

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

AFFINITY LABS OF TEXAS, LLC
Patent Owner

Case IPR2015-00820
Patent 8,532,641

CORRECTED
PETITION FOR INTER PARTES REVIEW OF
UNITED STATES PATENT NO. 8,532,641*

* As directed by the Board in Paper No. 4, Petitioners hereby resubmit the Petition to address formality issues identified herein.

TABLE OF CONTENTS

LIST OF EXHIBITS.....	vi
I. INTRODUCTION.....	1
II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8	5
III. PETITIONERS HAVE STANDING.....	7
IV. SUMMARY OF THE ‘641 PATENT	8
A. Overview of the ‘641 Patent	8
B. ‘641 Patent Prosecution History.....	10
V. ‘641 PATENT CLAIMS 1-3, 5-7, 9-10 and 12 ARE NOT ENTITLED TO CLAIM PRIORITY TO THE MARCH 28, 2000 FILING DATE OF THE ‘812 APPLICATION AND THE SEPTEMBER 23, 2004 FILING DATE OF THE ‘755 APPLICATION.....	11
VI. THERE IS A REASONABLE LIKELIHOOD THAT PETITIONERS WILL PREVAIL WITH RESPECT TO AT LEAST ONE CLAIM OF THE ‘641 PATENT.....	27
A. Claim Construction Under § 42.104(b)(3)	28
B. Level of Ordinary Skill in the Art & State of the Art.....	29
C. <u>Ground 1</u> : Obvious over Hu in view of Ahn & the knowledge of a POSA (Claims 1-3, 5, 9); <u>Ground 2</u> : Obvious over Hu in view of Ahn & Nokia (Claims 1-3, 5, 9, 10); <u>Ground 3</u> : Obvious over Hu in view of Ahn, Nokia & the knowledge of a POSA (Claims 1-3, 5, 9, 10); <u>Ground 4</u> : Obvious over Hu in view of Ahn, Galensky & the knowledge of a POSA (Claims 7, 12); <u>Ground 5</u> : Obvious over Hu in view of Ahn, Galensky & Nokia (Claims 6, 7, 12); <u>Ground 6</u> : Obvious over Hu in view of Ahn, Galensky, Nokia & the knowledge of a POSA (Claims 6, 7, 12); <u>Ground 7</u> : Obvious over Hu in view of Ahn & Galensky (Claim 12)	30
1. Overview of U.S. Patent Pub. No. 2006/0262103 (“Hu”)	32
2. Overview of U.S. Patent Pub. No. 2004/0214525 (“Ahn”)	33
3. Overview of Nokia 9000/9000i Owner’s Manual (“Nokia”)	34
4. Overview of U.S. Pat. No. 6,845,398 (“Galensky”).....	34
5. Motivation to Combine Hu with Ahn, Nokia, & Galensky	35
6. Claims 1-3, 5-7, 9-10 & 12 Are Obvious Over Grounds 1-7.....	42

VII. CONCLUSION.....59

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Dystar Textilfarben GMBH v. C.H. Patrick Co.</i> , 464 F.3d 1356 (Fed. Cir. 2006)	35, 37, 41
<i>In re Affinity Labs of Texas, LLC</i> , 550 Fed. Appx. 884 (Fed. Cir. Jan. 9, 2014)	15
<i>In re Am. Acad. of Sci. Tech Ctr.</i> , 367 F.3d 1359 (Fed. Cir. 2004)	28
<i>In re NTP, Inc.</i> , 654 F.3d 1268 (Fed. Cir. 2011)	12
<i>Kaiser Aluminum v. Constellium Rolled Prods. Ravenswood, LLC</i> , Case IPR2014-01002, Paper 11 (Dec. 29, 2014)	31
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	passim
<i>Liberty Mutual Insurance Co. v. Progressive Casualty Insurance Co.</i> , Case CBM2012-00003, Paper 15 (Feb. 12, 2013)	11
<i>Liberty Mutual Insurance Co. v. Progressive Casualty Insurance Co.</i> , Case CBM2013-00009, Paper 10 (Mar. 28, 2013)	31
<i>Nestle USA, Inc. v. Steuben Foods, Inc.</i> Case IPR2014-01235, Paper 12 (Dec. 22, 2014)	31-32
<i>Studiengesellschaft Kohle, M.B.H. v. Shell Oil Co.</i> , 112 F.3d 1561 (Fed. Cir. 1997)	26
<i>Target Corp. v. Destination Maternity Corp.</i> , Case IPR2014-00508, Paper 28 (Feb. 12, 2015)	32
<i>Target Corp. v. Destination Maternity Corp.</i> , Case IPR2014-00508, Paper 31 (Feb. 12, 2015)	7, 32
<i>Target Corp. v. Destination Maternity Corp.</i> , Case IPR2014-00508, Paper 32 (Feb. 12, 2015)	32

Tronzo v. Biomet, Inc.,
156 F.3d 1154 (Fed. Cir. 1998)..... 11

Vas-Cath Inc. v. Maburkar,
935 F.2d 1555 (Fed. Cir. 1991)..... 11

STATUTES

35 U.S.C.

§ 102..... passim

§ 103..... passim

§ 112..... 11-12

§§ 311-319..... 1

§ 314..... 28

§ 315..... 7, 32

OTHER AUTHORITIES

37 C.F.R.

§ 1.33..... 60

§ 42..... 1

§ 42.8..... 5

§ 42.15 60

§ 42.22 7

§ 42.100 28, 60

§ 42.104 7, 28

§ 42.105 60

§ 42.122 7

§ 325..... 2, 31

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.