

UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

COMARCO WIRELESS TECHNOLOGIES, INC.,
Patent Owner.

Case No. IPR2015-01879
U.S. Patent No. 8,492,933

PATENT OWNER'S DEMONSTRATIVE EXHIBITS
NOVEMBER 15, 2016 ORAL HEARING

DR. PEDRAM TESTIFIED THAT A POSA WOULD VIEW ALLEN AS WHOLLY DIGITAL

APPLE REPLY BRIEF

Comarco's expert, Dr. Massoud Pedram, testified that a person of ordinary skill in the art reviewing Allen's general disclosure and figures would not view the subsystem manager, data signal, or power identification circuits as only digital. See Apple 1021, Deposition Transcript of Dr. Massoud Pedram at 89:15-90:9; 97:15-98:7 (*So one of ordinary skill in the art reading this would not conclude that no other possibilities exist.*) [Emphasis supplied]."

Reply Brief at 4.

DR. PEDRAM'S TESTIMONY

Dr. Pedram testified, at length, that a person of ordinary skill would only reasonably interpret Allen to disclose a digital implementation. See Apple 1021 at 83:4-100:3. For example:

"I mean this goes back to the idea of never saying never. Right? So one of ordinary skill in the art would not conclude that no other possibilities exist. But one of ordinary skill in the art looking at this would understand from the disclosure that the identification circuit[s] 77 and 78 are integrated circuit memory chips. And that's the implementation and the realization that Allen is presenting and revealing to them." Id. at 97:23-98:7.

"The data generated is digital. The data is transmitted in a digital manner. The data is received in a digital manner. The data is being interpreted as digital data. Action is being taken based on digital data. I mean, he [a POSA] would not speculate or even understand in any other way the meaning that Allen has in mind." Id. at 99:15-25.

"One of ordinary skill in the art would immediately understand, correctly so, and invaluablely so, that in fact the data that's being presented to this subsystem manager . . . would be of a digital nature." Id. at 88:24-89:4

"There is no other disclosure. There is no other thing here that refers to any other alternative embodiment." Id. at 97:4-14.

DR. PEDRAM MERELY TESTIFIED THAT A POSA COULD IMPLEMENT AN ANALOG OR DIGITAL COMPARATOR CIRCUIT IN LIGHT OF THE DISCLOSURE OF THE '933 PATENT

APPLE REPLY BRIEF

Comarco's expert Dr. Pedram, admitted that one ordinary skill in the art would know how to implement a comparator circuit in either analog or digital, see Apple 1021 at 56:14-57:4; 57:16-58:8; especially since the particular data signal *claimed* in element 1(b) as 'analog' is described in the specification of the '933 patent such that it 'could be analog or could be digital.' Id. at 57:5-13; Apple 1001 at 4:50-53; 6:27-31.

Reply Brief at 5.

DR. PEDRAM'S TESTIMONY

Dr. Pedram testified that one of ordinary skill would know how to implement a comparator circuit in either analog or digital based on the disclosure of the '933 patent, *not* Allen. 56:14-57:4; 57:16-58:8

**DR. PEDRAM DID NOT CONCEDE THAT ALLEN'S IDENTIFICATION CIRCUIT
COULD BE IMPLEMENTED WITH AN ANALOG SIGNAL**

APPLE REPLY BRIEF

Comarco and Dr. Pedram even concede that Allen's embodiment that uses a DS2501 as a power identification circuit could be implemented with an analog signal. Response at 18-19; Apple 1021 at 69:11-70:4."

Reply Brief at 8.

DR. PEDRAM'S TESTIMONY

Dr. Pedram explained that no person of ordinary skill would convert the digital output of Allen's power identification circuits for transmission to an electronic device in analog form in view of the complexity, expense, or technical drawbacks of doing so. Comarco Ex. 2001 at ¶¶ 45-46; Apple 1021 at 100:5-104:14.

**DR. PEDRAM ADDRESSED THE
FACT THAT DELL OWNS ALLEN AND BREEN**

APPLE REPLY BRIEF

Comarco's Patent Owner response fails to address . . . that Allen and Breen are both owned by Dell, both address the same problem, and both offer similar solutions to that problem."

Brief at 11-12.

DR. PEDRAM'S TESTIMONY

Dr. Pedram addressed this very point as follows:

"The adaptor in Allen was proposed by Dell engineers, so apparently they had scenarios in mind in which that adapter . . . would work in Dell's computers

"So there is a different inventor in Dell working perhaps from a different angle comes up with this other idea, and the point is, is there any motivation for a third party or one of these two parties looking at each other's work to conclude the two should be combined to provide additional benefits, and the answer is in hindsight, yes.

"They should have done that but they didn't and they would not have done it for reasons that I described. It's not trivial to do any of these things. The benefits are not obvious . . . and my discussion why this would not have been obvious to anyone, including another engineer at Dell, including one of the inventors, Allen or Breen themselves. Because that's what they did at the time and that was the best they could do." Apple 1021 at 149:23-151:13

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