UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHARP CORPORATION
Petitioner

v.

SURPASS TECH INNOVATION LLC
Patent Owner

Case IPR2015-00022
U.S. Patent No. 7,420,550

PATENT OWNER SURPASS TECH INNOVATION LLC'S PRELIMINARY RESPONSE

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF AUTHORITIES

Cases

Statutes

Other Authorities

Rules

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

LIST OF PATENT OWNER'S EXHIBITS

Exhibit	Description
2001	U.S. Patent No. 6,724,855 to Sugawara *et al*.
2002	U.S. Patent No. 6,774,884 to Shimoda *et al*.
2003	U.S. Patent No. 6,961,167 to Prins *et al*.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

I. Introduction

The Petition for *inter partes* review of U.S. Patent No. 7,420,550 ("the '550 patent") should be denied and no trial instituted because there is no "reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

The Petition (cited to herein as "Pet.") presents grounds for challenge against claims 1-5 of the '550 patent based entirely on obviousness grounds. But Petitioner's obviousness-based challenges not only fail to address every element of the challenged claims; they also lack sufficient rationale for why a person of ordinary skill in the art would have modified the prior art to reach the claimed invention. And Petitioner does not include any expert testimony in support of its Petition. This results in numerous instances where the attorney argument lacks any "underlying facts or data," in violation of 37 C.F.R. § 42.65(a). Finally, the claim charts presented in the Petition are filled with single-spaced attorney argument and characterizations, once again in violation of the Board's rules, and all such argument should be disregarded by the Board.[1] See Pet. at 35-38; 51-55.

[1] "If there is *any* need to explain how a reference discloses or teaches a limitation, that explanation must be elsewhere in the petition—not in a claim chart." *VMware, Inc. v. Electronics and Telecommunications Research Institute,* IPR2014-00901,

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.