Docket No.: 0107131.00351 US2
Filed on behalf of Intel Corporation
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION

Petitioner

v.

DSS TECHNOLOGY MANAGEMENT, INC.

Patent Owner of

U.S. Patent No. 5,965,924

IPR Trial No. IPR2016-00290

PETITIONER'S REPLY

Claims 7-12, 15 and 17

TABLE OF AUTHORITIES

Page(s)

CASES

In re: Magnum Oil Tools Int'l, Ltd., 829 F.3d 1364 (Fed. Cir. 2016).....1

In its Decision on Institution, the Board recognized that, for the reasons described in the Petition and the accompanying declaration of Dr. John C. Bravman (Ex. 1102), there is a reasonable likelihood that Petitioner Intel Corporation ("Intel") has met its burden showing that the challenged claims 7-12, 15 and 17 are unpatentable.

In response, Patent Owner DSS Technology Management, Inc. ("DSS") did not identify any basis that the challenged claims are patentable. DSS did not depose Dr. Bravman, did not provide any contradictory testimony from any expert, and did not otherwise submit or identify any evidence rebutting Intel's petition. Instead , DSS merely offered the unremarkable observation that the burden of proving unpatentability remains with Intel. DSS Resp. at 2.

The Federal Circuit has advised that "while the institution of an IPR does not by itself translate to a conclusion of unpatentability and the patent owner is not required to use its opportunity under the regulations to file a patent owner response, as in district court validity challenges, the patent owner would be well advised to introduce evidence on the asserted challenge." *In re: Magnum Oil Tools Int'l, Ltd.*, 829 F.3d 1364 at 1377 n. 1 (Fed. Cir. 2016) (nonprecedential) (internal quotations omitted). DSS appears to have rejected that advice.

The Board correctly found that there was a reasonable likelihood that the claims are unpatentable. DSS has presented no argument or evidence to change

that conclusion. As set forth in the Petition and the supporting declaration, claims 7-12, 15 and 17 are unpatentable.

Respectfully submitted,

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Dated: December 7, 2016

WORD COUNT CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing, **Petitioner's Reply**, contains **253** words as measured by the word processing software used to prepare the document, in compliance with 37 C.F.R. § 42.24 (d).

Respectfully submitted,

Dated: December 7, 2016

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