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.

MPH TECHNOLOGIES OY,
Patent Owner.

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Case IPR2019-00820
Patent 7,937,581

PETITIONER'S REQUEST FOR LIMITED BRIEFING POST-REMAND

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Updated: December 2, 2022

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1011	RFC2401 - S. Kent, and R. Atkinson, Security Architecture for the Internet Protocol, RFC2401, The Internet Society, November 1998 ("RFC 2401")
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I. INTRODUCTION

Parties have met and conferred and have subsequently participated in a teleconference with the Board as contemplated by Standard Operating Procedure 9 ("SOP 9"). During that SOP 9 conference, the Parties each argued their positions regarding necessary procedure on remand. Petitioner indicated, relative to the -00820 proceeding (and '581 patent), that the legal effect of Patent Owner's statutory disclaimer as a request for adverse judgment required briefing.[1] The 18-

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[1] See Exhibit 1024, 6-7. More specifically, Petitioner argued during the SOP 9 conference that the disclaimer of the sole remaining claim is to be construed as a request for adverse judgement under 37 C.F.R. 42.73(b)(2). *Id.* Patent Owner maintained the position that it had advocated during meet and confer, namely that adverse judgment was not indicated. *Id.* at 13-14. Specifically, Patent Owner argued during the SOP 9 conference that claims whose unpatentability had been affirmed and for which the Office still needed to issue a trial certificate constitute "remaining claims in trial" and thus precluded entry of adverse judgement. *Id.*, *but see Apple Inc. v. Corephotonics Ltd.*, IPR2018-01146, paper 45 (Feb. 11, 2022) (judgment on remand and in view of statutory disclaimer referenced by counsel during conference).

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