
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. 2015-00163

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

TABLE OF CONTENTS

I. MI'S MOTION COMPLIED WITH THIS BOARD'S REQUIREMENTS1

 A. MI Properly Relied on the Effective Filing Date of the '347
 Application1

 B. MI's Expert Adequately Analyzed and Discussed the Prior Art2

 C. The Proposed Substitute Claims are Supported by the Disclosure7

II. THE SGI ORIGIN SYSTEM IS DISTINGUISHABLE8

III. CONCLUSION12

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

	Page(s)
Cases	
<i>Apple, Inc. v. Memory Integrity, LLC,</i>	
Case No. IPR2015-00172, Paper No. 16 at (May 11, 2015)	9
<i>Idle Free Sys., Inc. v. Bergstrom, Inc.,</i>	
Case No. IPR2012-00027, Paper No. 26 (PTAB Jun. 11, 2013).....	6
<i>In re Koller,</i>	
613 F.2d 819 (CCPA 1980)	2
<i>International Flavors & Fragrances Inc. v. The United States of America,</i>	
Case NO. IPR2013-00124, Paper No. 12 (PTAB May 20, 2014).....	7
<i>REG Synthetic Fuels LLC v. Neste Oil OYJ,</i>	
Case No. No. IPR2014-00192, Paper No. 48 (PTAB Jun. 5, 2015).....	3
Regulations	
37 C.F.R. § 1.57(c).....	1
37 C.F.R. § 42.53(d)(5)(ii).....	8
M.P.E.P. § 608.1(p)(2)(B) (9th Ed., ER9-07.2015, Oct. 2015).....	2
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.

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.