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Filed on behalf of Intel Corporation

By:

David L. Cavanaugh, Reg. No. 36,476

(David.Cavanaugh@wilmerhale.com)

Thomas E. Anderson, Reg. No. 37,063

(Tom.Anderson@wilmerhale.com)

Joseph H. Haag, Reg. No. 42,612

(Joseph.Haag@wilmerhale.com)

Evelyn C. Mak, Reg., No. 50,492

(Evelyn.Mak@wilmerhale.com)

Wilmer Cutler Pickering Hale and Dorr LLP

1875 Pennsylvania Avenue, N.W.

Washington, DC 20006

TEL: (202) 663-6000

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Intel Corporation
Petitioner

v.

Patent Owner of
U.S. Patent No. 8,838,949 to Gupta *et al.*

Trial No. IPR2018-01334

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 8,838,949
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

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Petitioner Intel Corporation respectfully requests *Inter Partes* Review of claims 1-9 and 22-23 of U.S. Patent No. 8,838,949 (the “’949 patent”) (Ex-1001) pursuant to 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.1 *et seq.*

I. INTRODUCTION

The ’949 patent discloses a particular technique for “scatter loading” an executable software image from a primary processor to a secondary processor in a multi-processor system. The general concept of scatter loading a software image and the specific details proposed by the ’949 patent, however, were neither novel nor non-obvious at the time of the purported invention. This Petition presents two key pieces of prior art—Bauer and Kim—that were not before the Patent Office during prosecution and that disclose exactly what the Examiner found missing from the prior art of record.

The Patent Owner obtained the ’949 patent only by adding claim limitations to distinguish a prior art Svensson PCT reference. The Patent Owner argued that Svensson PCT did not disclose a secondary processor that (1) received separately an image header and data segments of a software image; and (2) scatter loaded each data segment directly from the secondary processor’s hardware buffer to its system memory based on the image header. This Petition explains how Bauer and Kim disclose these two alleged points of novelty of the ’949 patent.

These new references—in combination with Svensson, the U.S. counterpart to Svensson PCT—present new art and a new combination that the Examiner never had a chance to consider. As explained below and in the accompanying declaration of Professor Bill Lin, this new art shows that the challenged claims of the '949 patent were obvious at the time of the purported invention and should be canceled.

II. MANDATORY NOTICES

A. Real Party-in-Interest

Intel Corporation (“Petitioner”) is a real party-in-interest and submits this *inter partes* review petition (“Petition”) for review of certain claims of the '949 patent. Petitioner also identifies Apple Inc. (“Apple”) as a real party-in-interest.

B. Related Matters

The following litigation matter would affect or be affected by a decision in this proceeding: *Qualcomm Inc. v. Apple Inc.*, Case No. 3:17-cv-1375 (S.D. Cal.).

The '949 patent was asserted in, but subsequently withdrawn from, this proceeding: *In re Certain Mobile Elec. Devices and Radio Frequency and Processing Components Thereof*, Inv. No. 337-TA-1065 (Int'l Trade Comm'n) (“Related ITC Case”).

Petitioner is also concurrently filing (1) a Petition for *Inter Partes* Review of claims 10-17 of the '949 patent (IPR2018-01335) and (2) a Petition for *Inter*

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