

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

APPLE INC.,  
Petitioner,

v.

MPH TECHNOLOGIES OY,  
Patent Owner.

---

Case IPR2019-00825  
Patent 9,762,397

---

**PATENT OWNER'S PRELIMINARY RESPONSE**

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
I. INTRODUCTION .....	1
II. CLAIM CONSTRUCTION .....	3
III. THE PETITION FAILS TO SHOW A REASONABLE LIKELIHOOD THAT THE RFC3104-GRABELSKY COMBINATIONS RENDER THE CLAIMS OBVIOUS (ALL CLAIMS, ALL GROUNDS) .....	4
A. “Receiving A Secure Message ... Sent To An Address Of The Intermediate Computer” And “Sending The Secure Message ... Using The Address Of The Intermediate Computer As A Second Source Address.” (All Claims) .....	4
1. RFC3104 Receives Messages At And Sends Messages From Different Addresses Of Server N .....	6
2. RFC3104 Does Not Disclose That When Host Y Sends Its Message To Address Nb, The Message Is Thereby “Also Sent To” Address Na .....	11
3. RFC3104’s “Secure Message” Is Received At And Sent From Addresses On Different Address Spaces .....	18
B. Other Arguments .....	23
IV. CONCLUSION.....	23

**TABLE OF AUTHORITIES**

	<b><u>Page</u></b>
<b>COURT DECISIONS</b>	
<i>Atofina v. Great Lakes Chem.</i> , 441 F.3d 991 (Fed. Cir. 2006).....	15
<i>Bettcher Indus. v. Bunzl USA</i> , 661 F.3d 629 (Fed. Cir. 2011).....	15
<i>PAR Pharm. v. TWI Pharms.</i> , 773 F.3d 1186 (Fed. Cir. 2014).....	15
<i>Vivid Techs., Inc. v. Am. Science &amp; Eng’g, Inc.</i> , 200 F.3d 795 (Fed. Cir. 1999).....	4
<b>AGENCY DECISIONS</b>	
<i>Am. Honda Motor Co. v. Blitzsafe Tex., LLC</i> , IPR2016-01473, Paper 9 (PTAB Jan. 24, 2017).....	13
<i>Apple Inc. v. Papst Licensing GmbH &amp; Co.</i> , IPR2016-01863, Paper 35 (PTAB Apr. 13, 2018).....	14
<i>Kinetic Techs., Inc. v. Skyworks Sols., Inc.</i> , IPR2014-00529, Paper 8 (PTAB Sept. 23, 2014).....	13
<i>Unified Patents Inc. v. Societa Italiana Per Lo Sviluppo Dell’Elettronica S.P.A.</i> , IPR2017-00565, Paper 13 (PTAB June 15, 2017).....	14
<b>RULES AND RULEMAKING</b>	
37 C.F.R. § 42.100 .....	3
37 C.F.R. § 42.108 .....	1
37 C.F.R. § 42.65 .....	14
83 Fed. Reg. 51,340, 51,358 (Oct. 11, 2018).....	3

EXHIBIT LIST	
2001	U.S. Pat. No. 8,346,949 B2
2002	RFC1918

## I. INTRODUCTION

MPH Technologies Oy (“Patent Owner”) submits this Preliminary Response to the Petition for Inter Partes Review filed by Apple Inc. (“Petitioner”) challenging claims 1 and 2 of U.S. Patent No. 9,762,397 (“the ’397 Patent”). The Petition fails to demonstrate a reasonable likelihood that either challenged claim is unpatentable. 37 C.F.R. § 42.108(c). The petition should be denied.

The ’397 Patent is a continuation of U.S. Patent No. 8,346,949 (“the ’949 Patent”) [Ex. 2001], which Petitioner challenges in another petition filed simultaneously with this Petition. *See* IPR2019-00822. Petitioner challenges both Patents based on exactly the same two references, RFC3104 and Grabelsky, and virtually the same arguments based on those references.<sup>1</sup>

The claims of the present ’397 Patent include limitations not found in claim 1 of the ’949 Patent, and not addressed in IPR2019-00822. In particular, the claims include the requirements of “the intermediate computer receiving a secure message having a first source address *sent to an address of the intermediate*

---

<sup>1</sup> The IPR2019-00822 petition also adds a third reference, in a combination directed solely against a single dependent claim of the ’949 Patent. Ex. 2001, 8 (’949 claim 3). That reference is not raised here.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.