UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.
Petitioner

v.

ATI TECHNOLOGIES ULC
Patent Owner

Case: IPR2015-00321

Patent 7,095,945 B1

PETITIONER'S REPLY BRIEF IN SUPPORT OF THE PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,095,945

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PETITIONER'S EXHIBIT LIST

Description	Exhibit No.
U.S. Patent No. 7,095,945	1001
Prosecution History of U.S. Patent No. 7,095,945	1002
Complaints filed in Related District Court Cases	1003
Declaration of Daniel Schonfeld, Ph.D. ("Schonfeld Decl.")	1004
U.S. Patent No. 6,233,389 ("Barton")	1005
U.S. Patent No. 6,397,000 ("Hatanaka")	1006
U.S. Patent No. 6,591,058 ("O'Connor")	1007
U.S. Patent No. 5,521,922 ("Fujinami")	1008
Declaration of Jamie Beaber	1009
Declaration of Michael Maas	1010
Deposition transcript of Dr. Mangione-Smith	1011
Supplemental Declaration of Daniel Schonfeld ("Schonfeld Suppl. Decl.")	1012

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In its June 26, 2015 Institution Decision on U.S. Patent No. 7,095,945 (the "'945 Patent"), the Board correctly found that Petitioner LG Electronics Inc. is likely to prevail in showing that (a) claim 18 is obvious over U.S. Patent No. 6,397,000 ("Hatanaka") (Ex. 1006) and (b) claim 18 is obvious over Hatanaka in view of U.S. Patent 6,591,058 ("O'Connor") (Ex. 1007). *See* Decision ("Dec."), Paper 20, at 22. Nothing in Patent Owner's Response should disturb that conclusion. Patent Owner's Response is based entirely on a narrow reading of Hatanaka and an attempted redrafting of claim 18. Thus, for the reasons set forth in the Petition and further explained below, claim 18 of the '945 Patent is unpatentable.

I. CLAIM CONSTRUCTION

A. "program portion" does not require construction

As explained in the Petition, the terms of the '945 Patent should be given their broadest reasonable construction in light of the specification. Petition, at 5-6. In its preliminary response, Patent Owner argued for a construction of "program portion" that the Board rejected in its Institution Decision, finding that "Patent Owner does not specify how much less than all of a program constitutes a portion." Dec., at 6-7.

As the Board correctly found in its Institution Decision, the term "program

portion" should be given its plain meaning because it is readily understood by a person of ordinary skill in the art in view of the '945 specification and "the antecedents in claim 18 convey the necessary meaning." Dec., at 6. Because "claim 18 recites no limits on the first and second portions, other than each being a portion, i.e., some or all, of the first program" the term "program portion does not require any construction and should be given its broadest reasonable construction, plain meaning. Dec., at 7. Patent Owner simply recycles the same arguments with respect to "program portion" and similarly still fails to specify how much less than all a program constitutes a portion.

Therefore, Petitioner respectfully requests that the Board again reject Patent Owner's proposed construction for "portion" because the term "program portion does not require any construction and should be given its broadest reasonable construction, plain meaning." Dec., at 7.

B. "selecting a first program from the multiplexed packetized data stream"

The phrase "selecting a first program from the multiplexed packetized data stream" in claim 18 should be given its plain meaning in view of the claim language and the '945 specification. While Patent Owner does not expressly propose a construction for this term, it is clear from its Response that Patent Owner is attempting to improperly narrow claim 18 to require that the first demultiplexer

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