042	Declaration of Vojin Oklobdzija, Ph.D. in Support of Patent Owner's Replies in Support of Motions to Amend

TABLE OF AUTHORITIES

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Cases	
<i>Apple, Inc. v. Memory Integrity, LLC,</i>	
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M.P.E.P. § 608.1(p)(I)(B) (8th Ed., Rev. 2., May 2004).....	1

Petitioners argue that the present motion to amend should be denied. Each of Petitioners' arguments lack merit, as discussed below.

I. MI'S MOTION COMPLIED WITH THIS BOARD'S REQUIREMENTS

Petitioners argue that MI's motion to amend failed to comply with this Board's requirements for a motion to amend. Each of Petitioners' arguments fail.

A. MI Properly Relied on the Effective Filing Date of the '347 Application

First, Petitioners argue that it was improper for MI to rely on the effective filing date of the '347 Application in analyzing the proposed substitute claims. Opp. at 2-3. In particular, Petitioners argue that proposed substitute claims 27-34¹ are not supported because they "require[] multiple incorporation by references" of "essential material." *Id.* (citing to 37 C.F.R. § 1.57(c)). Thus, Petitioners argue MI should have expressly addressed Koster. Opp. at 2-3.

However, under the rules of the Patent Office, both now and at the time the application for the '121 Patent was filed, the limitations on multiple incorporation by reference "do not apply to applications relied on only to establish an earlier effective filing date under 35 U.S.C. 119 or 35 U.S.C. 120." M.P.E.P. § 608.1(p)(I)(B) (8th Ed., Rev. 2., May 2004); M.P.E.P. § 608.1(p)(2)(B) (9th Ed.,

¹ Petitioners do not dispute that this argument is irrelevant to proposed substitute claim 26 in IPR2015-00159, did not rely on such material.

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