

Filed on behalf of Chestnut Hill Sound Inc.

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Paper No. \_\_\_\_\_

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.

Petitioner

v.

CHESTNUT HILL SOUND INC.

Patent Owner

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Case IPR2015-01463

Patent No. 8,090,309

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**PATENT OWNER'S PRELIMINARY RESPONSE**

**37 C.F.R. § 42.107**

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**TABLE OF AUTHORITIES**

**CASES**

*Apple Inc. v. ContentGuard Holdings, Inc.*,  
IPR2015-00450 (Jun. 29, 2015) ..... 40, 59

*Apple Inc. v. Zilabs Inc.*,  
IPR2015-00964 (Sept. 17, 2015)..... 7, 18, 36, 48

*CallCopy v. Verint Americas, Inc.*,  
IPR2013-00486 (Feb. 5, 2013)..... 41, 60

*Jiawei Tech. (HK) Ltd. v. Richmond*,  
IPR2014-00937 (Feb. 6, 2015)..... passim

*Net MoneyIN, Inc. v. Verisign, Inc.*,  
545 F.3d 1359 (2008) .....25

*Silicon Labs., Inc. v. Cresta Tech. Corp.*,  
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IPR2014-00355 (July 15, 2014)..... 37, 56

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IPR2013-00458 (Jan. 16, 2014) ..... 7, 40, 56, 60

**OTHER AUTHORITIES**

IBM Dictionary of Computing (10th ed. 1993).....34

Microsoft Computer Dictionary (4th ed. 1999).....34

**REGULATIONS**

37 C.F.R. § 42.104 ..... 31, 39, 58

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