

Paper No. __
Filed: July 20, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

UUSI, LLC d/b/a NARTRON
Patent Owner

Case IPR2016-00908
Patent No. 5,796,183

PATENT OWNER PRELIMINARY RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	BACKGROUND	3
	A. Patent Owner Has A Long History As An Innovator.....	3
	B. The '183 Patent Is Pioneering.	4
III.	PROPER CLAIM CONSTRUCTION	7
	A. “closely spaced array of input touch terminals of a keypad” / “small sized input touch terminals of a keypad”	9
	B. “oscillator voltage is greater than a supply voltage” / “peak voltage of the [oscillator’s] signal output frequencies is greater than a supply voltage”.....	14
	C. “selectively providing signal output frequencies”	17
IV.	REFERENCES RELIED ON BY PETITIONER	20
	A. <i>Ingraham I and II Teach Away From The '183 Patent.....</i>	20
	1. <i>Ingraham I and II Do Not Teach or Disclose the “Input Touch Terminals” Limitation.....</i>	20
	2. <i>Ingraham I and II Do Not Teach or Disclose Any Oscillator Circuit.</i>	23
	B. <i>Caldwell Teaches Away From The '183 Patent.....</i>	25
	C. <i>Gerpheide Teaches Away From The '183 Patent.</i>	32
V.	GROUND I	33
	A. Petitioner Does Not Show That All Elements Exist In The Art....	34
	1. Claim Elements 37(b) and (c)	34
	2. Claim Element 37(d)	37
	a. “input touch terminals”	38
	b. “selectively providing signal output frequencies”.....	41
	3. Claim Element 37(e)	45
	4. Claim Elements 37(f), 37(g), and 37(h)	46
	B. The Remaining Arguments Also Fail Under Petitioner’s Flawed Analysis of Claim 37.....	51

1.	Independent Claim 40.....	51
a.	Claim Element 40(h).....	52
b.	Claim Element 40(i).....	54
2.	Independent Claim 61.....	55
3.	Independent Claim 83.....	56
4.	Independent Claim 94.....	57
5.	Dependent Claims 41, 43, 45, 64-67, 69, 85, 86, 88, 90, 91, 96, 97, 99, 101, 102.....	57
C.	The <i>Ingraham I-Caldwell-Gerpheide</i> Combination Does Not Render the Claims Obvious.....	58
VI.	GROUND II	59
A.	The <i>Ingraham I-Caldwell-Gerpheide-Wheeler</i> Combination Does Not Render Obvious Claims in Ground II.....	59
VII.	PETITIONER DOES NOT MEET THE STANDARD REQUIRED FOR INSTITUTION.....	60
A.	Petitioner Provides No Rationale Or Motivation To Combine The References And Uses Improper Hindsight.	61
B.	The References Could Not Be Combined In Any Event.	63
VIII.	PETITIONER IGNORES SECONDARY CONSIDERATIONS OF NON-OBVIOUSNESS.....	63
IX.	THE BOARD SHOULD EXERCISE ITS DISCRETION TO DENY THE PETITION UNDER 35 U.S.C. 325(d).	64
X.	CONCLUSION	65

TABLE OF AUTHORITIES

Cases

<i>Allergan, Inc. v. Sandoz Inc.</i> , 796 F.3d 1293 (Fed. Cir. 2015).....	58
<i>Apple Inc. v. Contentguard Holdings, Inc</i> , IPR2015-00452, Paper 9 (PTAB July 13, 2015)	63
<i>Apple Inc. v. Contentguard Holdings, Inc</i> , IPR2015-00453, Paper 9 (PTAB July 13, 2015)	60
<i>Apple Inc. v. SmartFlash LLC</i> , Case CBM2015-00029, Paper 11 (May 28, 2015)	60
<i>Ceramtec GmbH v. Ceramedic, LLC</i> , IPR2015-00424, Paper 9 (PTAB July 7, 2015).....	64
<i>CIAS, Inc. v. Alliance Gaming Corp.</i> , 504 F.3d 1356 (Fed. Cir. 2007)	15
<i>Curtiss-Wright Flow Control Corp. v. Velan, Inc.</i> , 438 F.3d 1374 (Fed. Cir. 2006).....	10
<i>Grain Processing Corp. v. Am.-Maize Prods. Co.</i> , 840 F.2d 902 (Fed. Cir. 1988)	61, 63
<i>In re Bulloch</i> , 604 F.2d 1362 (CCPA 1979)	52
<i>In re Eric Jasinski</i> , 508 Fed. Appx. 950 (Fed. Cir. 2013) (unreported)	53
<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012)	59, 63, 64
<i>McGinley v. Franklin Sports, Inc.</i> , 262 F.3d 1339 (Fed. Cir. 2001)	63
<i>Microboards Tech., LLC d/b/a Afinia v. Stratasys, Inc.</i> , IPR2015- 00287, Paper 13 (May 28, 2015)	61, 64
<i>O.I. Corp. v. Techmar Co.</i> , 115 F.3d 1576 (Fed. Cir. 1997)	13
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	7, 8

...

<i>Plas-Pak Indus., Inc. v. Sulzer Mixpac AG</i> , 600 Fed. Appx. 755 (Fed. Cir. 2015)	63
<i>Power Integrations, Inc. v. Fairchild Semiconductor Int'l, Inc.</i> , 711 F.3d 1348 (Fed. Cir. 2013)	8
<i>Samsung Elec. Co., Ltd. v. Unifi Scientific Batteries, LLC</i> , IPR2013-00236, Paper 10 (PTAB Sept. 25, 2013)	53
<i>SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.</i> , 242 F.3d 1337 (Fed. Cir. 2001).....	10, 13
<i>Vitronics Corp. v. Conceptronic</i> , 90 F.3d 1576 (Fed. Cir. 1996).....	7
<i>Vizio, Inc. v. Int'l Trade Comm'n</i> , 605 F.3d 1330 (Fed. Cir. 2010)	53

Statutes

35 U.S.C. § 312(c)	8
--------------------------	---

Regulations

37 C.F.R. § 42.104(b)(3).....	8
-------------------------------	---

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.