

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUAWEI DEVICE CO., LTD., LG ELECTRONICS, INC., AND ZTE (USA) INC.,
Petitioners,

v.

PAPST LICENSING GMBH & CO., KG,
Patent Owner.

Case IPR2017-00415
United States Patent No. 6,895,449

**PATENT OWNER PAPST LICENSING GMBH & CO., KG'S
PRELIMINARY RESPONSE UNDER 37 C.F.R. § 42.107**

TABLE OF CONTENTS

I.	STATEMENT OF MATERIAL FACTS IN DISPUTE.....	1
II.	INTRODUCTION.....	1
A.	STATEMENT OF RELIEF REQUESTED.....	1
B.	OVERVIEW OF THE ‘449 PATENT	2
C.	LEVEL OF ORDINARY SKILL IN THE ART	5
D.	CLAIM CONSTRUCTION	7
E.	SUMMARY OF PATENT OWNER’S ARGUMENTS	9
III.	THE PETITION FAILS TO MEET THE REQUIREMENTS FOR INSTITUTING AN <i>INTER PARTES</i> REVIEW	11
A.	THE BOARD SHOULD NOT INSTITUTE TRIAL BASED ON THE PETITION’S REDUNDANT GROUNDS.....	11
B.	THE BOARD SHOULD NOT INSTITUTE TRIAL BASED ON THE PETITION’S CONCLUSORY OBVIOUSNESS COMBINATIONS	14
C.	THE BOARD SHOULD NOT INSTITUTE TRIAL BECAUSE THE PETITION’S GROUNDS OF REJECTION DO NOT DISCLOSE THE “DATA TRANSMIT/RECEIVE DEVICE” LIMITATION OF INDEPENDENT CLAIMS 1, 17 AND 18	19
IV.	CONCLUSION	21

EXHIBIT LIST

Currently Filed – Patent Owner

Ex. No.	Description
2001	Defendants' Responsive Claim Construction Brief in <i>Papst Licensing GmbH & Co., KG v. Apple, Inc.</i> (6:15-CV-01095-RWS)
2002	<i>In re Papst Licensing Digital Camera Patent Litigation</i> , 778 F.3d 1255 (Fed. Cir. 2015)
2003	Definition of charge-coupled device, <i>Dictionary of Engineering</i> (2015)

Previously Filed – Petitioners

Ex. No.	Description
1001	U.S. Patent No. 6,895,449 to Tasler
1002	File History for U.S. Patent No. 6,895,449
1003	Declaration of Kevin C. Almeroth
1004	Curriculum Vitae of Kevin C. Almeroth
1005	U.S. Patent No. 5,508,821 to Murata
1006	Friedhelm Schmidt, <i>The SCSI Bus and IDE Interface</i> (1995)
1007	U.S. Patent No. 5,850,484 to Berretta <i>et al.</i>
1008	European Patent Office Publication Number 0 685 799 A1
1009	IBM Corp., <i>Communication Method Between Devices Through FDD Interface</i> 38 IBM Technical Disclosure Bulletin 245
1010	Ray Duncan, <i>The MS-DOS Encyclopedia</i> (1988)
1011	<i>In re Papst Licensing Dig. Camera Pat. Litig.</i> , 778 F.3d 1255, 1265 (Fed. Cir. 2015)
1012	Papst's Opening Claim Constr. Brief and Appendix 8 of Papst's Opening Claim Constr. Brief, <i>Papst Licensing GmbH & Co., KG v. Apple, Inc., et al.</i> , No. 6:15-cv-01095-RWS (E.D. Tex. Nov. 22, 2016)
1013	Papst's Opening Claim Constr. Brief and Decl. of Robert Zeidman, <i>In Re Papst Licensing Dig. Camera Pat. Litig.</i> , MDL No. 1880, 1:07-mc-00493, (D.D.C. June 3, 2016)
1014	Am. Nat'l Standards Inst., Inc., <i>Am. Nat'l Standard for Info. Sys's</i>

	<i>Small Computer System Interface-2</i> , ANSI X3.131-1994 (1994) (“SCSI Standard”)
1015	Dave Williams, <i>The Programmer’s Technical Reference: MS-DOS, IBM PC & Compatibles</i> (1990)
1016	File History for U.S. Patent Application No. 08/411,369
1017	Comparison of excerpts of File History for U.S. Patent Application No. 08/411,369 and U.S. Patent No. 5,850,484 to Beretta <i>et al.</i> (Ex. 1007)
1018	U.S. Patent No. 4,589,063 to Shah <i>et al.</i>
1019	U.S. Patent No. 5,038,320 to Heath <i>et al.</i>
1020	U.S. Patent No. 5,787,246 to Lichtman <i>et al.</i>
1021	Vetterli & Nussbaumer, <i>Simple FFT and DCT Algorithms</i> , 6 <i>Signal Processing</i> 267-78 (1984)
1022	Papst’s Brief, <i>In re Papst Licensing Dig. Camera Pat. Litig.</i> , No 2014-1110 (Fed. Cir. February 20, 2014)
1023	Rufus P. Turner <i>et al.</i> , <i>The Illustrated Dictionary of Electronics</i> (1991)

I. STATEMENT OF MATERIAL FACTS IN DISPUTE

Petitioners Huawei Device Co., Ltd, LG Electronics, Inc., and ZTE (USA) Inc. (“Petitioners”) did not submit a statement of material facts in their Petition for *inter partes* review. Paper 1 (Petition). Accordingly, no response to a statement of material facts is due pursuant to 37 C.F.R. § 42.23(a), and no facts are admitted.

II. INTRODUCTION

Patent Owner Papst Licensing GMBH & Co., KG (“Patent Owner”) respectfully submits this Patent Owner Preliminary Response under 35 U.S.C. § 313 and 37 C.F.R. § 42.107(a). It is being timely filed on or before March 12, 2017 pursuant to 37 C.F.R. § 42.107(b).

“The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a). Here, institution should be denied because Petitioners have failed to establish that there is a reasonable likelihood that they will prevail on their propositions of unpatentability.

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.