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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., MOTOROLA MOBILITY, LLC, AND TOSHIBA AMERICA
INFORMATION SYSTEMS, INC.,
Petitioners

v.

GLOBAL TOUCH SOLUTIONS, LLC
Patent Owner

Case IPR2015-01173
Patent No. 7,329,970 B2

PATENT OWNER'S RESPONSE, 37 C.F.R. §42.120

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I. INTRODUCTION

Petitioners challenge claims 1, 3-5, 10-14, 19, 48, 49, 51, and 52 of U.S. Patent No. 7,329,970 (hereinafter “the ‘970 Patent”) as obvious 35 U.S.C. §103(a) over combinations of three references, U.S. Patent 5,898,290 to Beard, taken in view of U.S. Patent 5,955,869 to Rathmann, and U.S. Patent 5,710,728 to Danielson. Patent Owner Global Touch Solutions, LLC (hereinafter referred to “Patent Owner”) opposes that Petition, and responds herein to the Petition on three separate bases.

First, this Response begins with discussion and analysis of independent claim 52, which recites “using the microchip to control the connection of the power source to the load and the activation of the indicator[.]” None of Beard, Rathmann, and Danielson, whether taken alone or in combination, discloses or suggests one microchip to control both the connection of the power source to the load and the activation of the indicator. Further, one having ordinary skill in the art at the time would not have combined such functionality in the manner alleged by Petitioners as evidenced by Petitioners’ Expert, and Co-Inventor of two of the three cited references, Paul Beard’s decision to separate the control between two microchips – one in a battery and one in a battery-powered device. For Paul Beard to assert

otherwise today is merely impermissible hindsight construction to fit Petitioners' narrative.

Second, the combination of references does not disclose or suggest a luminous visible location indicator as recited in claim 1. Petitioners and Expert Beard appear to ignore the location indicating function of the luminous visible location indicator. However, each operation of the battery capacity indicator display (the alleged luminous visible location indicator) requires a touching of the battery pack such that the location of the battery pack is necessarily known by the user. The indicated location may be, for example, a location of the device or a location of an area for touch input. In order for a location to be indicated, however, the location must be at least partially unknown. And, if a user is touching the device, the user necessarily knows the location of the device.

Third, the invention is also characterized by the ability of the microchip to control and direct many functions – turning them on or activating them, and deactivating or turning them off. This is illustrated in dependent claims 12 and 19. Claim 12 ultimately depends upon independent claim 1 and recites a function separate from the activation of the visible indicator. Similarly, claim 19 recites a function separate from the activation of the visible indicator. Because Petitioners allege that the same function from Beard discloses each of the functions of claims 1

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