

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,
Petitioner,

v.

CORE WIRELESS LICENSING S.A.R.L.,
Patent Owner.

Case IPR2015-01984
Patent 8,434,020 B2

PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I. Introduction.....	1
II. Background.....	7
a. About U.S. Patent No. 8,434,020 (the “‘020 patent” or “Martyn”).....	7
b. The Challenged Claims all Require an “application” and Specifically an “application ... in an un-launched state”	12
c. Petitioner Failed to Conduct a Proper Claim Construction Analysis and Applied Unreasonably Broad Interpretations of the Claim Terms.....	16
d. Blanchard is not Directed to Software Architecture, but Only to a Graphical User Interface for Accessing Device Features.....	24
III. Argument	34
a. Blanchard Fails to Disclose or Suggest Each Recited Feature of the Challenged Claims	34
b. Blanchard Fails to Disclose any “application”.....	34
c. Blanchard Also Fails to Disclose or Suggest any “application ... in an un- launched state”	38
d. Blanchard Also Fails to Disclose a “limited list of at least one function” and an “application summary window”	44
e. Blanchard Also Fails to Disclose an “application summary window” that is “reached directly” from a “main menu”	48
f. Blanchard Also Fails to Disclose Each Feature of the Challenged Dependent Claims	50
g. Dr. Rhyne’s Testimony on the State of the Art as of July 28, 2000 is Unreliable and Entitled to Little to No Weight	58
h. An Invalidity Ruling in This Case Constitutes an Impermissible Taking of a Private Right Without Article III Oversight	64
IV. Conclusion	66

TABLE OF AUTHORITIES

Cases

<i>Cammeyer v. Newton</i> , 94 U.S. 225	65
<i>In re Translogic Tech., Inc.</i> , 504 F.3d 1249 (Fed. Cir. 2007)	16
<i>James v. Campbell</i> , 104 U.S. 356	65
<i>McCormick Harvesting Mach. Co. v. Aultman</i> , 169 U.S. 606 (1898).....	64, 65
<i>Michigan Land and Lumber Co. v. Rust</i> , 168 U.S. 589.....	65
<i>Microsoft Corp. v. Proxycorr, Inc.</i> , 789 F.3d 1292 (Fed. Cir. 2015)	17
<i>Moore v. Robbins</i> , 96 U.S. 530.....	65
<i>PPC Broadband, Inc. v. Corning Optical Communications RF, LLC</i> , Case No. 2015-1361 <i>et al.</i> (Fed. Cir. Feb. 22, 2016)	17
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	17
<i>Seymour v. Osborne</i> , 11 Wall. 516	65
<i>United States v. Am. Bell Telephone Co.</i> , 128 U.S. 315	65
<i>United States v. Palmer</i> , 128 U.S. 262	65
<i>United States v. Schurz</i> , 102 U.S. 378	65

Statutes

35 U.S.C. § 103	66
35 U.S.C. § 103(a)	1

Other Authorities

Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012).....	16
---	----

Rules

37 C.F.R. § 42.65(a).....	36
37 C.F.R. § 42.100(b)	16

...

LIST OF PATENT OWNER'S EXHIBITS

<u>Exhibit</u>	<u>Description</u>
2001	Declaration of Scott A. Denning (“Denning”)
2002	Transcript of Deposition of Dr. V. Thomas Rhyne, III, dated April 28, 2016 (“Rhyne”)
2003	Memorandum Opinion and Order on Claim Construction in <i>Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc. et al.</i> , Case No. 2:14-cv-911-JRG-RSP
2004	Partial Trial Transcript in <i>Core Wireless Licensing S.A.R.L. v. LG Electronics, Inc. et al.</i> , Case No. 2:14-cv-911-JRG-RSP
2005	User Manual for Ericsson R380 dated October 2000
2006	User Manual for Motorola StarTAC 3000
2007	U.S. Patent No. 5,392,337 to Baals <i>et al.</i> (“Baals”)
2008	U.S. Patent No. 6,781,611 to Richard (“Richard”)
2009	U.S. Patent No. 6,993,328 to Oommen (“Oommen”)
2010	<i>PPC Broadband, Inc. v. Corning Optical Commc’ns</i> , Case No. 2015-1361 <i>et al.</i> (Fed. Cir. Feb. 22, 2016)

I. Introduction

Petitioner LG Electronics, Inc. challenges claims 1, 2, 5, 6, 7, 8, 10, 11, 13, and 16¹ of U.S. Patent No. 8,434,020 to Martyn (Ex. 1001 or the “’020 patent”) as allegedly obvious under 35 U.S.C. § 103(a) over U.S. Patent No. 6,415,164 to Blanchard *et al.* (Ex. 1002 or “Blanchard”) alone. Petitioner supported its challenges with the Declaration of Vernon Thomas Rhyne, III (“Rhyne” or Ex. 1004). However, the Board should confirm the patentability of these challenged claims over Blanchard because Blanchard fails to disclose or suggest every feature of the challenged claims, and Rhyne’s conclusory analysis fails to shore up the gaps in Blanchard’s disclosure. These deficiencies are explained in depth below, with support from the Declaration of Scott A. Denning (Ex. 2001 or “Denning”).

The ‘020 patent’s claims are directed generally to a device that is configured to display a main menu listing at least one unlaunched application. The device is also configured to display an application summary window that can be reached directly from the main menu. The ‘020 patent specification describes an

¹ Page 3 of the Petition (“Pet.”) identifies claim 14 rather than claim 16, but the Petition includes no analysis of claim 14 and the Board did not institute on claim 14.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.