

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

QUALCOMM INCORPORATED,  
Patent Owner.

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Case IPR2018-01316  
Patent 8,063,674

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**PETITIONER'S OPENING REMAND BRIEF**

## **I. Introduction**

No dispute remains that the AAPA, Majcherczak, and (where applicable) Matthews render claims 8, 9, 12, 13, and 16-22 of the '674 Patent (the “challenged claims”) obvious. The sole issue on remand is instead “whether Majcherczak forms the basis of Apple’s challenge, or whether the validity challenge impermissibly violated the statutory limit in Section 311.” *Qualcomm Inc. v. Apple Inc.*, 24 F.4th 1367, 1377 (Fed. Cir. 2022).

Apple’s challenge is permissibly based on Majcherczak under a straightforward application of the Director’s June 9, 2022, “Updated Guidance on the Treatment of Statements of the Applicant in the Challenged Patent in Inter Partes Reviews Under § 311” (the “Guidance”), as well as the Federal Circuit precedent applied in the Guidance.

## **II. The Majcherczak Grounds Are Permissible**

### **A. The Petition Relies on Majcherczak for the Alleged Invention**

#### **1. The '674 Patent’s Alleged Invention Is an Improvement to a “Standard” “Prior Art” Device**

The '674 Patent generally relates to “power up/down detectors for multiple supply voltage devices.” Ex. 1001, 1:6-8; Paper 2 (Pet.), 2-4; Paper 26 (FWD), 4. Its background section states that “[o]ne hardware solution *currently in use* provides power-up/down detectors to generate a power-on/off-control (POC)

signal internally.” Ex. 1001, 1:55-57.<sup>1</sup> The ’674 Patent further states that Figure 1, labeled “PRIOR ART,” illustrates “a *standard* POC system 10 for multiple supply voltage devices.” *Id.*, 1:58-60; Ex. 1003, ¶60.

The ’674 Patent asserts that this “*conventional*” approach has “problems with leakage and switching times.” Ex. 1001, 2:25-3:11; Ex. 1003, ¶61. It purports to solve these problems by the addition of “one or more feedback circuits coupled to the up/down detector” that “are configured to provide feedback signals to adjust a current capacity of said up/down detector.” Ex. 1001, 3:31-34; *see also*, *e.g.*, *id.*, 5:29-38 (explaining how the feedback network may “reduce the amount of leakage current”), 6:4-28 (explaining how the feedback network may allow the device to “power[] down more quickly than the existing POC networks”); Ex. 1003, ¶61; Pet., 3-4; FWD, 6. Other than the addition of one or more feedback networks, the ’674 Patent does not identify any other differences between the purported invention and the “standard POC system” shown in Figure 1, and the patent does not identify any other claim feature, alone or in combination, as allegedly helping to solve the leakage and switching time problems identified with this prior art. *See* Ex. 1001; Ex. 1003, ¶60; Pet., 3-4.

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<sup>1</sup> All emphasis herein is added unless otherwise noted.

Indeed, the Petition shows that the “standard POC system” of Figure 1 satisfies every limitation of the challenged claims other than (1) those relating to the functionality of the disclosed “feedback network,” and (2) claims 16 and 22, which do not describe any feature of the power up/down detector but instead recite certain devices in which it may be used. Pet., 45-76. In its Patent Owner Response, Qualcomm did not dispute that all these other elements were present in the “prior art” of Figure 1. *See generally* Paper 12 (POR).<sup>2</sup> Further, in the Final Written Decision, the Board found that Apple had carried its burden to show that these elements are present in the prior art system of Fig. 1. FWD, 51-53. Qualcomm did not appeal that determination.

Accordingly, the purported invention of the ’674 Patent is the addition of one or more feedback networks to a “conventional” POC system already “known” to a skilled artisan. Ex. 1001, 1:55-60, 3:10-11, Figs. 1, 4; Pet., 3.

## **2. The Petition Established that Majcherczak Discloses Both the Alleged Invention and Other Claim Elements**

The Petition highlights the facts set forth above to establish that the “‘standard’ POC system 10 for multiple supply voltage devices” depicted in Figure 1 “was known at the time of the filing of the ’674 Patent.” Pet., 2-4. The Petition

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<sup>2</sup> Qualcomm also did not dispute that Matthews renders the additional limitations of claims 16 and 22 obvious. *See* POR, 31-32; FWD, 56.

further explains that “the only substantive difference from the perspective of the claims between the prior art POC system 10 described in the AAPA and the purportedly inventive POC network 40 illustrated in Fig. 4 of the ’674 Patent is the inclusion of a feedback network 310.” Pet., 47 (citing Ex. 1001, Figs. 1, 4; Ex. 1003, ¶128).

To show that this “purported invention” would have been obvious in view of the Majcherczak grounds, the Petition relies on Majcherczak. Pet., 47-76. In particular, the Petition explains that Majcherczak includes a “feedback transistor M6” which “provides similar feedback to the feedback transistor M8 of the ’674 Patent’s POC network.” Pet., 50; *see also* Ex. 1008, ¶0037; Ex. 1003, ¶138. The Petition further explains that “a POSITA would have found it obvious to integrate” this “feedback transistor M6 from Majcherczak’s voltage detector into the POC system 10 of the AAPA.” Pet., 51-53 (citing Ex. 1003, ¶¶139-151).

The Petition then demonstrates how Majcherczak’s feedback transistor satisfies the relevant claim language. Pet., 54-73. For example, it explains that “the transistor M8 of the feedback network 310” in Figure 4 of the ’674 Patent is one of the disclosed structures “for performing the function of decreasing a current capacity of a power on/off detector of said POC network in response to said power-on detection,” and Majcherczak’s “feedback transistor M6, when integrated into the prior art POC network 10 of the AAPA” would perform the same function.

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