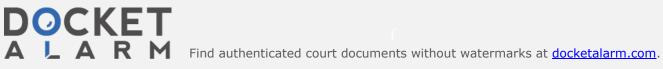UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HTC CORPORATION and HTC AMERICA, INC.,
Petitioners,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

_____

Case No. IPR2015-01502
U.S. Patent No. 7,542,045

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CORRECTED PETITIONER'S RESPONSE TO PATENT OWNER'S OBSERVATIONS ON THE CROSS-EXAMINATION OF HAROLD S. STONE, PH.D.

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I.   Introduction

Petitioner's hereby submit the following responses to Patent Owner's observations on the cross-examination of Dr. Stone (Paper 37).

II.   Responses to Observations

A.   Observation No. 1

This observation ignores the context of Dr. Stone's testimony, where he had explained that Dr. Thornton has not supported his theory about what was "typical" for prior art decoders. Ex. 1032 at ¶¶2-3. Paragraph 29 of Dr. Thornton's declaration cites no evidence to support his point that "[t]ypically, a decoder requires its own dedicated memory," and there is ample evidence in the record of prior art decoders *not* having dedicated memory. *See, e.g.*, Ex. 1005 at 319-326; Ex. 1023; Ex. 1028; Ex. 1032. Dr. Stone's testimony that he cannot say what was typical does not contradict the absence of support in Dr. Thornton's testimony.

B.   Observation No. 2

This observation mischaracterizes Dr. Stone's testimony to make it seem like he agreed with Dr. Thornton's position that the "Local RAM" memories in Ex. 2001's Figure 2-2 were dedicated memories resident on the DSP. Dr. Stone's declaration explained that the "Local RAM" and "Local LRAM" memories in Figure 2-2 are not shown resident on the DSP. Ex. 1032 at ¶¶33-35. Dr. Stone's deposition testimony does not contradict his earlier testimony, but instead confirms

it: "And if you have Dr. Thornton's report, I'll show you the arrow that points to these and says that's local RAM and where his statement is that local RAM is on the DSP. And I -- that's wrong. Because I have a picture of the DSP. And that's not on the DSP. So that's why I differ with Dr. Thornton.").   Ex. 2013 at 52:1-6; *see id.* at 50:9-54:16.

C.   Observation No. 3

This observation quibbles with the terminology used by a technical expert ("in conflict with"/"inconsistent with"), but cannot not change that expert's testimony. The cited passage of Dr. Stone's reply declaration is consistent with and confirmed by the cited cross-examination testimony—in both cases Dr. Stone testified that the patents disclose at least one embodiment in which access to memory is controlled by controlling access to the memory bus:

> I'm not offering an opinion on whether it's consistent. I'm offering --
> my opinion is that now that I know what Professor Thornton means by
> access to memory, and there's a claim that talks about access to
> memory and the -- it excludes the embodiments that are in the patent,
> I'm saying that now I don't know how to build it. It may be consistent.
> It may not be consistent. **I just don't know how to build it.**"

Ex. 2013 at 56:11-18 (emphasis added); Ex. 1032 at ¶ 47 ("… Prof. Thornton's opinion [that controlling access to memory is not the same as controlling access to the memory bus] is in conflict with the specifications of the '368, '753, and '045

patents. The '368, '753, and '045 patents disclose an embodiment with the structure ruled out by Prof. Thornton in Fig. 7, reproduced below.").

D.   Observation No. 4

This observation misleadingly crops the quote from Dr. Stone's Reply Declaration, which actually states "[t]he requirement of 524 MIPS in Ex. 2008 at 8 is specious *because it is not itself explained in Ex. 2008*." Ex. 1032 at ¶ 21(c) (emphasis added). Dr. Stone further explained that the cited source for the 524 MIPS number (Ex. 1036) includes no basis for that number. *See id.* Dr. Stone's deposition testimony merely agreed that Ex. 2008 in fact lists the 524 MIPS number, but Patent Owner never asked about whether there is any basis for that number in the source which Ex. 2008 cites for it. *See* Ex. 2013 at 77:12-19 (asking Dr. Stone only whether the cited table of Ex. 2008 "says" what the MIPS requirement is).

E.   Observation No. 5

This observation is irrelevant and mischaracterizes Dr. Stone's testimony. Dr. Stone testified that he agreed that Px64 is "part of MPEG-2," was an "MPEG-1 bit stream" and "also an MPEG-2 bit stream," and that Table 2 of Konstantinides would "be limited to the MPEG streams that are Px64 streams." Ex. 2013 at 79:25-80:12. Dr. Stone then explained that his declaration analysis was based on converting from MPEG-2 to MPEG to rely on a lower frame rate and resolution:

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