

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MPH TECHNOLOGIES OY,
Patent Owner.

Case IPR2019-00823
Patent 9,712,494

**PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY TO
PATENT OWNER'S RESPONSE**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. CLAIM CONSTRUCTION.....	2
A. Mobile Computer	2
1. The Institution Decision Correctly Held That The “Mobile Computer” Must At Least Be “Moving From One Network To Another”.....	3
2. Petitioner Incorrectly Argues That, Contrary To The Panel’s Holding, The “Mobile Computer” Need Only Be <i>Capable Of</i> Moving Between Networks	4
a. Petitioner’s Construction Is Inconsistent With The Intrinsic Evidence	4
b. Petitioner’s Argument About The Background Of The Invention’s Use Of The Terms Mobile Terminal/Mobile Host Misses The Point.....	6
c. The Evidence Provided By Dr. Goldschlag On “Mobile Terminal” Is Unreliable And Unpersuasive	7
i. Dr. Goldschlag’s Testimony Is Evasive, Contradictory, And Biased.....	7
ii. Dr. Goldschlag Inappropriately Relies On A Generic College Dictionary	9
3. Petitioner Incorrectly Argues That, Contrary To The Panel’s Holding, The “Mobile Computer” Need Only Be Capable Of Moving Between Physical Locations.....	10
B. Substitute/Substituting.....	10

III. GROUND 1 AND 2: CLAIMS 1-11 ARE PATENTABLE OVER THE COMBINATION OF RFC3104 AND GRABELSKY	11
A. The Reply Relies On Dr. Goldschlag’s Obviousness Testimony, Which Applies An Erroneous Standard	11
B. RFC3104/Grabelsky Fail to Teach The Mobile Computer Of Claims 1-5 And 8-11	13
1. Petitioner Is Advancing A New Theory Of RFC3104 That Was Not Disclosed In The Petition And Should Be Disregarded	13
2. Petitioner’s New Theory Is A Reimagination Of RFC3104 That Is Not Disclosed Or Remotely Suggested By The Reference	16
3. Petitioner’s Effort to Support Its New Theory With Mischaracterized Deposition Testimony Fails	19
4. Petitioner’s Application Of RFC3104 Using Its New Theory Fails To Meet The Limitations Of Claim 1	21
5. A POSITA Would Have No Expectation Of Success That Petitioner’s Newly Theorized Modification Of The RFC3104 System Would Operate As Intended.....	23
C. RFC 3104/Grabelsky Fail To Teach Claim 1’s Translation Table That Enables “The Intermediate Computer . . . To Find A Destination Address . . . Using the Unique Identity” Read From The Secure Message Received From The Mobile Computer	24
D. The Dependent Claims Are Separately Patentable.....	27
1. Claim 2 Should Be Confirmed	27
2. RFC3104/Grabelsky Fail To Teach The Two-Part Translation Table Of Claim 4.....	27

**3. RFC3104/Grabelsky Fail To Teach The “Source
Address Of The Forwarded Message Is The Same As
The First Network Address” Per Claim 1127**

IV. CONCLUSION28

TABLE OF AUTHORITIES

Page(s)

CASES

Ex Parte Wang,
2014 WL 6789993 (Patent Tr. & App. Bd.: November 26 2014) (Appeal
2012-009481).....24

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005)10

TQ Delta, LLC v. CISCO Sys., Inc.,
942 F.3d 1352 (Fed. Cir. 2019)12

Wasica Fin. GmbH v. Continental Automotive Sys., Inc.,
853 F.3d 1272 (Fed. Cir. 2017)15

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