UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,

Petitioner,

v.

SAINT REGIS MOHAWK TRIBE, Patent Owner.

IPR2018-01607 Patent No. 7,620,800

PATENT OWNER SAINT REGIS MOHAWK TRIBE'S PRELIMINARY RESPONSE TO PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT 7,620,800



TABLE OF CONTENTS

I. INTRODUCTION	1
II. PERTINENT FACTS	3
A. SRC Computers creates the first high performance reconfigurable computer.	3
B. Related Proceedings.	4
III. THE BOARD SHOULD DENY INSTITUTION UNDER § 314(a)	5
A. The Board should deny institution because SRC is a sole-source supplier for the U.S. Army's TRACER Program	7
B. The Board should deny institution because there are two district court cases involving the same patent and overlapping prior art	10
C. The Board should deny institution because of the Tribe's status as a sovereign.	12
IV. TECHNOLOGY BACKGROUND	13
A. Conventional Computer Architecture	13
B. Field Programmable Gate Arrays.	14
C. Reconfigurable Computing	15
D. The '800 patent: SRC invents methods for enhancing parallelism and performance in reconfigurable computing systems	16
V. PATENT OWNER'S CLAIM CONSTRUCTIONS	18
A. The Board should apply the <i>Phillips</i> standard	18
B. Terms to be construed.	20
1. "functional unit"	20
2. "computational loop"	21
3. "form"	23



4. "data driven"	25
5. "transforming an algorithm into a data driven calculation that is implemented by said reconfigurable computing system at the at least one reconfigurable processor"	26
6. "pass computed data seamlessly between said computational loops"	27
7. "stream communication"	29
VI. Microsoft Failed To Demonstrate A Reasonable Likelihood Of Prevailing As To Any Challenged Claim.	31
A. Microsoft has failed to demonstrate that Splash2 anticipates or renders claims 1, 18, 22, or 22 obvious because Splash2 does not teach the instantiation of any "computational loops" as required by those claims.	31
B. Microsoft has failed to show that claims 1, 18, 21, and 22 are obvious under Splash2 in view of Gaudiot for the same reasons	38
C. Microsoft has failed to show that claims 2-5, 22, and 23 are obvious over Splash2 in view of Roccatano, with or without Gaudiot.	38
VII. CONCLUSION	43
VIII. LIST OF EXHIBITS	44

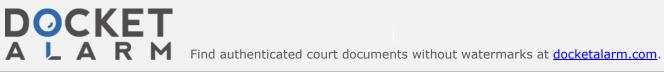


TABLE OF AUTHORITIES

CASES:

Altiris, Inc. v. Symantec Corp., 318 F.3d 1363 (Fed. Cir. 2003)22
Cuozzo Speed Techs. v. Lee, 136 S. Ct. 21316
<i>Michigan v. Bay Mills Indian Cmty.</i> , 134 S. Ct. 2024 (2014)
Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005)21, 22
Saint Regis Mohawk Tribe v. Mylan Pharm. Inc., 896 F.3d 1322 (Fed. Cir. 2018)13
Seachange Intern'l, Inc. v. C-COR, Inc., 413 F.3d 1361 (Fed. Cir. 2005)
ADMINISTRATIVE ORDERS:
Apple Inc. v. Uniloc Luxembourg, S.A., IPR2017-02202, slip op. at 9-10 (PTAB Dec. 13, 2018)
Butamax Advanced Biofuels LLC v. Gevo, Inc., Case IPR2014-00581, slip op. at 12–13 (PTAB Oct. 14, 2014)
General Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha, Case IPR2016–01357, Paper 19 at 9-10 (PTAB Sept. 6, 2017)
<i>Infobionic, Inc. v. Braemer Manufacturing, LLC,</i> IPR2015-01704, slip op. at 14-15 (PTAB Feb. 16, 2016)37, 39
Kinetic Techs. v. Skyworks Solutions, Inc., No. IPR2014-00529, slip op. at 15-16 (PTAB Sept. 23, 2014)37, 40
<i>Masabi Ltd. v. Bytemark, Inc.</i> , IPR2017-01449, slip op. at 43-44 (PTAB Dec. 3, 2018)37, 39



Mylan Pharms., Inc. v. Bayer Intellectual Property GMBH, Case IPR2018-01143, slip op. at 12-14 (PTAB Dec. 3, 2018)
NHK Spring Co., Ltd v. Intri-Plex Techs., Inc., Case IPR2018-00752, slip op. at 19-20 (PTAB Sept. 12, 2018)
<i>TRW Automotive US LLC v. Magna Elecs., Inc.</i> , No. IPR2014-00258, slip op. at 10-11 (PTAB Aug. 27, 2014)38, 40
STATUTES:
35 U.S.C. § 312
35 U.S.C. § 314
35 U.S.C. § 316
REGULATIONS:
37 C.F.R. § 42.104
37 C.F.R. § 42.22
37 C.F.R. § 42.65



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