

Filed on behalf of: Koninklijke Philips N.V.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.
Patent Owner.

Case IPR2017-00386
U.S. Patent No. RE44,913

PATENT OWNER'S RESPONSE
UNDER 37 C.F.R. § 42.120

TABLE OF CONTENTS

TABLE OF AUTHORITIES iii

EXHIBIT LISTvi

I. INTRODUCTION1

II. BACKGROUND6

 A. THE RE’913 PATENT6

 B. THE RE’913 PATENT CLAIMS11

III. DESCRIPTION OF THE PRIOR ART13

 A. Sakata II (Ex. 1004).....13

 B. Buxton (Ex. 1006)17

IV. PERSON OF ORDINARY SKILL IN THE ART20

V. CLAIM CONSTRUCTION21

 A. “Primary Character” and “Secondary Character”21

 B. Claim 4 Means-Plus-Function Terms23

VI. LEGAL STANDARDS24

 A. Obviousness.....24

VII. ARGUMENT.....25

 A. GROUND 2 – SAKATA II + BUXTON.....26

 1. Petitioner’s Proposed Modification Contradicts
 the Express Teaching of Sakata II29

 2. Petitioner Fails to Establish That a POSA Would
 Have Had Reason to Modify Sakata II34

 a. Petitioner Fails to Explain Why Buxton’s
 Keyboard Would Have Motivated a POSA
 to Modify Sakata II.....35

b.	Petitioner Fails to Address the Inefficiencies that Would Necessarily Result From Its Modification	39
c.	The Proposed Modification is Not Merely “One of a Finite Number of Predictable Solutions”	43
3.	Petitioner’s Reliance on Dr. Cockburn’s Unsupported Opinions Cannot Serve as Evidence of Obviousness	45
a.	Dr. Cockburn Fails to Provide Any Evidence to Support His Character Group Examples.....	46
b.	Petitioner’s Declarant Mischaracterizes the Prior Art to Advance His Proposed Modification	52
i.	Hargreaves (Ex. 1018).....	52
ii.	Buxton (Ex. 1006).....	56
c.	Petitioner’s Reliance on “Foundational Concept[s]” Cannot Serve as Evidence for the Specific Modification that Petitioner Proposes	60
B.	GROUND 1 – ALLEGED OBVIOUSNESS IN VIEW OF SAKATA II.....	63
C.	GROUNDS 1 & 2 – ALLEGED OBVIOUSNESS OF CLAIM 4	64
VIII.	CONCLUSION.....	68

TABLE OF AUTHORITIES

Cases

<i>Arendi S.A.R.L. v. Apple Inc.</i> , 832 F.3d 1355 (Fed. Cir. 2016)	51
<i>Black & Decker, Inc. v. Positec USA, Inc., RW</i> , 646 Fed. App'x 1019 (Fed. Cir. May 18, 2016).....	28
<i>Depuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.</i> , 567 F.3d 1314 (Fed. Cir. 2009)	24, 33
<i>Fresenius USA, Inc. v. Baxter Int'l, Inc.</i> , 582 F.3d 1288 (Fed. Cir. 2009)	64, 65
<i>Genetics Inst., LLC v. Novartis Vaccines and Diagnostics, Inc.</i> , 655 F.3d 1291 (Fed. Cir. 2011)	38
<i>Gentry Gallery, Inc. v. Berkline Co.</i> , 134 F.3d 1473 (Fed. Cir. 1998)	39
<i>In re Am. Acad. of Sci. Tech Ctr.</i> , 367 F.3d 1359 (Fed. Cir. 2004)	46
<i>In re Cuozzo Speed Techs., LLC</i> , 793 F.3d 1268 (Fed. Cir. 2015)	21
<i>In re Fine</i> , 837 F.2d 1071 (Fed. Cir. 1988)	24, 38
<i>In re Fritch</i> , 972 F.2d 1260 (Fed. Cir. 1992)	34
<i>In re Giannelli</i> , 739 F.3d 1375 (Fed. Cir. 2014)	60
<i>In re Gurley</i> , 27 F.3d 551 (Fed. Cir. 1994)	33
<i>In re Kahn</i> , 441 F.3d 977, 988 (Fed. Cir. 2006)	40

<i>In re Sang-Su Lee</i> , 277 F.3d 1338 (Fed. Cir. 2002)	60
<i>In re NTP, Inc.</i> , 654 F.3d 1279 (Fed. Cir. 2011)	38
<i>In re Nuvasive, Inc.</i> , 842 F.3d 1376 (Fed. Cir. 2016)	61
<i>In re Oetiker</i> , 977 F.2d 1443 (Fed. Cir. 1992)	39
<i>In re Van Os</i> , 844 F.3d 1359 (Fed. Cir. 2017)	51
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	24, 43, 45
<i>Motorola, Inc. v. Interdigital Tech. Corp.</i> , 121 F.3d 1461 (Fed. Cir. 1997)	55, 58
<i>Oil States Energy Servs., LLC v. Greene’s Energy Grp., LLC</i> , No. 16-712 (S. Ct.)	26
<i>Plas-Pak Indus., Inc. v. Sulzer Mixpac AG</i> , 600 Fed. App’x 755 (Fed. Cir. Jan. 27, 2015).....	32
<i>Sage Prods., Inc. v. Devon Indus., Inc.</i> , 126 F.3d 1420 (Fed. Cir. 1997)	67
<i>Tomita Techs. USA, LLC v. Nintendo, Co., Ltd.</i> , 681 Fed. App’x 967 (Fed. Cir. Mar. 17, 2017)	64
P.T.A.B.	
<i>Captioncall, LLC v. Ultratec, Inc.</i> , IPR2015-01358, Paper 75 (P.T.A.B. Dec. 9, 2016)	45
<i>Daifuku Co., Ltd. v. Murata Mach., Ltd.</i> , IPR2015-00083, Paper 63 (P.T.A.B. May 3, 2016)	44
<i>Google Inc. v. Koninklijke Philips N.V.</i> , IPR2017-00409, Paper 10 (P.T.A.B. June 5, 2017)	63

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.