

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.,
Petitioner,

v.

DRAGON INTELLECTUAL PROPERTY, LLC,
Patent Owner.

Case IPR2015-00499
Patent 5,930,444

Before NEIL T. POWELL, STACEY G. WHITE, and J. JOHN LEE,
Administrative Patent Judges.

WHITE, *Administrative Patent Judge.*

PATENT OWNER'S RESPONSE

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Federal Cases	
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<i>Daifuku Co., Ltd. and Daifuku America Corp., v. Murata Machinery, Ltd.</i> , IPR2015-00084, Paper 10 (May 4, 2015).....	36
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<i>K/S Himpp v. Hear-Wear Technologies, LLC</i> , 751 F.3d 1362 (Fed. Cir. 2014)	32
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<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	21
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<i>Kinetic Technologies, Inc. v. Skyworks Solutions, Inc.</i> , IPR2014-00529, Paper 8 (Sept. 23, 2014).....	37, 38
<i>KSR Int'l. Co. v. Teleflex, Inc.</i> , 550 U.S. 398 (2007).....	30, 37

<i>Perreira v. Dep't of Health and Human Serv.</i> , 33 F.3d 1375 (Fed. Cir. 1994)	21, 22
<i>In re Soni</i> , 54 F.3d 746 (Fed. Cir. 1995)	31
<i>TRW Automotive US LLC v. Magna Electronics Incorporated</i> , IPR2014-00251, Paper 34 (June 25, 2015).....	37
<i>Unigene Labs., Inc. v. Apotex, Inc.</i> , 655 F.3d 1352 (Fed. Cir. 2011)	30
<i>Wang Labs., Inc. v. Toshiba Corp.</i> , 993 F.2d 858 (Fed. Cir. 1993)	36
<i>Wyers v. Master Lock Co.</i> , 616 F.3d 1231 (Fed. Cir. 2010)	36
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Other Authorities	
<i>Microsoft Computer Dictionary</i> (4th ed. 1999).....	20

LIST OF EXHIBITS

- 2001 Declaration of Adam Goldberg
- 2002 Curriculum Vitae of Adam Goldberg
- 2003 Claim Construction Memorandum Opinion and Order,
Dragon Intellectual Property, LLC v. Apple, Inc., 1:13-cv-02058-RGA,
Docs. 101, 103 (D. Del. Sept. 15, 2015)
- 2004 Deposition Transcript of Anthony J. Wechselberger (Oct. 8, 2015)
- 2005 *Microsoft Computer Dictionary* (4th ed. 1999)

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