Paper No	
----------	--

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

Case No. IPR2016-01407 Patent No. 6,928,433

REPLY TO PATENT OWNER'S RESPONSE



TABLE OF CONTENTS

I.	INT	NTRODUCTION1			
II.		GROUND 4: CLAIMS 5 AND 7 WOULD HAVE BEEN OBVIOUS OVER BIRRELL IN VIEW OF SEIDENSTICKER			
	A.	A POSA had strong reasons to use Seidensticker's hierarchical menu structure to display Birrell's genre, album, and track data on successive screens			
		1.	Because the Petition relies on obviousness (not inherency), the existence of other ways to display music data is legally irrelevant	4	
		2.	The PJB-100 is legally irrelevant	5	
		3.	As a matter of law, the prior art need not articulate the same "problem" as the '433 patent, but in any event the alleged "problem" was known and had already been solve	d6	
		4.	None of the alleged "differences" between Birrell and Seidensticker would have discouraged a POSA	10	
	B.	Creative argues the references individually and never disputes that the Birrell-Seidensticker combination includes every element of claims 5 and 7		13	
III.			4: CLAIMS 2 AND 3 WOULD HAVE BEEN OVER BIRRELL IN VIEW OF SEIDENSTICKER	16	
IV.	OBV	'IOUS	<u>S 5-6:</u> CLAIMS 19, 21, 23, 25 AND 27 WOULD HAVE BE OVER BIRRELL AND SEIDENSTICKER OF PROEHL (AND IN CERTAIN CASES JOHNSON)		
	A.	None	e of the alleged "differences" between the rences would have discouraged a POSA		
	B.	_	culative difficulties cannot undermine Petition's strong case of obviousness	20	



V.	<u>GROUNDS 7-9:</u> CLAIMS 17, 18, 20, 22, 24, 26 & 28	
	WOULD HAVE BEEN OBVIOUS OVER BIRRELL AND	
	SEIDENSTICKER (AND IN CERTAIN CASES	
	PROEHL AND/OR JOHNSON) IN VIEW OF LOONEY	21
VI.	SECONDARY CONSIDERATIONS	
	DO NOT REBUT OBVIOUSNESS	24
VII.	CONCLUSION	28



TABLE OF AUTHORITIES

CASES

1964 EARS, LLC v. Jerry Harvey Audio Holding, LLC, IPR2016-00494, Paper 21 (PTAB 2016)	25
Bayer Healthcare Pharms., Inc. v. Watson Pharms., Inc., 713 F.3d 1369 (Fed.Cir.2013)	25
Classco, Inc. v. Apple, Inc., 838 F.3d 1214 (Fed. Cir. 2016)	27
Ex parte Franz, 2017 WL 1279474 (PTAB 2017)	24
Ex parte Gu, 2016 WL 552385 (PTAB 2016)	6
<i>In re Cree, Inc.</i> , 818 F.3d 694 (Fed. Cir. 2016)	26
<i>In re Dance</i> , 160 F.3d 1339 (Fed. Cir. 1998)	21
In re Fulton, 391 F.3d 1195 (Fed. Cir. 2004)	5
<i>In re Kubin</i> , 561 F.3d 1351 (Fed. Cir. 2009)	21
In re Mouttet, 686 F.3d 1322 (Fed. Cir. 2012)	21
Iron Grip Barbell Co., Inc. v. USA Sports, Inc., 392 F.3d 1317 (Fed. Cir. 2004)	
J Squared, Inc. v. Sauder Mfg. Co., IPR2015-00774, Paper 35 (PTAB 2016)	24
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	passim



MCM Portfolio LLC v. Hewlett-Packard Co., 812 F. 3d 1284 (Fed. Cir. 2015)	19
Mintz v. Dietz & Watson, Inc., 679 F.3d 1372 (Fed.Cir.2012)	7
MRC Innovations, Inc. v. Hunter Mfg., LLP, 747 F.3d 1326 (Fed. Cir. 2014)	.24
Novartis Pharm. Corp. v. Watson Labs., Inc., 611 F. App'x 988 (Fed. Cir. 2015)	7
Ormco Corp. v. Align Tech., Inc., 463 F.3d 1299 (Fed. Cir. 2006)	.25
Paice LLC v. Ford Motor Co., 2017 WL 1422490 (Fed. Cir. 2017)	3
Slot Speaker Techs., Inc. v. Apple Inc., 2017 WL 655440 (Fed. Cir. Feb. 17, 2017)	.19
South Alabama Med. Sci. Found. v. Gnosis S.P.A., 808 F.3d 823 (Fed. Cir. 2015)	.26
Transocean Offshore Deepwater Drilling, Inc. v. Maersk Drilling USA, Inc., 699 F.3d 1340 (Fed.Cir.2012)	.26
Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc., 853 F.3d 1272 (Fed. Cir. 2017)	.22
STATUTES	
35 U.S.C. § 311(b)	6



DOCKET A L A R M

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.

