

IPR2018-00131
Patent 6,226,686

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RIOT GAMES, INC.,
Petitioner,

v.

PALTALK HOLDINGS, INC.,
Patent Owner.

Case IPR2018-00131
Patent 6,226,686

**PATENT OWNER'S PRELIMINARY RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 6,226,686**

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RFC 1692 RENDERS OBVIOUS CLAIMS 1-4, 7-21, 28-30, 34, 35, 39, 40, 47-49, 53, 54,
56, 57, 64-66 AND 70 OF THE ‘686 PATENT UNDER 35 U.S.C. § 10320**

**1. Petitioner has failed to demonstrate that Aldred in view of RFC 1692 renders
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**a. Petitioner has failed to demonstrate that Aldred discloses, either inherently or
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TABLE OF AUTHORITIES

Cases

Blue Coat Sys., Inc. v. Finjan, Inc., IPR2016-01444, Paper 9 (February 16, 2017) 14
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Exhibit 2001:	Declaration of Nancy Miracle
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