

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YMAX CORPORATION
Petitioner

v.

FOCAL IP, LLC.
Patent Owner

Case: IPR2016-01256
U.S. Patent No. 8,155,298

PETITIONERS' REPLY TO PATENT OWNER'S RESPONSE

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	PO’S DISCLAIMER ARGUMENT SHOULD BE REJECTED – ONCE AGAIN – AS FLAWED AND IMPROPER.....	1
A.	Disavowal Is A Narrow Exception That Requires “Words or Expressions of Manifest Exclusion or Restriction”	2
B.	The Specification Does Not Include Any “General” Disclaimer	4
1.	The Background Discussion of Certain Prior Art Systems Is not an Unmistakable Disavowal	4
2.	The Specification Consistently Describes the Tandem Configuration as an Embodiment – Never as “the Invention” ...	5
3.	The Challenged Claims Recite Broader Language Not Found Anywhere in the Specification.....	8
C.	The Prosecution History Confirms That Applicants Did Not Intend To Disavow Any Claim Scope	8
1.	Examining the Prosecution History is Critical to Properly Determine Claim Scope	9
2.	The Prosecution History Makes Clear that Applicants Deliberately Pursued Broader Claim Scope	11
III.	PO’S CLAIM CONSTRUCTIONS ARE IMPROPER	13
A.	“Switching Facility”	13
B.	“Coupled To”	16
C.	“Controller”	17
IV.	ALL OF THE CHALLENGED CLAIMS ARE UNPATENTABLE.....	17
A.	O’Neal Discloses a Web-Enabled Processing System / Controller Coupled to a Switching Facility	17
B.	O’Neal Discloses Completing a Communications Link When the Recipient Accepts the Communication.....	18
V.	CONCLUSION.....	20

TABLE OF AUTHORITIES

Cases

<i>Akamai Techs., Inc. v. Limelight Networks, Inc.</i> , 629 F.3d 1311 (Fed. Cir. 2010)	9
<i>Altiris Inc. v. Symantec Corp.</i> , 318 F.3d 1363 (Fed. Cir. 2003)	6
<i>In re Am. Acad. Of Sci. Tech. Ctr.</i> , 367 F.3d 1359 (Fed. Cir. 2004)	2, 5, 7
<i>Biogen, Inc. v. Berlex Labs., Inc.</i> , 318 F.3d 1132 (Fed. Cir. 2003)	10
<i>Bradford Co. v. Conteyor N. Am., Inc.</i> , 603 F.3d 1262 (Fed. Cir. 2010)	16
<i>CCS Fitness, Inc. v. Brunswick Corp.</i> , 288 F.3d 1359 (Fed. Cir. 2002)	2, 7
<i>Chef America, Inc. v. Lamb-Weston, Inc.</i> , 358 F.3d 1371 (Fed. Cir. 2004)	3
<i>Chi. Bd. Options Exch., Inc. v. Int’l Secs. Exch., LLC</i> , 677 F.3d 1361 (Fed. Cir. 2014)	7
<i>Epistar Corp. v. Int’l Trade Comm’n</i> , 566 F.3d 1321 (Fed. Cir. 2009)	2, 4
<i>Honeywell Intern., Inc. v. ITT Industries, Inc.</i> , 452 F.3d 1312, 1318 (Fed. Cir. 2006)	7, 10
<i>LG Electronics, Inc. v. Core Wireless Licensing S.A.R.L.</i> , IPR2015-01986, Paper 34 (PTAB March 16, 2017)	6
<i>Liebel-Flarsheim Co. v. Medrad, Inc.</i> , 358 F.3d 898 (Fed. Cir. 2004)	2, 6
<i>In re Man Mach. Interface Techs. LLC</i> , 822 F.3d 1282 (Fed. Cir. 2016)	7
<i>Openwave Sys., Inc. v. Apple Inc.</i> , 808 F.3d 509 (Fed. Cir. 2015)	2, 7
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	10

Rexnord Corp. v. Laitram Corp.,
274 F.3d 1336 (Fed. Cir. 2001)10

SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.,
242 F.3d 1337 (Fed. Cir. 2001)7

Telcordia Techs., Inc. v. Cisco Sys., Inc.,
612 F.3d 1365 (Fed. Cir. 2010)10

Teleflex, Inc. v. Ficoso N. Am. Corp.,
299 F.3d 1313 (Fed. Cir. 2002)2, 6

Thorner v. Sony Computer Ent. Am. LLC,
669 F.3d 1362 (Fed. Cir. 2012)2, 3, 4, 6, 12

Ventana Med. Sys., Inc.,
473 F.3d 1173 (Fed. Cir. 2006)5

LIST OF ABBREVIATIONS

<u>Abbreviation</u>	<u>Document Description</u>
PO	Patent Owner
Pet.	Petition for <i>Inter Partes</i> Review (Paper No. 1)
Prelim. Resp.	Patent Owner Preliminary Response (Paper No. 7)
Reply to PR	Petitioner's Reply to Patent Owner's Preliminary Response
Institution	Institution Decision (Paper No. 12)
Rehearing Req.	Patent Owner Request for Rehearing (Paper No. 14)
Rehearing Dec.	Decision Denying Request for Rehearing (Paper No. 15)
POR	Patent Owner Response (Paper No. 26)
Bates Dec.	Declaration of Dr. Regis J. Bates in Support of Patent Owner Response (Exhibit 2022)
Bates Tr.	Deposition Transcript of Dr. Regis J. Bates, May 4, 2017 (Exhibit 1027)

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.