UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,
Petitioner,

v.

REALTIME DATA LLC,
Patent Owner.

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Case IPR2016-01739
Patent 8,880,862

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**PETITIONER'S REPLY TO PATENT OWNER'S LIST OF PETITIONER'S
ALLEGED IMPROPER REPLY ARGUMENTS**

Pursuant to the Board's authorization on October 10, 2017, Petitioner Apple Inc. (Apple) submits the following reply to Patent Owner's list of the locations and concise descriptions of the portions of Petitioner's Reply (Paper 17) that allegedly exceed the proper reply scope. Contrary to Patent Owner's allegations, Petitioner respectfully submits that each argument included in Patent Owner's list is properly responsive to an argument made by Patent Owner, and finds support in the Petition.

1. Realtime alleges that Petitioner's argument at pages 5-7 of the Reply exceeds the proper reply scope. In the pages identified by Realtime, Petitioner argues that a POSITA would have viewed the term "non-accessed boot data" per its ordinary meaning as simply boot data that was not accessed. For example:

   • "[U]nder BRI, a POSITA would have viewed the term 'non-accessed boot data' per its ordinary meaning as simply boot data that was not accessed." (Reply at 5.)

     Response: Petitioner's argument is responsive to Patent Owner's argument at pages 20-23 of Patent Owner's Response (Paper 15). For example:

   • "The term 'non-accessed boot data,' as used in claims 96, 100, 102, and 106, means 'boot data identified in the boot data list that was not requested during system boot-up.'" (Patent Owner's Response at 20.)

Support for Petitioner's argument can be found at, for example, pages 58-59 of the Petition (Paper 2).

2. Realtime alleges that Petitioner's argument at pages 7-13 of the Reply exceeds the proper reply scope. In the pages identified by Realtime, Petitioner argues that Settsu renders obvious the limitation "boot data list." For example:

- "However, Apple argued that Settsu's files are themselves lists of boot data …." (Reply at 9.)

- "As Dr. Neuhauser explained, a list is an obvious representation for a collection of information and, thus, Settsu's OS files represent lists of boot data." (Id. at 9.)

- "Further, Settsu's FIG. 36 (below) illustrates that each of Settsu's OS program files are divided into mini OS and OS main body modules, and that these modules each include header, code, and data portions. APPLE-1006,
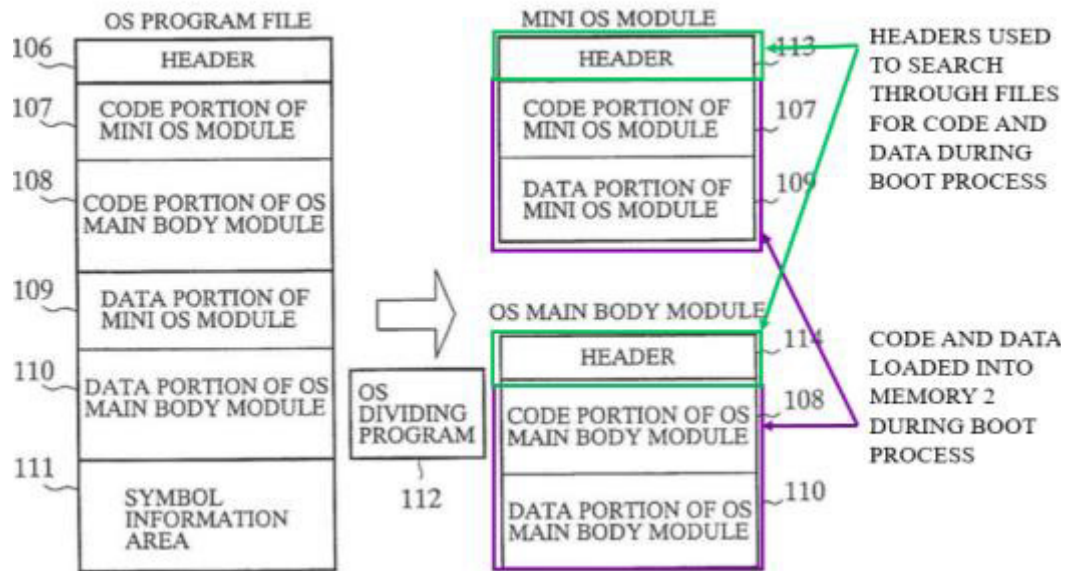
APPLE-1006, FIG. 12 (excerpt, annotated)." (Id. at 9-10.)

- "Settsu describes that the contents of the headers included in the files are used to search for code and data portions of these modules when loading those portions into memory 2 during the boot process." (Id. at 10.)

- "Thus, a POSITA would have understood that Settsu's OS functional module file stored on boot device 3 and preloaded into memory 2 includes a list of data necessary for starting the OS – a boot data list as described by the '862 Patent." (Id. at 10-11.)

- "Thus, headers in Settsu's modules are lists of boot data." (Id. at 11 n. 1.)

Response: Petitioner's argument is responsive to Patent Owner's argument at pages 24-31 of Patent Owner's Response. For example:

- "Apple asserts that Settsu's functional module files (the alleged 'boot data')

are implicitly listed somewhere in Settsu's system. Apple is incorrect." (Patent

Owner's Response at 24.)

- "Apple asserts that Settsu must contain a "boot data list" under two theories: '(1) in the form of lists of boot data that are stored within the OS functional module files themselves; and (2) in the form of lists of boot data that are referenced by mini OS module 7 in the course of booting the OS' … [b]ut both these theories are incorrect." (Id. at 25.)

    Support for Petitioner's argument can be found at, for example, pages 19-30

of the Petition.

3. Realtime alleges that Petitioner's argument at pages 15-16 of the Reply

    exceeds the proper reply scope. In those pages, Petitioner argues that the

    combination of Settsu and Zwiegincew renders obvious the limitation

    "updating the boot data list." For example:

    - "And, even assuming Realtime is correct, Realtime does not consider the benefit of using Zwiegincew's techniques for the remainder of the boot process after Settsu's 'virtual memory processing module' has loaded or a POSITA's ability to modify Settsu to implement Zwiegincew's page preloading during boot." (Reply at 16.)

    Response: Petitioner's argument is responsive to Patent Owner's argument at

pages 31-36 of Patent Owner's Response. For example:

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