UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LG ELECTRONICS INC.
Petitioner

v.

CYWEE GROUP LTD.
Patent Owner

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Case IPR2019-00560
Patent No. 8,552,978

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PATENT OWNER PRELIMINARY RESPONSE

Table of Contents

Table of Authorities

List of Exhibits

2001	RESERVED
2002	RESERVED
2003	Claim Construction Opinion and Order (Doc. 117), *Cywee Group Ltd. v. Samsung Elecs. Co., Ltd.,* C.A. No. 2:17-CV-00140-WCB-RSP (E.D. Tex., July 9, 2018)
2004	Expert Declaration of Dr. Joseph LaViola, Ph.D., in Support of Patent Owner Response
2005	*Curriculum Vitae* of Dr. Joseph LaViola, Ph.D.
2006	Order (Doc. 153), *Cywee Group Ltd. v. Samsung Elecs. Co., Ltd.,* C.A. No. 2:17-CV-00140-WCB-RSP (E.D. Tex., Aug. 14, 2018)
2007	Memorandum Opinion (Doc. 55), *CyWee Group Ltd. v. Motorola Mobility LLC*, C.A. No. 17-780-RGA (D. Del., Dec. 21, 2018)
2008	File History of U.S. Application No. 10/396,439
2009	File History of U.S. Application No. 12/413,722
2010	File History of U.S. Application No. 13/367,058
2011	Google's Responses to CyWee's Requests for Production, *CyWee Group Ltd. v. Google, Inc.*, No. 1:18-cv-00571 (D. Del.) (Sep. 4, 2018)

I. SUMMARY

Petitioner has challenged the patentability of Claims 10 and 12 of U.S. Patent No. 8,552,978 (the "'978 Patent") based solely on obviousness grounds. Petitioner cannot meet its burden of showing that any of the claims are unpatentable over the asserted combination for at least the following reasons:

- Petitioner's challenges rely on two different combinations of references— *Zhang* in view of *Bachmann*, and *Liberty* in view of *Bachmann*—neither of which teaches or suggests all the claim limitations.

- The *Bachmann* (Ex. 1004) device is not a "3D pointing device;" it is not a handheld device used to control actions on a display and does not point to anything at all. *Bachmann* merely measures movements of an articulated rigid object such as limbs of a human body. Tellingly, neither Petitioner nor the Board alleges that *Bachmann* discloses a "3D pointing device." As such, Bachmann is not analogous art to the '978 Patent. *See infra* Section VI.

- Petitioner's challenges based on the combination of *Zhang* (Ex. 1005) and *Bachmann* and the combination of *Liberty* (Ex. 1006) and *Bachmann* rely on references that would not be combined by one of ordinary skill in the art. Dr. LaViola, a PHOSITA with extensive experience in the relevant art, has concluded that one of skill in the art would not be motivated to combine the references because they provide no reason for why they can be combined and,

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