

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.,

Petitioner

v.

POLARIS INNOVATIONS LTD.,

Patent Owner

Case IPR2016-01622

Patent 6,850,414 B2

Priority July 2, 2001

Issued February 1, 2005

Title: ELECTRONIC PRINTED CIRCUIT BOARD HAVING A PLURALITY
OF IDENTICALLY DESIGNED, HOUSING-ENCAPSULATED
SEMICONDUCTOR MEMORIES

**PATENT OWNER'S REPLY
TO PETITIONER'S OPPOSITION
TO MOTION TO AMEND**

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EXHIBIT LIST

Exhibit 2001	Cara Garretson. “More DRAM vendors involved in Justice Department probe.” <i>IDG News Service</i> July 21, 2002. Computer World, Inc. November 21, 2016.
Exhibit 2002	“Error Correction Code in SoC FPGA-Based Memory Systems.” <i>Altera Corporation</i> April 2012.
Exhibit 2003	“133 MHz PC SDRAM 64-Bit Non-ECC/Parity 144 Pin UNBUFFERED SO-DIMM SPECIFICATION.” <i>Intel</i> , Revision 1.0C. August 2000
Exhibit 2004	“PC SDRAM Serial Presence Detect (SPD) Specification.” <i>Intel</i> , Revision 1.2B. November 1999.
Exhibit 2005	Declaration of Nathan Nobu Lowenstein in support of Motion for Admission <i>Pro Hac Vice</i>
Exhibit 2006	Institution Decision, <i>Amerigen Pharms. Ltd. v. Shire LLC</i> , IPR2015-02009, Paper 8 (PTAB Apr. 18, 2016)
Exhibit 2007	Patent Owner’s Motion To Amend, <i>Amerigen Pharms. Ltd. v. Shire LLC</i> , IPR2015-02009, Paper 14 (PTAB Jul. 18, 2016)
Exhibit 2008	Petitioner’s Opposition To Motion To Amend, <i>Amerigen Pharms. Ltd. v. Shire LLC</i> , IPR2015-02009, Paper 17 (PTAB Oct. 18, 2016)
Exhibit 2009	Patent Owner Reply To Petitioner’s Opposition, <i>Amerigen Pharms. Ltd. v. Shire LLC</i> , IPR2015-02009, Paper 21 (PTAB Nov. 17, 2016)
Exhibit 2010	Petitioner’s Request For Oral Argument, <i>Amerigen Pharms. Ltd. v. Shire LLC</i> , IPR2015-02009, Paper 27 (PTAB Dec. 9, 2017)
Exhibit 2011	Final Written Decision, <i>Amerigen Pharms. Ltd. v. Shire LLC</i> , IPR2015-02009, Paper 38 (PTAB Mar. 31, 2017)
Exhibit 2012	Deposition Transcript Of Vivek Subramanian (Apr. 19, 2017)
Exhibit 2013	Exhibit 1 To Deposition Transcript Of Vivek Subramanian (Apr. 19, 2017)

Petitioner’s Opposition to Patent Owner’s Motion does not merely refuse to accept that the Board has already rejected its positions on the merits at least three times, in three separate orders across two IPRs. It also ignores a more fundamental problem. The Opposition relies from beginning to end on the false premise that the filing of a motion to amend *reopens* the Board’s non-institution determinations constraining the scope of the trial. But Petitioner once again ignores past rulings by the Board, where the Board already considered and rejected this premise—and held that a motion to amend triggers no requirement to prove, let alone *re*-prove, patentability of subject matter already recited in original non-amended claims—“especially” claims challenged and denied institution. *Amerigen Pharms. Ltd. v. Shire LLC*, IPR2015-02009, Paper 38 at 6 (PTAB Mar. 31, 2017) [Ex. 2011].

The Board has thus already thrice rejected Petitioner’s merits positions as to the subject matter of the substitute claim. Petitioner asks the Board to revisit these questions for at least a fourth time, improperly leveraging its past failures to once again re-sculpt its arguments. The Board should reject Petitioner’s latest “‘nothing to lose’ ploy . . . to restate its disagreement with the Board’s Institution Decision in an improper new brief,” *id.*, Paper 21 [Ex. 2010] at 12, and grant the Motion.

I. THE BOARD HAS ALREADY DECLINED TO TRY CLAIM 4 ISSUES.

The Petition in this case sought review of Claims 1-8 of the ’414 Patent relying on two references: Simpson and the Intel Specification. Paper 1 at 9. The

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