

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PANASONIC AVIONICS CORP.,
Petitioner

v.

LINKSMART WIRELESS TECHNOLOGY, LLC.,
Patent Owner

Case IPR2019-00043
U.S. Patent No. RE46,459

**PATENT OWNER'S PRELIMINARY RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW**

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I. Introduction

The '459 patent reissued from U.S. Patent No. 6,779,118. The '459 patent's claims have been extensively vetted. In addition to the prosecution of the '459 patent's reissued and amended claims, the claims of the original '118 patent went through prior District Court litigation, examination, *ex parte* and *inter parte* reexaminations, and two Board appeals. The Patent Office and opposing parties found and asserted a diverse array of prior art. The '118 patent's claims were narrowed and corrected through the course of these prior proceedings, and again in prosecution of the '459 reissue.

With this backdrop, the Petition tries to shoehorn together three prior art references in its only ground of obviousness. The Petition relies on mischaracterizing the challenged claims and asserted prior art to create the superficial appearance of a likelihood of success. But the facts—even when viewed in Petitioner's favor—do not support the Petition's argument.

While the Petition is deficient in many ways, the Petition fails at a threshold level for at least three independent reasons. These are further explained below in turn. Each of these deficiencies applies to all of the challenged claims, and any one is fatal to the Petition on its own. The Petition thus fails demonstrate a reasonable likelihood of success in invalidating any one challenged claim. Trial should not be instituted.

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