

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE INC.,  
Petitioner

v.

SUMMIT 6 LLC,  
Patent Owner

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Case: IPR2015-00806  
Patent 7,765,482

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**CORRECTED PETITIONER'S REPLY  
TO PATENT OWNER'S RESPONSE**

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**LIST OF EXHIBITS**

Exhibit 1001	U.S. 7,765,482 (“the ’482 patent”)
Exhibit 1002	Complaint in <i>Summit 6 LLC v. HTC Corp., et al.</i> , No. 7:14-cv-00014-O (N.D. Tex. Feb. 18, 2014) (ECF No. 1), served on Real Parties in Interest on February 25 & 26, 2014.
Exhibit 1003	Declaration of Dr. Paul Clark
Exhibit 1004	U.S. 6,930,709 to Creamer <i>et al.</i> (“Creamer”)
Exhibit 1005	U.S. 6,223,190 to Aihara <i>et al.</i> (“Aihara”)
Exhibit 1006	U.S. 6,018,774 to Mayle <i>et al.</i> (“Mayle”)
Exhibit 1007	U.S. 6,035,323 to Narayen <i>et al.</i> (“Narayen”)
Exhibit 1008	Provisional Application No. 60/085,585, filed on May 15, 1998 (“Creamer ’98”)
Exhibit 1009	Provisional Application No. 60/067,310, filed Dec. 4, 1997 (“Creamer ’97”)
Exhibit 1010	<i>Ex-parte</i> Re-Examination No. 90/012,987, Applicant Arguments & Remarks Made in an Amendment, March 31, 2014
Exhibit 1011	Plaintiff’s Opening Claim Construction Brief in <i>Summit 6 LLC v. HTC Corp., et al.</i> , No. 7:14-cv-00014-O (N.D. Tex. Feb. 18, 2014) (ECF No. 217)
Exhibit 1012	Civil Summons and Proof of Service for Real Parties in Interest in <i>Summit 6 LLC v. HTC Corp., et al.</i> , No. 7:14-cv-00014-O (N.D. Tex. Feb. 18, 2014) (ECF Nos. 11, 13, 14)
Exhibit 1013	Joint Claim Construction and Prehearing Statement in <i>Summit 6 LLC v. HTC Corp., et al.</i> , No. 7:14-cv-00014-O (N.D. Tex. Feb. 18, 2014) (ECF No. 149)
Exhibit 1014	Joint Notice of Settlement in <i>Summit 6 LLC v. HTC Corp., et al.</i> , No. 7:14-cv-00014-O (N.D. Tex. Feb. 18, 2014) (ECF No. 238)
Exhibit 1015	Settlement Agreement Between HTC Entities and Summit 6 LLC

Exhibit 1016	Transcript of February 19, 2016 deposition of Scott Lewis
Exhibit 1017	Transcript of February 26, 2016 deposition of Dr. Martin Kaliski
Exhibit 1018	Declaration of Dr. Gary Frazier
Exhibit 1019	Transcript of February 18, 2016 deposition of Sarah Pate

Petitioner Google Inc. (“Petitioner”) submits this Reply to Patent Owner’s Response in Opposition to the Petition for Inter Partes Review (the “Response” Paper 28) of U.S. Patent No. 7,765,482 (“the ’482 Patent”).

## **I. INTRODUCTION**

The challenged claims are unpatentable. Patent Owner and its witnesses admit that each step of the challenged claims was known in the art. Response at 3; Exs. 2058 at ¶ 17; 1016 at 48:1 – 49:1. However, despite longstanding precedent to the contrary, Patent Owner argues that making known steps less “cumbersome” renders the claims non-obvious. This argument fails. Indeed, that a known process was cumbersome suggests that a person of ordinary skill in the art would be motivated to combine known technologies to improve the process. As demonstrated by the Petition, a person of skill in the art would be motivated to combine the cited prior art. In view of those combinations, every challenged claim is obvious.

Patent Owner’s attempt to overcome the strong obviousness showing by proffering evidence of alleged secondary considerations also fails. Patent Owner’s evidence is not credible. Patent Owner’s fact witnesses’ sole income is derived from licensing of the patent-at-issue and related patents. And its technical expert admitted he had no independent opinion regarding commercial success, but rather that he “was told that that was the case by the attorneys that [he is] working with.”

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