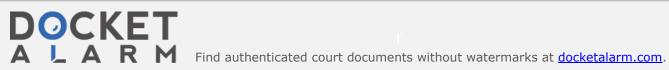
UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD DYNACRAFT BSC, INC., Petitioner v. MATTEL, INC., Patent Owner. Case IPR2018-00038 Patent 7,222,684 Title: SYSTEM, APPARATUS, AND METHOD FOR PROVIDING CONTROL OF A TOY VEHICLE

PATENT OWNER'S PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. § 42.107



TABLE OF CONTENTS

I. INTRODUCTION	1
II. SUMMARY OF ARGUMENTS	1
III. CONTROLLING LEGAL STANDARDS	5
A. STANDARDS FOR IPR INSTITUTION AND OBVIOUSNESS	5
IV. BRIEF OVERVIEW OF THE '684 PATENT	7
A. '684 Patent Specification	7
B. Prosecution History of the '684 Patent	14
C. Claim Construction	19
1. Ordinary Meaning Support's Mattel's Construction	20
2. The '684 Patent's Specification Supports Mattel's Construction	23
V. PETITIONER'S PRIOR ART	25
A. One of Ordinary Skill Would Not Be Motivated to Combine Petitione	
References	25
B. Bienz	28
C. Klimo	31
D. Ribbe	42
VI. PETITIONER'S ALLEGED GROUNDS FOR OBVIOUSNESS	45
A. Level of Ordinary Skill in the Art	45
B. Motivation to Combine	46
C. Secondary Considerations of Nonobviousness	49
D. Petitioner's Specific Grounds of Unpatentability	51
1. Ground 1: Petitioner's Claim That Claims 1-3, 5, 6, 9, 22-24 and 28	
Obvious Based on the Combination of Bienz and Klimo Is Not Likely t	
Succeed	
a. Neither Bienz Nor Klimo Disclose All of the Elements of Claim	I 51



	b.	Dependent Claim 2	56
	c.	Dependent Claims 3, 5, 6 and 9	56
	d.	Independent Claim 22	57
	e.	Dependent Claim 23	60
	f.	Dependent Claim 24	61
	g.	Dependent Claim 27	62
	h.	Dependent Claim 28	62
•	38 A	Ground 2: Petitioner's Argument That Claims 11-13, 15, 16, 27, 32-34, are Obvious Over Bienz and Klimo in Further View of Ribbe Are Also ly to Succeed	Not
	a.	Independent Claim 11	62
	b.	Dependent Claims 12, 13, 15 and 16	65
	c.	Independent Claim 32	65
	d.	Dependent Claims 33 and 34	67
	e.	Dependent Claims 34, 37 and 38	68
3711	CC	MCLUCION	60



TABLE OF AUTHORITIES

Page(s)
Cases
Black & Decker, Inc. v. Positec USA, Inc., 646 Fed.Appx. 1019 (Fed. Cir. 2016)passim
Cheese Sys. Inc. v. Tetra Pak Cheese and Powder Sys., Inc., 725 F.2d 1341 (Fed. Cir. 2013)
DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc., 567 F.3d 1314 (Fed. Cir. 2009)49, 50
Free-Flow Packaging Int'l v Automated Packaging Sys., IPR2016-00350, Paper 7 at 11-13 (June 27, 2016)
<i>Graham v. John Deere Co. of Kansas City</i> , 383 U.S. 1 (1966)
KSR Int'l Co. v. Teleflex, Inc., 550 U.S. 398 (2007)6
Nautilus Hyosung, Inc. v. Diebold, Inc., IPR2016-00633, Paper 9 at 21-22 (Aug. 22, 2016)25
<i>In re Nuvasive, Inc.</i> , 842 F.3d 1376 (Fed. Cir. 2016)
SAS Inst., Inc. v. ComplementSoft, LLC, IPR2013-00581, Paper 15 at 12 (PTAB Dec. 30, 2013)6
Tietex Int'l, Ltd. v. Precision Fabrics Group, Inc., IPR2015-01671, Paper 7 at 14 (PTAB February 11, 2016)26
Vizio, Inc. v. Int'l Trade Comm'n, 605 F.3d 1330 (Fed. Cir. 2010)5



TABLE OF EXHIBITS

Exhibit #	Exhibit Description
2001	Declaration of Jeff Reynolds
2002	Declaration of Robert Mimlitch
2003	Declaration of Peter vom Scheidt
2004	U.S. Patent No. 6,287,167 to Kondo
2005	U.S. Patent No. 5,056,613 to Porter
2006	U.S. Patent No. 5,349,276 to Mezzatesta
2007	The Merriam-Webster Dictionary, 1998, p. 51
2008	The American Heritage Dictionary, Second College Ed., 1985, pp. 106, 396, 970
2009	"Difference Between Analog and Digital Signals," available at https://techdifferences.com/difference-between-analog-and-digital-signal.html
2010	Declaration of Daria DeLizio



DOCKET

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.

