

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

*SAMSUNG ELECTORNICS, CO., LTD., SAMSUNG ELECTRONICS AMERICA,
INC., AND SAMSUNG SEMICONDUCTOR, INC.,*
Petitioners

v.

RAYTHEON COMPANY,
Patent Owner

Case IPR2016-00739

Patent 5,591,678

**PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES*
REVIEW OF U.S. PATENT NO. 5,591,678**

EXHIBIT LIST

| <u>EXHIBIT</u> | <u>DESCRIPTION</u> |
|-----------------------|--|
| 2001 | Defendants' Invalidation Contentions and Disclosures Pursuant to Patent Rules 3-3 and 3-4, October 2, 2015 |

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Raytheon Company (“Patent Owner”), respectfully submits this Preliminary Response to the Petition seeking *inter partes* review of U.S. Patent No. 5,591,678 (the “’678 Patent”). This filing is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107, because it is within three months of the March 21, 2016 date of the Notice granting the Petition a filing date. IPR2016-00739, Paper 4.

I. INTRODUCTION

Patent Owner respectfully submits that the Board should deny *inter partes* review of the ’678 Patent under 35 U.S.C. §§ 314(a) and 325(d) and 37 C.F.R. § 42.108(a). In two different proceedings, the Board has already instituted *inter partes* review of claims 1-18 of the ’678 patent – the same claims challenged in the present proceeding – based on fourteen (14) separate grounds. Petitioner has not explained how the present Petition does not include substantially the same arguments as those contained in the already-pending IPRs. Rather a review of the Petition shows it raises the same arguments that are being reviewed in the instituted IPRs, including arguments that will be rendered moot by the pending IPRs. The present Petition is yet another part of a serial IPR filing strategy being employed by Petitioner and other parties accused of infringing the ’678 Patent.

By filing this Petition almost ten months after the first of numerous petitions filed by cooperating defendants, Petitioner and the three other co-defendants are relying upon this redundant petition to gain a tactical advantage in extending a stay

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