

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION

and

QUALCOMM INCORPORATED, GLOBALFOUNDRIES INC.,
GLOBALFOUNDRIES U.S. INC., GLOBALFOUNDRIES DRESDEN
MODULE ONE LLC & CO. KG, GLOBALFOUNDRIES DRESDEN
MODULE TWO LLC & CO. KG,

Petitioners,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,

Patent Owner.

Case IPR2016-00290

Case IPR2016-01312

Patent 5,965,924

**PATENT OWNER DSS TECHNOLOGY MANAGEMENT, INC.'S
RESPONSE TO PETITION**

I. INTRODUCTION

On June 8, 2016, the Board instituted trial with respect to claims 7-12, 15 and 17 of the U.S. Patent No. 5,965,924 (“the ‘924 Patent”) owned by DSS Technology Management, Inc., (“Patent Owner”). Patent Owner submits this Response to the grounds for invalidity on the bases of which the Board instituted this trial.

II. THE BURDEN REMAINS WITH PETITIONERS

It is well-established that “because of the ‘significant difference’ between the standards of proof at institution and trial during an IPR, it is inappropriate to shift the burden to the patentee after institution to prove that the patent is patentable.” *In Re: Magnum Oil Tools International, Ltd.*, No. 2015-1300 at 17 (Fed. Cir. 2016). Therefore, “the petitioner continues to bear the burden of proving unpatentability after institution, and must do so by a preponderance of the evidence at trial.” *Id.* at 18 (*citing* 35 U.S.C. § 316(e)). Thus, Petitioners must prove by a preponderance of evidence that the challenged claims of the ‘924 Patent are unpatentable. Patent Owner defers to the Board to make this determination based on its impartial analysis of the prior art and Petitioners’ arguments.

Respectfully submitted,

Date: September 7, 2016

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that, in accordance with 37 C.F.R. § 42.6(e), the above Patent Owner's Response was served via electronic mail on September 7 2016, in its entirety upon the following:

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