UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

# SONY CORPORATION, SONY MOBILE COMMUNICATIONS (USA) INC., SONY MOBILE COMMUNICATIONS AB & SONY MOBILE COMMUNICATIONS INC.

Petitioners

V.

# CREATIVE TECHNOLOGY LIMITED Patent Owner

U.S. Patent No. 6,928,433

Inter Partes Review Case No. 2016-01407

CREATIVE TECHNOLOGY LTD'S PATENT OWNER RESPONSE PURSUANT TO 37 C.F.R. § 42.120



## **TABLE OF CONTENTS**

I. INTROI	DUC	ΓΙΟN	ſ	1
II. TECHN	OLO	OGY	BACKGROUND	1
III. LEVE	L OF	ORI	DINARY SKILL IN THE ART	4
			HAVE NOT MET THEIR BURDEN TO SHOW LITY OF THE INSTITUTED CLAIMS	4
A.			rs Failed to Demonstrate that Birrell in View of cker Renders any Claim Obvious	4
	1.	in C	rell and Seidensticker Do Not Disclose All of the Elements Claim 1, and Therefore Cannot Render Any of the Claims Vious	5
		a.	Neither Birrell nor Seidensticker Discloses "Tracks Access According to a Hierarchy"	
		b.	Neither Birrell nor Seidensticker Discloses "Configured to Present Sequentially a First, Second, and Third Display Screen" Displaying "Categories," "Subcategories," and "Items"	
	2.	Hav	Evidence Does Not Show That a Skilled Artisan Would be Been Motivated to Select and Combine Birrell and densticker in the Manner Claimed	.14
		a.	Petitioners' Expert Failed to Analyze Why One of Skill in the Art Would Have Been Motivated to Select Birrell and Seidensticker for Combination	.15
		b.	Petitioners' Proffered Reasons for Combining Birrell and Seidensticker are Inadequate for Showing Why One of Skill in the Art Would Have Been Motivated to Select Birrell an Seidensticker to Combine	d
		c.	Petitioners' Reason to Combine Analysis Failed to Considerand Address Important Differences	er .21



1

	d.	Petitioners' Analysis Is Based on Incorrect Assumptions Regarding How One of Skill in the Art Would Have Interpreted Birrell				
	e.	Because None of Petitioners' Evidence Teaches, Suggests or Motivates Subdividing a Library of Media Content Using a Series of Sequential Screens, It Would Not Have Been Obvious to a POSITA to Combine Birrell and Seidensticker				
	f.	Petitioners Failed to Show a Reason to Modify Birrell's User Interface as Implemented in the PJB-100 to Practice the Claimed Invention				
3.	"Ac	her Birrell nor Seidensticker Disclose or Suggest cessing" Multiple Tracks by Making a Selection in a ond Screen as Required by Claims 2-3 and 1734				
	a.	Claims 2-3 and 17 Require that the Selection that Causes the "Accessing" of Multiple "Tracks" Occur on the Second Screen				
	a.	Petitioners Fail to Present Meaningful Evidence that the Birrell-Seidensticker Combination Discloses that a Selection on the Second Screen Causes the "Accessing" of Multiple "Tracks" and that the Third Screen is also Displayed35				
	b.	The Alternative "Back Button" Theory Identified by the Board Fails Because Neither Reference Discloses a User Interface Element Which Can <i>Both</i> Cause a New Display Screen to be Presented <i>and</i> Cause an Accessing				
		rs Failed to Show that Birrell in View of Seidensticker and enders Any Claim Obvious40				
1.		Proehl Does Not Cure the Above-Discussed Deficiencies in the Birrell-Seidensticker Combination				
2.	Wou	the Evidence Does Not Show That One of Skill in the Art ould Have Been Motivated to Select Proehl to Combine the Birrell and Seidensticker in the Manner Claimed.				



В.

C.	Petitioners Failed to Show that Birrell in View of Seidensticker, Proehl and Johnson Renders Any Claim Obvious46				
	1. Johnson Does Not Cure the Above-Discussed Deficiencies in the Birrell-Seidensticker Combination				
	2. The Evidence Does Not Show That One of Skill in the Art Would Have Been Motivated to Select Johnson to Combine with Birrell, Seidensticker and Proehl in the Manner Claimed46				
D.	Petitioners Failed to Prove that the Combinations Based on Looney Render Any Claim Obvious				
	1. Looney Does Not Cure the Above-Discussed Deficiencies in the Birrell-Seidensticker Combination				
	<ol> <li>The Evidence Does Not Show that One of Skill in the Art Would Have Been Motivated to Select Looney to Combine with Birrell, Seidensticker, Johnson and/or Proehl in the Manner Claimed</li></ol>				
	3. Looney Does Not Disclose Adding Tracks to "An Active Queue List of Songs that is Currently Being Played"				
E.	The Secondary Considerations of Non-Obviousness Compel a Finding of Non-Obviousness				
	1. Industry Praise Supports a Finding of Nonobviousness58				
	2. Licensing of the '433 Patent Supports a Finding of Nonobviousness				
V. CONCI	USION64				



#### **Table of Authorities**

Page(s) Cases ActiveVideo Networks, Inc. v. Verizon Communs., Inc., 694 F.3d 1312 (Fed. Cir. 2012) ......14, 31, 50 Apple Inc. v. Samsung Elecs. Co., Ltd., Belden Inc. v. Berk-Tek LLC. In re Carlson, Free-Flow Packaging Int'l v. Automated Packing Sys., Inc., In re Fulton. Genentech. Inc. v. USITC. Iron Grip Barbell Co., Inc. v. USA Sports, Inc., 392 F.3d 1317 (Fed. Cir. 2004) .......63 KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)......28 Mintz v. Dietz & Watson, Inc., 679 F.3d 1372 (Fed. Cir. 2012) ......29 Novartis Pharms. Corp. v. Watson Labs., Inc., 611 Fed. Appx. 988 (Fed. Cir. 2015)......29 In re NTP, Inc., 



# DOCKET

# 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.

