#### 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.

IXI IP, LLC Patent Owner

Case IPR2019-00139 Patent 7,039,033 B2

PATENT OWNER IXI IP, LLC'S PRELIMINARY RESPONSE TO APPLE, INC.'S PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 7,039,033 PURSUANT TO 35 U.S.C. § 313, 37 C.F.R. § 42.107



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	1.	Factors 1-3: (1) the similarity of the asserted art and the prior art involved during the examination; (2) the extent to which the asserted art was considered during examination, including whether the prior art was the basis for rejection; & (3) the cumulative nature of the asserted art and the prior art considered during examination
	2.	Factor 4: the extent to which the arguments made during examination and the manner in which Petitioner relies on the prior art or the applicant's arguments during examination overlap
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