UNITED STATES	PATENT AND TRAI	DEMARK OFFICE
BEFORE THE PA	ATENT TRIAL AND A	APPEAL BOARD

SIRIUS XM RADIO INC.,

Petitioner,

v.

FRAUNHOFER-GESELLSCHAFT ZUR FÖRDERUNG DER ANGEWANDTEN FORSCHUNG E.V., Patent Owner.

Case IPR2018-00690 U.S. Patent No. 6,314,289

PETITIONER'S REPLY



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Dynamic Drinkware, LLC, v. Nat'l Graphics, Inc., 800 F.3d 1375 (Fed. Cir. 2015)	21, 22
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In re Giacomini, 612 F.3d 1380 (Fed. Cir. 2010)	13, 16, 24
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Masterimage 3D, Inc. v. RealD Inc., IPR2015-00035, Paper No. 79 (PTAB Apr. 20, 2016)	21
Murray v. Schooner Charming Betsy, 2 Cranch 64 (1804)	11
Natural Alternatives Int'l, Inc., v. Iancu, 904 F. 3d 1375 (Fed. Cir. 2018)	12
Ex Parte Righi, Appeal No. 2007-0590 (PTAB July 25, 2007)	8
Tech. Licensing Corp. v. Videotek, Inc., 545 F. 3d 1316 (Fed. Cir. 2008)	22
In re Wertheim, 646 F.2d 527 (C.C.P.A. 1981)	13
Whitney v. Robertson, 124 US 190 (1888)	11



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Williamson v. Citrix Online, LLC, 792 F. 3d 1339 (Fed. Cir. 2015)	2
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