UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION, MICROSOFT MOBILE INC., SAMSUNG ELECTRONICS AMERICA, INC. AND SAMSUNG ELECTRONICS CO. LTD.,
Petitioners

v.

FASTVDO LLC,
Patent Owner

Case IPR2016-01179
Patent 5,850,482

PATENT OWNER FASTVDO LLC's
PRELIMINARY RESPONSE

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2001	Patent Owner FastVDO LLC's Power of Attorney

I. Introduction

The Petition for *inter partes* review of U.S. Patent No. 5,850,482 ("the '482 patent" or "Meany") should be denied and no trial instituted because there is no "reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314(a).

The Petition presents grounds for challenge against claims 1-3, 5-6, 12-14, 16-17, and 28 of the '482 patent. Petitioners specifically challenge claims 1-3, 5, 12-14, 16, and 28 of the '482 patent as allegedly obvious over U.S. Patent No. 5,392,037 to Kato ("Kato") alone, and further challenge dependent claims 6 and 17 as allegedly obvious over Kato in view of U.S. Patent No. 5,243,629 to Wei ("Wei").

But the Petition itself is fundamentally deficient under 37 C.F.R. § 42.104(b) for failing to apply its own proposed (and incorrect) claim constructions in the challenges of each claim.

Substantively, each of Petitioners' challenges fails for a variety of reasons. While an obviousness challenge requires a ***reason*** that a person of ordinary skill in the art ("POSITA") would have implemented a specific modification or combination of teachings, the Petitioners instead rely on impermissible hindsight, alleged common sense, and attorney argument couched as "expert" testimony.

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