## UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD APPLE INC. Petitioner V. LONGITUDE FLASH MEMORY SYSTEMS S.A.R.L. Patent Owner Case IPR2015-01949 Patent 7,818,490

PATENT OWNER LONGITUDE FLASH MEMORY SYSTEMS S.A.R.L. AND EXCLUSIVE LICENSEE LONGITUDE LICENSING LTD.'S PRELIMINARY RESPONSE



## **Table of Contents**

I.	Introduction1
II.	Background
A.	About U.S. Patent No. 7,818,490 (the "'490 patent")
B.	Petitioner's Grounds of Challenge
III.	Claim Construction 11
A.	Petitioner's Proposed Construction Is Unsupported
IV.	The Petitioner Does Not Demonstrate That It Is More Likely Than Not to Prevail On Any Challenged Claim on the '490 Patent
A.	Petitioner Improperly Circumvents the Board's Page Limit Rule13
В.	Petitioner Fails to Demonstrate That Niijima Anticipates Claims 34-38, 40, 41, 43-45, 50-57, and 59-64 or Renders Those Claims Obvious in View of the Knowledge of a Person of Ordinary Skill in the Art (Ground 1)
1	. Petitioner Improperly Conflates Multiple Embodiments in Niijima18
2	. The Petitioner Fails To Demonstrate That Niijima in View of the Knowledge of a Person of Ordinary Skill in the Art Discloses Programming Individual Ones of a Second Plurality of Pages in a Second Block with Updated Data as Required by Independent Claims 34 and 52.22
3	The Petitioner Fails To Demonstrate That Niijima in View of the Knowledge of a Person of Ordinary Skill in the Art Discloses "programming the updated version of the original data in those of the second plurality of pages that have different offset positions within the second block than the offset positions of the first plurality of pages within said at least the first block," As Recited In Independent Claims 34 and 52
4	. The Petitioner Fails To Demonstrate That Niijima in View of the Knowledge of a Person of Ordinary Skill in the Art Discloses the "organizing" Required By Claims 34-36 and 52-54
5	. The Petitioner Fails To Demonstrate That Niijima in View of the Knowledge of a Person of Ordinary Skill in the Art Discloses



	"programming the individual pages with an indication of a relative time of programming the data therein," As Recited In Claim 3732
6.	The Petitioner Fails To Demonstrate That Niijima in View of the Knowledge of a Person of Ordinary Skill in the Art Discloses That The Logical Addresses Include a Logical Block Number and a Logical Page Offset, As Required By Claims 40, 56, 60, and 62
7.	The Petitioner Fails To Demonstrate That Niijima in View of the Knowledge of a Person of Ordinary Skill in the Art Discloses Programming Logical Addresses Within Pages In Which the Pages of Updated or Original Data Are Programmed, As Required By Claims 41 and 57
8.	The Petitioner Fails To Demonstrate That Niijima in View of the Knowledge of a Person of Ordinary Skill in the Art Discloses "wherein organizing pages of the read data comprises writing the pages of read data into a volatile memory within the memory system," As Recited In Claims 45, 51, and 64
C.	The Petitioner Fails To Demonstrate That Niijima in View of Wells Renders Obvious Claims 42 and 58 (Ground 2)40
1.	The Petitioner Fails To Demonstrate That Niijima in View of Wells Discloses That "units are physically separate groupings of blocks of charge storage elements in which programming operations may be performed independently," As Recited In Claims 42 and 58
2.	The Petitioner Fails To Demonstrate That Niijima in View of Wells Discloses "linking the first and third blocks together as a metablock," As Recited In Claims 42 and 58.
D.	The Petitioner Fails To Demonstrate That Niijima and the Admitted Prior Art or Cappelletti Renders Obvious Claims 46 and 47 (Ground 3)43
E.	Grounds 4 and 5
F.	The Petitioner Fails To Demonstrate That Niijima and Wells, and the Knowledge of One of Ordinary Skill in the Art, Hazen, or Dipert, Render Obvious Claims 42 and 58 (Ground 6)
G.	Reservation of Argument Regarding Other Deficiencies



V. (	Conclusion2	17	7
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## **Table of Authorities**

#### Cases

Continental Can Co. v. Monsanto Co., 948 F.2d 1264 (Fed. Cir. 1991)	27
Corning Incorporated v. DSM IP Assets B.V., IPR 2013-00048, paper 94 (PTA	В
5/9/2014)	28
Graham v. John Deere Co., 383 U.S. 1, 148 USPQ 459 (1966)	
<i>In re Oelrich</i> , 666 F.2d 578 (CCPA 1981)	
<i>In re Rijckaert</i> , 9 F.3d 1531 (Fed. Cir. 1993)	
In re Translogic Tech., Inc., 504 F.3d 1249 (Fed. Cir. 2007)	
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	18
MEHL/Biophile Int'l Corp. v. Milgraum, 192 F.3d 1362 (Fed. Cir. 1999)	27
Net MoneyIN, Inc. v. VeriSign, Inc., 545 F.3d 1359 (Fed. Cir. 2008) 17, 19	9, 20
Nvidia Corp. v. Samsung Electronics Co., Ltd., IPR2015-01318, paper 8 (PTAI	В
12/7/2015)	9, 20
OSRAM Sylvania, Inc. v. Am. Induction Techs., Inc., 701 F.3d 698 (Fed. Cir. 20	012)
	18
SanDisk Corp. v. Kingston Tech. Co., 2011 U.S. Dist. LEXIS 27696 (W.D. Wi	
Mar. 15, 2011)vi	i, 21
SanDisk Corp. v. Kingston Tech. Co., 695 F.3d 1348 (Fed. Cir. 2012)	33
Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628 (Fed. Cir. 1987).	17
VMware, Inc. v. Electronics and Telecommunications Research Institute, IPR2	014-
00901, paper 7 (PTAB 7/14/2014)	14
Statutes	
35 U.S.C. § 102(b)	9
35 U.S.C. § 103(a)	10
35 U.S.C. § 314(a)	3, 47
Other Authorities	
M.P.E.P. § 2112 (IV)	26
M.P.E.P. § 2131	
Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012)	



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