IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Intel Corporation
Petitioner

v.

Qualcomm Incorporated
Patent Owner

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IPR2018-01240
U.S. Patent No. 8,698,558

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PETITIONER'S REPLY

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I.   INTRODUCTION

Patent Owner's Response ("POR") confirms that the challenged claims of the '558 patent are invalid. Indeed, the POR does not challenge Petitioner's mapping of the limitations to the cited references. Instead, the Patent Owner tries to avoid the prior art by advancing an improper claim construction, and by wrongly suggesting that the prior art references would not have been combined.

First, Patent Owner seeks to re-write the elements of its claims in the guise of claim construction. But its proffered construction contradicts the surrounding claim language, would exclude disclosed embodiments, and is inconsistent with the specification's teaching – as Patent Owner's own expert, Dr. Arthur Kelley, admitted in deposition. *See* Ex. 1330 [Kelley Transcript], 35:15-36:1; 37:5-16; 37:20-38:11; 133:4-135:9; *EPOS Techs. Ltd. v. Pegasus Techs. Ltd.*, 766 F.3d 1338, 1347 (Fed. Cir. 2014) (rejecting construction that reads out embodiments); *see also Dow Chem. Co. v. Sumitomo Chem. Co.*, 257 F.3d 1364, 1378 (same).

Second, Patent Owner's critique that the motivation to combine Chu with Choi 2010 does not appear "within the references themselves" (POR, 26) is wrong both legally and factually. On the law, there is no requirement that motive must be found within the four corners of the references being combined. This has been clear since *KSR* rejected such "[r]igid preventative rules that deny factfinders recourse to common sense," holding them "neither necessary under our case law

nor consistent with it." *KSR Intl. Co. v. Teleflex, Inc.*, 550 U.S. 398, 421 (2007). Consistent with *KSR*, the Petition demonstrated the common knowledge of a person of ordinary skill in the art ("POSA") using secondary references that show how the advantages of modifying a system like Chu to include a boost converter like Choi 2010 were very well-known. Patent Owner's argument is also factually incorrect. As the Petition demonstrated (Petition, 67-71), motivation to modify Chu comes directly from Choi 2010's express teaching of the advantages of adding a boost converter to a system like Chu's – advantages to which Patent Owner's expert admitted in deposition. *See* Ex. 1330, 105:20-106:4; 155:7-156:6.

Third, Patent Owner's suggestion that, contrary to the Board's institution decision (Decision ("DI"), 21-22; IPR2018-01153, Paper 9, 22-24), a POSA would lack motivation to combine Chu and Choi 2010 with Myers ignores Myers' express teaching on the benefits of implementing so-called "selective boost" in power management circuits. Teaching that Dr. Kelley conceded at deposition. (Ex. 1330, 100:6-9; 101:6-13; 152:21-153:4; 264:21-265:12; 281:6-282:2.)

For these reasons, as set forth more fully below, Patent Owner's arguments should be rejected and the challenged claims found unpatentable.

II.   CLAIM CONSTRUCTION

A.   Patent Owner's Proposed Construction Is Wrong

Patent Owner contends that the term "[a PMOS] transistor [having] … a source that receives the boosted supply voltage or the first supply voltage" should be construed such that "the PMOS transistor must be able to receive, selectively, either the boosted supply voltage or the first supply voltage (referred to herein as a "selective boost")." (POR, 9.) According to Patent Owner, a PMOS transistor that received only the first voltage or only the boosted voltage would not meet this limitation. This proposed construction is far from the broadest reasonable construction of "or," is contrary to the plain meaning, and would exclude disclosed embodiments. It should be rejected.

1. Patent Owner's Proposed Construction Contradicts The Plain Claim Language

Claim 10 recites "[a PMOS] transistor [having] … a source that receives the boosted supply voltage or the first supply voltage." Ex. 1301, 12:38-41. As Dr. Kelley conceded, the term "or" is a conjunction that identifies two alternatives: this "or" that. (Ex. 1330, 130:10-18 ("Q. I'm asking at the Schoolhouse Rock level, or is a conjunction that joins two alternatives, correct? A. Well, if we're going to import Schoolhouse Rock into the deposition, in that context, yes, it is.").) Under its plain English meaning, the requirement for an amplifier that operates based on "the first supply voltage *or* the boosted supply voltage" is met by an

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