

Filed on behalf of Apple Inc.

By: Lori A. Gordon
Sterne, Kessler, Goldstein & Fox PLLC
1100 New York Avenue, NW
Washington, D.C.
Tel: (202) 371-2600
Fax: (202) 371-2540

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 9,189,437**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

I. Mandatory notices (37 C.F.R. § 42.8(a)(1)).....2

II. Grounds for standing (37 C.F.R. § 42.104(a)).3

III. Identification of challenge (37 C.F.R. § 42.104(b)).....4

 A. Citation of prior art.....4

 B. Statutory grounds for the challenge.5

IV. The '437 patent.....6

 A. Overview.....6

 B. Level of ordinary skill in the art.....8

 C. Claim construction.8

V. Ground 1: The combination of Pucci, Kepley, and Schmidt renders claims 1, 4–6, 9–12, 14, 15, 30, and 34 obvious.....10

 A. The combination of Pucci, Kepley, and Schmidt renders independent claim 1 obvious.....12

 1. Preamble: “*an analog data generating and processing device (ADGPD)*” [1P].12

 2. The ADGPD architecture elements.....14

 a) “*an input/output (i/o) port*” [1A].....14

 b) “*a program memory*” [1B].....15

 c) “*a data storage memory*” [1C].....15

 d) “*a processor operatively interfaced with the i/o port, the program memory and the data storage memory*” [1D]. ...16

 3. The acquisition and processing limitations18

 a) The acquisition limitation [1E.1].18

 b) The data processing limitation [1E.2]21

 4. The automatic recognition limitation [1F]25

 a) The automatic recognition operation [1F.1]26

 b) The end user requirements [1F.2]33

 c) The automatic recognition data element requirements [1F.3].....35

 5. The file transfer limitation of independent claim 136

*Petition for Inter Partes Review of
U.S. Patent No. 9,189,437*

| | | |
|-------|--|----|
| a) | The automatic file transfer process | 37 |
| b) | The emulation and user requirement component of the file transfer limitation. | 40 |
| B. | Claim 4. | 42 |
| C. | Claim 5. | 43 |
| D. | Claim 6. | 43 |
| E. | Claim 9. | 43 |
| F. | Claim 10. | 44 |
| G. | Claim 11. | 44 |
| H. | Claim 12. | 45 |
| I. | Claim 14. | 47 |
| J. | Claim 15. | 48 |
| K. | Claim 30. | 48 |
| L. | Claim 34. | 49 |
| VI. | Ground 2: The combination of Pucci, Kepley, Schmidt, and Shinosky renders claim 16 obvious. | 50 |
| VII. | Ground 3: The combination of Pucci, Kepley, Schmidt, and Campbell renders claims 13 and 18 obvious. | 54 |
| A. | Claim 13 | 54 |
| B. | Claim 18 | 58 |
| VIII. | Ground 4: The combination of Pucci, Kepley, Schmidt, and Wilson renders claim 32 obvious. | 58 |
| IX. | Ground 5: The combination of Pucci and Schmidt renders claim 43 obvious. | 60 |
| A. | Preamble: “[a]n analog data generating and processing method for acquiring analog data and for communicating with a host computer” [43P] | 60 |
| B. | The architecture elements of claim 43 | 61 |
| [1P] | <i>An analog data generating and processing device (ADGPD), comprising:</i> | 62 |
| [1B] | <i>a program memory;</i> | 62 |

*Petition for Inter Partes Review of
U.S. Patent No. 9,189,437*

[1C] *a data storage memory*;62

[1D] *a processor*...;62

C. The acquisition and processing limitations [43B].....62

 a) Pucci teaches the acquisition limitation of independent claim 43.62

 b) The processing limitation63

[1E.2a] *the analog data from each respective channel is digitized*63

[1E.2b] *coupled into the processor, and is processed by the processor*63

[43B.2] *converting the acquired analog data to digitized acquired analog data*63

[43B.3] *coupling the digitized acquired analog data into the digital processor for processing by the digital processor*63

D. The automatic recognition limitation64

E. The transferring limitation64

F. “wherein the identification parameter is consistent with the ADGPD being responsive to commands issued from a customary device driver.”66

X. Ground 6: The combination of Pucci, Schmidt, and Campbell, Jr. renders claim 45 obvious.66

XI. The proposed grounds are not redundant.67

XII. Conclusion.67

TABLE OF AUTHORITIES

Cases:

In re Papst Licensing Digital Camera Patent Litigation,
778 F.3d 1255 (Fed. Cir. 2015).....9, 10

KSR Int’l Co. v. Teleflex Inc.,
550 U.S. 398 (2007).....24

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005).....10

Statutes:

35 U.S.C. § 102(a)4, 5

35 U.S.C. § 102(b)4, 5

35 U.S.C. § 102(e)5

Regulations:

37 C.F.R. § 42.8(a)(1)2

37 C.F.R. § 42.8(b)(3).....3

37 C.F.R. § 42.10(a).....3

37 C.F.R. § 42.104(a)3

37 C.F.R. § 42.104(b)4

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.