

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, ZTE (USA), INC., SAMSUNG ELECTRONICS CO., LTD.,
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO. LTD.,
HUAWEI INVESTMENT & HOLDING CO. LTD.,
HUAWEI TECH. INVESTMENT CO. LTD., and
HUAWEI DEVICE (HONG KONG) CO. LTD.,
Petitioner

v.

Cywee Group Ltd.
(record) Patent Owner

IPR2018-01257
Patent No. 8,552,978

**PETITIONER GOOGLE'S OPPOSITION TO PATENT OWNER'S
OBJECTION AND MOTION TO TERMINATE PROCEEDINGS UNDER
UNITED STATES CONSTITUTION ARTICLE II, SECTION 2, CLAUSE 2**

TABLE OF CONTENTS

I. INTRODUCTION1

II. ARGUMENT1

 A. CyWee’s Motion Is Inconsistent with *Arthrex*.....2

 B. CyWee’s Motion Is Inconsistent with the Statute and
 Regulations3

 C. CyWee’s Motion Is Inconsistent with the Cited Supreme Court
 Cases6

III. CONCLUSION.....9

TABLE OF EXHIBITS

Exhibit No.	Description
1001	U.S. Pat. No. 8,552,978 (“ the ’978 patent ”).
1002	Declaration of Professor Majid Sarrafzadeh.
1003	C.V. of Professor Majid Sarrafzadeh.
1004	U.S. Pat. No. 7,089,148 (“ Bachman ”).
1005	U.S. Pat. App. Pub. 2004/0095317 (“ Zhang ”).
1006	U.S. Pat. 7,158,118 (“ Liberty ”).
1007	Return of Service for <i>Cywee Group Ltd. v. Google, Inc.</i> , Case No. 1-18-cv-00571, (D. Del.).
1008	Return of Service for <i>Cywee Group Ltd. v. Huawei Technologies Co., Inc. et al.</i> , Case No. 2-17-cv-00495, (E.D. Tex.).
1009	File History of U.S. Pat. App. 13/176,771
1010	Joint Claim Construction and Prehearing Statement in <i>Cywee Group Ltd. v. Samsung Electronics Co. Ltd. et al.</i> , Case No. 2-17-cv-00140, (E.D. Tex.).
1011	Ex. D to Complaint of April 16, 2018 in <i>Cywee Group Ltd. v. Google, Inc.</i> , Case No. 1-18-cv-00571 (D. Del.).
1012	Email of August 3, 2018 from Michael Shore to Luann Simmons.
1013	CyWee’s First Requests for Production of Documents in <i>Cywee Group Ltd. v. Google, Inc.</i> , Case No. 1-18-cv-00571, (D. Del.).
1014	CyWee’s Opposition to Petitioner’s Motion for Joinder to Inter Partes Review IPR2018-01258 of February 8, 2019.
1015	CyWee’s Opp. to Defendants’ Motion to Stay Pending Inter Partes Review Proceedings in <i>CyWee Group, Ltd. v. Samsung</i>

	<i>Elec. Co., Ltd.</i> , Case 2:17-cv-00140-WCB-RSP (E.D. Tex. Jan. 25, 2019).
1016	Complaint of April 16, 2018 in <i>Cywee Group Ltd. v. Google, Inc.</i> , Case No. 1-18-cv-00571 (D. Del.).
1017	U.S. Pat. Pub. No. US 2010/0312468 A1 (“ Withanawasam ”).
1018	Rebuttal Declaration of Professor Majid Sarrafzadeh
1019	Deposition Transcript of Dr. Joseph LaViola in IPR2018-01257, -01258 (May 22, 2019)(“ LaViola Tr. ”).
1020	U.S. Pat. No. 7,356,361 (“ Hawkins ”).
1021	U.S. Pat. No. 7,630,741 (“ Siddiqui ”).
1022	U.S. Pat. No. 8,738,103 (“ Puente Baliarda ”)
1023	USPTO PATFT database search results (search string “ref/7089148”).
1024	U.S. Pat. Pub. 2018/0153587 A1 (“ van der Walt ”).
1025	Deposition Transcript of Joseph LaViola in <i>CyWee Group Ltd., v. Huawei Device Co. Ltd.</i> , CASE NO. 2017-cv-00495-WCB-RSP (E.D. Tex. September 25, 2018).
1026	Complaint, <i>CyWee Group Ltd., v. Google, Inc.</i> 1:18-cv-00571 (D. Del. Apr. 16, 2018).
1027	First Amended Complaint, <i>CyWee Group Ltd. v. LG Electronics, Inc.</i> , 3:17-cv- 01102 (S.D. Cal. Oct. 6, 2017).
1028	First Amended Complaint, <i>CyWee Group Ltd. v. Samsung Electronics Co., Ltd.</i> , 2:17-cv-00140 (E.D. Tex. Mar. 3, 2017).
1029	Complaint, <i>CyWee Group Ltd. v. ZTE Corp.</i> , 3:17-cv-02130 (S.D. Cal. Oct. 17, 2017)
1030	<i>About the Android Open Source Project</i> , https://source.android.com

1031	<i>Android Is For Everyone, Enabling Opportunity</i> , available at https://www.android.com/everyone/enabling-opportunity/
1032	<i>Android Is For Everyone, Facts</i> available at https://www.android.com/everyone/facts/
1033	<i>Official Blog, Hiroshi Lockheimer April 15, 2015</i> , available at https://googleblog.blogspot.com/2015/04/android-has-helped-create-more-choice.html
1034	Memorandum Opinion and Order (Dkt. #250), <i>CyWee v. Samsung</i> , 2:17-cv-00140 (E.D. Tex. Nov. 7, 2018)
1035	PAXLICENSE.ORG, available at https://paxlicense.org/index.html
1036	PhoneArena.com, Phone Manufacturers, available at www.phonearena.com/phones/manufacturers
1037	PhoneArena.com, Google Pixel Rivals and Competitors, available at https://www.phonearena.com/phones/Google-Pixel-2_id10584/rivals
1038	Declaration of Collin W. Park
1039	Screenshot of Adobe Acrobat Creation and Modified Date Properties for Exhibit 2021.
1040	Search results from European Patent Office Web site (https://worldwide.espacenet.com) for applicant CyWee, in order of ascending priority date.
1041	Search results from U.S.P.T.O. Web site assignee database for assignee CyWee.
1042	U.S. Pat. No. 8,041,860.
1043	[SEALED] Second Deposition Transcript of Dr. Joseph LaViola in IPR2018-01257, -01258 (August 13, 2019)(“ 2nd LaViola Tr. ”).
1044	Third Declaration of Majid Sarrafzadeh

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.