

Paper No. _____
Filed: December 11, 2019

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 Response to
Board's December 4th, 2019 Email Order**

Petitioner submits this paper explaining the relevance of statements in UUSI's Patent Owner Response (Ex. 1019) filed in *Apple, Inc. v. UUSI, LLC*, IPR2019-00358.¹ One issue here is whether a PHOSITA would have reasonably expected success in modifying the Ingraham I-Caldwell combination such that the microcontroller is able to provide multiple frequencies to a touch pad array by selecting a frequency from multiple available frequencies. Specifically, Samsung submits that a PHOSITA would have modified the microcontroller in the Ingraham I-Caldwell combination based on Gerpheide's teachings, to *vary the oscillator frequency* so that the microcontroller selectively provides multiple frequencies (as opposed to a single frequency) to the touch terminals. (*See, e.g.*, Pet. at 26-29; Ex. 1002, ¶¶ 69-72.) UUSI's statements in IPR2019-00358 confirm that a POSITA would have expected success in making such a modification because UUSI admits that variable frequency oscillators whose frequency could be manipulated by a microcontroller were well-known and common at the time of the alleged invention and would have been readily implemented using well-known techniques. (Ex. 1019 at 21-25, citing Ex. 1020.) Although these statements were in the context of written description, they reflect the understanding of a PHOSITA and are relevant here.

¹ Samsung reserves its rights to seek appropriate relief under *Arthrex, Inc. v. Smith & Nephew, Inc.*, No. 18-2140, 2019 WL 5616010 (Fed. Cir. Oct. 31, 2019).

Respectfully submitted,

Dated: December 11, 2019

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Patent Owner a true and correct copy of the foregoing Petitioner's Response to Board's December 4th, 2019 Email Order by electronic means on the date below at the following address of record:

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Respectfully submitted,

Dated: December 11, 2019

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