# UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC., Petitioners,

V.

DSS TECHNOLOGY MANAGEMENT, INC., Patent Owner.

Case: IPR2015-00373 U.S. Patent No. 6,128,290

PATENT OWNER DSS TECHNOLOGY, INC.'S RESPONSE TO PETITION



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| V.   | CLAIM CONSTRUCTION8   |   |        |   |    |  |  |
| VI.  |                       |   |        | FAILED TO PROVE THAT CLAIMS 9 AND 10 OF ARE UNPATENTABLE  | 16 |  |  |
|      | A. Cl                 |   |        | are not rendered obvious by Natarajan in view of Neve   |    |  |  |
|      | 1                     |   | •      | does not teach or suggest that the server transmitter is in low duty cycle RF bursts  | 16 |  |  |
|      |                       |   | a.     | Natarajan is silent with respect to operation of server transmitter during outbound data traffic periods  | 16 |  |  |
|      |                       |   | b.     | The HDLC packet structure disclosed in Natarajan is inconsistent with a server transmitter being energized low duty cycle RF bursts.  |    |  |  |
|      |                       |   | c.     | Natarajan's disclosure of "bursty traffic" during the contention period does not teach or suggest that the server transmitter is energized in RF bursts                     |    |  |  |
|      |                       |   | d.     | Petitioner failed to meet its burden of establishing that<br>Natarajan in view of Neve teaches or suggests that the<br>server transmitter is energized in low duty cycle RF |    |  |  |
|      |                       |   |        | bursts  | 25 |  |  |



| 2.          | Natarajan a | Natarajan with Neve does not cure deficiencies of and further suggests that the combination of these loes not teach or suggest that server transmitter is a low duty cycle RF bursts  |
|-------------|-------------|---|
|             | a.          | Petitioner's expert distinguished Neve from transmissions involving RF bursts   |
|             | b.          | Neve does not teach or suggest that server transmitter is energized in low duty cycle RF bursts30   |
|             | C.          | Neve reinforces the conclusion that Natarajan does not teach or suggest the server transmitter being energized in low duty cycle RF bursts  |
|             | 3.          | The Board should not give any weight to Petitioner's expert's testimony pertaining to the issue of whether Natarajan in view of Neve teaches or suggests that server transmitters are energized in low duty cycle RF bursts |
| VII. CONCLU | JSION       |   |



# **TABLE OF AUTHORITIES**

| Federal Cases   |
|---|
| KSR Int'l Co. v. Teleflex Inc.,<br>550 U.S. 398, 418 (2007)   |
| Microsoft Corp. v. Proxyconn, Inc.,<br>789 F.3d 1292, 1298 (Fed. Cir. 2015)9  |
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| Liberty Mutual Insurance Co. v. Progressive Casualty Insurance Co., CBM2013-00009, Final Written Decision at pg. 47 (Feb. 11, 2014)33 |
| Federal Statutes  |
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| Federal Regulations   |
| 37 C.F.R. § 1.321(a)  |
| 37 C.F.R. § 42.100(b)   |
| 37 C.F.R. § 42.6(e)   |



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| DSS-2001 | U.S. Patent No. 5,699,357  |
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| DSS-2002 | Definition of "e.g.," Black's Law Dictionary (9th ed. 2009)  |
| DSS-2003 | Myk Dormer, <i>Low Duty Cycle?</i> , Electronics World Magazine, Dec. 2008, <i>available at</i> http://www.radiometrix.com/files/additional/Low-Duty-Cycle.pdf |
| DSS-2004 | U.S. Pat. No. 7,558,232  |
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| DSS-2006 | U.S. Pat. No. 7,049,620  |
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| DSS-2008 | U.S. Pat. No. 8,727,561  |
| DSS-2009 | Definition of "burst," Chambers Dictionary of Science and Technology (1 <sup>st</sup> ed. 1999)  |
| DSS-2010 | Tom Sheldon, <i>Encyclopedia of Networking &amp; telecommunications</i> , 549, (Lisa Wolters-Broder ed., McGraw Hill 2001)                                     |
| DSS-2011 | U.S. Pat. No. 3,598,914  |
| DSS-2012 | U.S. Pat. No. 6,983,031  |
| DSS-2013 | Yurcik, William J., <i>Serial and Parallel Transmission</i> . Computer Sciences. 2002. Encyclopedia.com, <i>available at</i> http://www.encyclopedia.com       |
| DSS-2014 | Asynchronous HDLC MC68360 ASYNC HDLC Protocol Microcode User's Manual, 8, (Freescale Semiconductor, Inc. 1996)   |
| DSS-2015 | Transcript of 08-27-2015 Deposition Testimony of Dr. Jack Duane Grimes   |



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