

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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OLYMPUS CORPORATION and OLYMPUS AMERICA INC.  
Petitioner,

v.

PAPST LICENSING GMBH & CO. KG  
Patent Owner.

Case No. IPR2017-01682  
Patent No. 6,470,399 B1

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**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO.  
6,470,399 B1 UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *et seq.***

**PETITIONER'S EXHIBIT LIST**

Exhibit	Description
Ex. 1001	U.S. Patent No. 6,470,399 B1 to Tasler
Ex. 1002	File History for U.S. Patent No. 6,470,399
Ex. 1003	Declaration of Dr. Kevin Almeroth
Ex. 1004	Curriculum vitae of Kevin C. Almeroth
Ex. 1005	U.S. Patent No. 5,508,821 to Murata
Ex. 1006	Friedhelm Schmidt, <i>The SCSI Bus and IDE Interface</i> (1995)
Ex. 1007	<i>The Microsoft Press<sup>®</sup> Computer Dictionary</i> (2nd ed. 1994)
Ex. 1008	U.S. Patent No. 6,522,432 to Lin
Ex. 1009	Papst's Opening Claim Constr. Brief and Appendix 8 of Papst's Opening Claim Constr. Brief, <i>Papst Licensing GmbH &amp; Co., KG v. Apple, Inc., et al.</i> , No. 6:15-cv-01095-RWS (E.D. Tex. Nov. 22, 2016)
Ex. 1010	Papst's Opening Claim Constr. Brief and Decl. of Robert Zeidman, <i>In re Papst Licensing Dig. Camera Pat. Litig.</i> , MDL No. 1880, No. 1:07-mc-00493, (D.D.C. June 3, 2016)
Ex. 1011	Am. Nat'l Standards Inst., Inc., <i>Am. Nat'l Standard for Info. Sys's, Small Computer Sys. Interface-2</i> , ANSI X3.131-1994 (1994) ("SCSI Specification")
Ex. 1012	<i>In re Papst Licensing Dig. Camera Pat. Litig.</i> , 778 F.3d 1255, 1265 (Fed. Cir. 2015)
Ex. 1013	<i>The Microsoft Press<sup>®</sup> Computer Dictionary</i> (2nd ed. 1994)
Ex. 1014	U.S. Patent No. 5,850,484 to Beretta <i>et al.</i>
Ex. 1015	<i>Intentionally left blank</i>

Exhibit	Description
Ex. 1016	File History for U.S. Patent Application No. 08/411,369
Ex. 1017	Comparison of excerpts of File History for U.S. Patent Application No. 08/411,369 (Ex. 1016) and U.S. Patent No. 5,850,484 to Beretta <i>et al.</i> (Ex. 1014)
Ex. 1018	U.S. Patent No. 4,589,063 to Shah <i>et al.</i>
Ex. 1019	U.S. Patent No. 5,038,320 to Heath <i>et al.</i>
Ex. 1020	U.S. Patent No. 5,787,246 to Lichtman <i>et al.</i>
Ex. 1021	<i>Intentionally left blank</i>
Ex. 1022	Papst's Brief, <i>In re Papst Licensing Dig. Camera Pat. Litig.</i> , No. 2014-1110 (Fed. Cir. February 20, 2014)
Ex. 1023	Rufus P. Turner <i>et al.</i> , <i>The Illustrated Dictionary of Electronics</i> (1991)

## **I. INTRODUCTION**

Desktop and laptop computers that are “PCs” are direct descendants of the original IBM PC, first released in 1981. The PC owes its longevity, in part, to its open architecture. A PC manufactured by Dell may have a CPU manufactured by Intel, a graphics card manufactured by Nvidia, a monitor manufactured by Sony, a keyboard and mouse manufactured by Logitech, and a printer manufactured by HP.

The down-side to the open architecture is the PC must be able to work with a broad array of different peripherals. A PC manufacturer cannot know, in advance, which make and model of printer, scanner, camera, speaker, or microphone the customer may choose to purchase and install. Traditionally, peripheral manufacturers provided specialized software—called “device drivers”—that enabled the PC to communicate with the peripheral. A drawback to this approach is that each peripheral required its own device driver, and different device drivers were often incompatible with other models. For example, a printer connected to an existing computer may no longer be compatible with a new computer.

To address this problem, computer companies have proposed “plug-and-play” systems that allow a peripheral to communicate with a PC without the need to install specialized device drivers for each peripheral. *See* U.S. Patent Nos. 4,589,063 (Ex. 1018), 5,038,320 (Ex. 1019), and 5,787,246 (Ex. 1020). The '399 Patent describes and claims one such system.

The '399 Patent describes an “interface device”—which might be built into the peripheral itself that handles all communications between the peripheral and the computer. The interface device pretends to be a standard peripheral—one for which the computer already has a device driver. For example, by the late 1990s, when the application leading the '399 Patent was filed, every desktop and laptop computer had a hard disk. Ex. 1001, at 5:9-13. There were well-established protocols for identifying, configuring, and controlling hard disks, and every computer had a pre-installed device driver for communicating with a hard disk. The interface device of the '399 Patent exploits these protocols and pretends to be a hard disk. Ex. 1001, at 5:6-9, 5:67-6:3. The peripheral—regardless of whether it is a scanner, a printer, a webcam, or any other type of device appears to the computer to be a hard disk. The peripheral is therefore able to communicate with the computer using the pre-existing hard disk device driver, eliminating the need for a specialized device driver.

This idea was well-known before the '399 Patent, and the interface device described and claimed in the '399 Patent was no leap forward in the art. U.S. Patent No. 5,508,821 Murata (“Murata”) (Ex. 1005) describes a scanner having an “interface means” for communicating with a computer and a “file system emulation means” for simulating a hard disk. Murata, at 1:64-67. Murata's scanner “looks like” a hard disk to the computer. *Id.* at 4:20-23. The scanner communicates

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