UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

UNIFIED PATENTS INC.
Petitioner

v.

BRADIUM TECHNOLOGIES LLC
Patent Owner

_____

IPR2018-00952
U.S. Patent 9,253,239

_____

**PETITIONER'S OPPOSITION TO PATENT OWNER'S
CONTINGENT MOTION TO AMEND**

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Bradium's Contingent Motion to Amend (Paper 39) should be denied. The proposed claims fail to meet the requirements of 35 U.S.C. § 316(d) and 37 C.F.R. § 42.121 and also fail to render the claims patentable over the prior art.

I. BRADIUM BROADENED THE SCOPE OF THE CLAIMS

A "proper substitute claim under 37 C.F.R. § 42.121(a)(2) must only narrow the scope of the challenged claim it replaces and may not enlarge the scope of the challenged claim by eliminating any feature or limitation." Paper 35, 3.

Proposed claim 20 includes three requests instead of two. The original claim included a "first request" based on a first viewpoint and a "second request" based on a second different viewpoint. Proposed claim 20 includes the same "first request," but also includes a new "second request" based on the first viewpoint and a "third request" based on a second different viewpoint which corresponds to the originally claimed "second request." The "third request" of proposed claim 20 is broader than the corresponding "second request" in original claim 20.

The original "second request" includes a "second derivative image" modified by a wherein clause requiring that "a series of K1-N derivative images . . . comprises the first derivative image and *the second derivative image*, ..." The new "third request" similarly includes a "third derivative image," but the third derivative image is *not* modified by the wherein clause, as shown below.
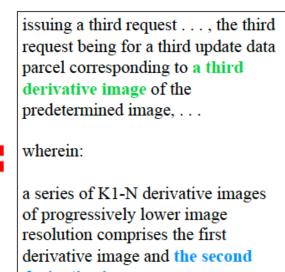
Original Claim 20
(As-amended to include claim 1)

issuing a second request . . . , the second request being for a second update data parcel corresponding to **a second derivative image** of the predetermined image, . . .

wherein:

a series of K1-N derivative images of progressively lower image resolution comprises the first derivative image and **the second derivative image** . . . .

≠

Proposed Substitute Claim 20

issuing a third request . . . , the third request being for a third update data parcel corresponding to **a third derivative image** of the predetermined image, . . .

wherein:

a series of K1-N derivative images of progressively lower image resolution comprises the first derivative image and **the second derivative image** . . . .
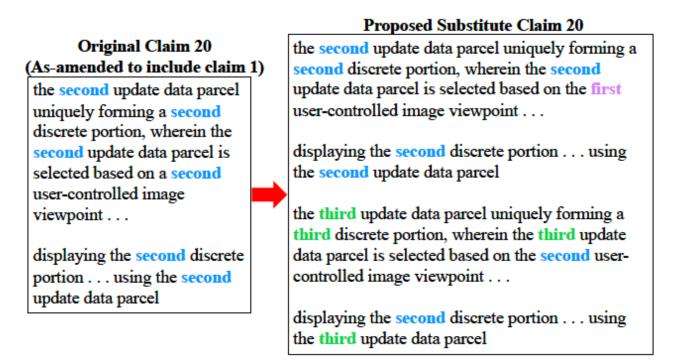
The claim is also improperly broadened because there is no step for displaying

the discrete portion based on the second viewpoint, i.e., "the *third* discrete portion."

Original Claim 20
(As-amended to include claim 1)

the **second** update data parcel uniquely forming a **second** discrete portion, wherein the **second** update data parcel is selected based on a **second** user-controlled image viewpoint . . .

displaying the **second** discrete portion . . . using the **second** update data parcel

→

Proposed Substitute Claim 20

the **second** update data parcel uniquely forming a **second** discrete portion, wherein the **second** update data parcel is selected based on the **first** user-controlled image viewpoint . . .

displaying the **second** discrete portion . . . using the **second** update data parcel

the **third** update data parcel uniquely forming a **third** discrete portion, wherein the **third** update data parcel is selected based on the **second** user-controlled image viewpoint . . .

displaying the **second** discrete portion . . . using the **third** update data parcel

Original claim 20 recited "displaying the *second* discrete portion" and "the *second*

DOCKET ALARM

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.

fastcase®
Smarter legal research.