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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

Petitioner's Opening Brief on Remand

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I. INTRODUCTION

Petitioner submits this opening brief pursuant to the Board's September 5, 2019 Order (Paper 41). This brief addresses the four issues mentioned in the Order, including reasonable expectation of success for the Ingraham I-Caldwell-Gerpheide combination and the construction of "supply voltage," as recited in claim 37.

First, the uncontested evidence (including the teachings of the prior art itself) demonstrates that a POSITA would have had a reasonable expectation of success in combining the teachings of Gerpheide with the Ingraham I-Caldwell combination consistent with well-established precedent, including the Federal Circuit's decision in *Samsung Elecs. Co. v. UUSI, LLC*, 775 F. App'x 692, 697 (Fed. Cir. 2019). Second, Samsung's uncontested evidence also demonstrates the reasonable expectation of success in combining the teachings of Wheeler with the Ingraham I-Caldwell-Gerpheide combination. Third, "supply voltage" in claim 37 should not be limited to the "oscillator" supply voltage because the plain and ordinary meaning of "supply voltage" is simply a voltage supplied to a circuit component but it is not limited to a particular circuit component or device. Likewise, there is no definition or disavowal in the '183 patent specification or the prosecution history that would compel limiting "supply voltage" to that of the "oscillator" in particular. Finally, Petitioner's evidence shows that claims 37-39 are unpatentable.

Hence, for the reasons set forth below and based on the totality of the evidence in this proceeding, claims 37-41, 43, 45, 47, 48, 61-67, 69, 83-86, 88, 90, 91, 94, 96, 97, 99, 101, and 102 of the '183 patent should be found unpatentable and canceled.

II. ARGUMENT

A. Samsung's Uncontested Evidence Demonstrates That a POSITA Would Have Expected Reasonable Success in Combining the Teachings of Gerpheide with the Ingraham I-Caldwell Combination

The Federal Circuit held that the reasonable expectation of success test must be tied to the *claimed* invention and thus Samsung was only required to demonstrate that there was a reasonable expectation that the Ingraham I-Caldwell combination could have been modified to select a frequency from multiple frequencies and provide the selected "frequency" to the entire touch pad. *Samsung Elecs.*, 775 F. App'x at 697. Applying this test, Samsung's *uncontested* evidence demonstrates that a POSITA would have expected reasonable success in combining the teachings of Ingraham I, Caldwell, and Gerpheide.

For instance, it is uncontested that the Ingraham I-Caldwell combination includes a microcontroller and an oscillator, as shown by the exemplary block level diagram (see below) of the Ingraham I-Caldwell combination set forth in the declaration of Samsung's expert (Dr. Vivek Subramanian), where the microcontroller selectively provides the oscillator frequency to the input touch terminals (i.e., the touch pad). (Ex. 1002, ¶¶64-68.)

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