

Case IPR2019-00612
U.S. Patent No. 8,831,557

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

SAMSUNG ELECTRONICS CO., LTD.,

and

SAMSUNG ELECTRONICS AMERICA, INC.,

Petitioners,

v.

FIRSTFACE CO., LTD.,

Patent Owner.

Case IPR2019-00612
U.S. Patent No. 8,831,557

PATENT OWNER'S SUR-REPLY TO PETITION

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TABLE OF AUTHORITIES

Cases:

<i>Graham v. John Deere Co. of Kan. City</i> , 383 U.S. 1 (1966).....	10, 11, 20
<i>In re Merck & Co.</i> , 800 F.2d 1091 (Fed. Cir. 1986)	10, 11
<i>In re Mouttet</i> 686 F.3d 1322 (Fed. Cir. 2012)	10, 11
<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012)	14, 22

Rules, Statutes, and Other Authorities:

35 U.S.C. § 112	3
M.P.E.P § 2141	10, 20

TABLE OF EXHIBITS

Exhibit	Description
2001	Declaration of Dr. Alfred C. Weaver
2002	Anand L. Shimpi, <i>iPhone 3G - First Battery Life Results</i> (July 11, 2008), http://www.anandtech.com:80/show/2566 (retrieved from http://web.archive.org/web/20100412072814/http://www.anandtech.com:80/show/2566)
2003	James Galbraith, <i>Test results: iPhone 4 battery life</i> (July 1, 2010) https://www.macworld.com/article/1152460/iphone4_battery.html (retrieved from http://web.archive.org/web/20120427120056/https://www.macworld.com/article/1152460/iphone4_battery.html)
2004	U.S. Patent Application Publication No. 2012/0167170 to Shi, et al.
2005	U.S. Patent Application Publication No. 2012/0133484 to Griffin
2006	Declaration of Thomas Cecil
2007	Deposition Transcript of Benjamin Bederson

Patent Owner Firstface Co., Ltd. (“Firstface” or “Patent Owner”) submits this Sur-Reply to the Petition of Apple Inc., Samsung Electronics Co., Ltd., and Samsung Electronics America, Inc. (together, “Petitioner”) seeking *inter partes* review of claims 1, 8-9, and 15 of U.S. Patent No. 8,831,557 (Ex. 1101, the “’557 patent”).

I. Introduction

Petitioner’s Reply, like its Petition, fails to show that the Challenged Claims are unpatentable. None of the cited art, alone or in combination, discloses simultaneously performing a user identification function and activating the display, as required by all Challenged Claims. Petitioner’s arguments otherwise rely on overly generous readings of the references, inferring disclosure from silence. The Board should reject Petitioner’s arguments and find all Challenged Claims patentable.

II. Claim Construction

A. “simultaneously”

In its Reply, Petitioner “adopts” the Board’s construction of “simultaneously.” Reply at 1-2. As explained in its POR, Patent Owner agrees that this is the correct construction. The Board should therefore construe “simultaneously” as “when a user just presses the activation button, both the user identification function and the switching from the inactive state of the display unit

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