

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC. and
SAMSUNG ELECTRONICS CO. LTD.

Petitioners,

v.

FASTVDO LLC
Patent Owner.

U.S. Patent No. 5,850,482
Case IPR2016-01179

**SAMSUNG ELECTRONICS AMERICA, INC.
AND SAMSUNG ELECTRONICS CO. LTD.'S
REPLY TO PATENT OWNER FASTVDO'S RESPONSE**

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<i>ClassCo, Inc. v. Apple, Inc.,</i> 838 F.3d 1214 (Fed. Cir. 2016)	16, 25
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LIST OF PREVIOUSLY FILED EXHIBITS

Exhibits 1001-1013: Filed and served June 16, 2016 with Petitioner's Petition for *Inter Parties* Review of U.S. Patent No. 5,850,482 (Dkt. 3).

Exhibit 1014: Filed and served November 16, 2016 with Petitioner's Updated Mandatory Notice Under 37 C.F.R. § 42.8(a)(3) (Dkt. 14).

Exhibit 1015: Filed and served February 1, 2017 with the Joint Motion To Terminate Proceedings As To Microsoft Mobile Inc., And Microsoft Corporation (Dkt. 17).

OTHER CITED EXHIBITS

Exhibit 2006: Filed and served March 23, 2017 with FastVDO, LLC's Response (Dkt. 22).

LIST OF NEWLY-FILED EXHIBITS

Exhibits 1016-1017: Concurrently filed with this Petitioners' Reply:

No.	Description
1016	Declaration of Kenneth A. Zeger, Ph.D. in FastVDO LLC v. AT&T Mobility LLC <i>et al.</i> , Case No. 3:16-cv-00385 (Dkt 157-1).
1017	Transcript of June 2, 2017 Deposition of Kenneth A. Zeger, Ph.D.

I. INTRODUCTION

FastVDO's Response is more notable for what it does *not* say than for what it does say. FastVDO does not dispute that the primary Kato reference teaches or suggests the vast majority of claim elements. Rather, FastVDO focuses on purported shortcomings in Petitioners' presentation of the rationale for combining Kato's embodiments with one another and with the Wei reference. As even FastVDO's expert admitted at his deposition, however, the facts do not necessarily bear out FastVDO's assertions. The challenged claims are obvious in view of Petitioners' proposed combinations.

II. FASTVDO'S SOLE CHALLENGE TO THE OBVIOUSNESS OF MOST CLAIMS IS TO CHALLENGE THE COMBINATION OF KATO'S COMPLEMENTARY EMBODIMENTS

A. Kato Provides A Reason To Combine Embodiments – Adding Unequal Error Protection To Prevent Error Propagation

After spending the bulk of its Response discussing data storage elements found in only three claims (*see* Section III) FastVDO on page 34 for the first time presents its sole global non-obviousness argument. The central thrust of FastVDO's argument is encapsulated in its statement that "*the Petition and Dr. Stevenson propose to incorporate Kato's fourth embodiment into the first embodiment in order to provide a benefit that Kato's first embodiment already possesses.*" Response at 35. As FastVDO's expert Dr. Zeger later admitted during

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