

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and
LG ELECTRONICS, INC.,

Petitioner,

v.

PAPST LICENSING GMBH & CO., KG,

Patent Owner.

CASE: IPR2016-01733¹

Patent No. 9,189,437

PETITIONER'S REPLY TO PATENT OWNER RESPONSE

¹ LG Electronics, Inc., who filed a Petition in IPR2017-01038, has been joined as a petitioner in this proceeding.

TABLE OF CONTENTS

I. INTRODUCTION 1

II. Claim Construction 3

 A. Papst Improperly Adds Unclaimed Elements to the “Automatic File Transfer Process” Limitation. 4

 B. Papst’s Disagreement With the Board’s Construction of “Without Requiring Any End User to Load Software” Contradicts the Disclosure of the Specification and Claims. 7

 C. Papst Adds Unclaimed Elements to the “Analog to Digital Converter” Limitation. 7

III. TI Data Sheet 9

IV. Papst's Arguments Are Directed to Irrelevant and Unclaimed Features; the Relevant Facts Showing Unpatentability Are Undisputed. 12

 A. Aytac Discloses the Capability to Transfer a File of Digitized Analog Data to a Host Computer Without Loading or Installing File Transfer Enabling Software. 13

 1. Papst Does Not Dispute the Relevant Fact: Aytac’s System Is Capable of Automatically Transferring a File Without Requiring any Specialized File Transfer Software, and Thus Meets the “Automatic File Transfer” Limitation. 14

 2. The ’437 Patent’s Claimed File Transfer Does Not Implicate the “Synchronization” and “Cache” Concerns of Aytac’s Advanced System. 18

 3. No Modification of Aytac Is Required. 20

 B. Claim 43 22

 C. Claim 41 23

 D. Claim 39 25

 E. Dependent Claims 25

V. CONCLUSION 26

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Celsis In Vitro, Inc. v. CellzDirect, Inc.</i> , 664 F.3d 922 (Fed. Cir. 2012).....	6, 7
<i>Ford Motor Co. v. Cruise Control Tech. LLC</i> , IPR2014-00291, Paper 44 (PTAB June 29, 2015).....	10, 11
<i>Geo. M. Martin Co. v. All. Mach. Sys. Int’l LLC</i> , 618 F.3d 1294 (Fed. Cir. 2010).....	5
<i>In re Heck</i> , 699 F.2d 1331 (Fed. Cir. 1983).....	7
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006).....	22
<i>In re Lister</i> , 583 F.3d 1307 (Fed. Cir. 2009)	12
<i>Servicenow, Inc. v. Hewlett-Packard Co.</i> , IPR2015-00707, Paper 12 (PTAB Aug. 26, 2015).....	12
<i>Z4 Techs., Inc. v. Microsoft Corp.</i> , 507 F.3d 1340 (Fed. Cir. 2007)	5

EXHIBIT LIST

EXHIBIT NO.	TITLE
1001	Declaration of Dr. Paul F. Reynolds, Ph.D.
1002	Curriculum Vitae of Dr. Paul F. Reynolds, Ph.D.
1003	U.S. Patent No. 9,189,437 to Michael Tasler (“the ’437 patent”)
1004	U.S. Patent No. 5,758,081 to Haluk M. Aytac (“Aytac” or “the ’081 Patent”)
1005	American National Standard for Information Systems, Small Computer System Interface-2, ANSI X3.131-1994 (1994) (“SCSI Specification”)
1006	Prosecution History of the ’081 Patent
1007	Texas Instruments data sheet SLA006B (1996) (“TI data sheet”)
1008	U.S. Patent No. 5,592,256 to Muramatsu (“Muramatsu”)
1009	U.S. Patent No. 5,659,690 to Stuber (“Adaptec”)
1010	Ray Duncan, ed., “The MS-DOS Encyclopedia,” Microsoft Press (1988)
1011	Federal Circuit decision, <i>In re: Papst Licensing Digital Camera Patent Litigation</i> , No. 2014-1110 (Fed.Cir. Feb. 2, 2015).

EXHIBIT NO.	TITLE
1012	Excerpts from the Microsoft Computer Dictionary (2nd ed. 1994)
1013	U.S. Patent No. 5,325,071 to Westmoreland (“TI Patent”)
1014	Papst’s Opening Claim Construction Brief and Declaration of Robert Zeidman, filed in related litigation in the District of Columbia. In re: Papst Licensing Digital Camera Patent Litigation, MDL No. 1880, Case No. 1:07-mc-00493, Dkt. Nos. 630, 630-12 (June 3, 2016).
1015	Plaintiff’s Sur-Reply to LG Electronics, Inc., LG Electronics U.S.A., Inc., and LG Electronics Mobilecomm U.S.A., Inc’s Motion to Exclude Opinions and Testimony of Robert Zeidman, No. 6:15-cv-1095, Dkt. 541 (E.D. Tex. July 27, 2017)
1016	Deposition Transcript of Thomas A. Gafford in IPR2016-01200, -01211, -01213, -01199, -01212, -01214, -01216, and -01225 taken May 31, 2017
1017	<i>Excerpt of Linear Circuits Data Book, Vol. 2, Data Acquisition and Conversion, Texas Instruments, 1989 (pp. 2-173 – 2-180)</i>
2001	Excerpt from Prosecution History of the ’437 Patent: Appellant’s Brief on Appeal dated May 7, 2012
2002	Excerpt from Prosecution History of the ’437 Patent: Amendment dated August 31, 2009
2003	Excerpt from MPEP § 608 (1995)
2004	Wikipedia Entry for “Dual-tone multi-frequency signaling”

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.