

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

FIRSTFACE CO., LTD.,

Patent Owner.

Case IPR2019-01012
U.S. Patent No. 9,779,419

PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF CONTENTS

I. INTRODUCTION	1
II. THE '419 PATENT AND THE CHALLENGED CLAIM	3
A. Problem Presented	3
III. Claim Construction.....	6
IV. SUMMARY OF THE REFERENCES	7
A. Griffin	7
B. Goertz	8
C. Davis.....	9
D. iOS	10
V. APPLICABLE LEGAL STANDARDS.....	11
A. Standard for Institution.....	11
B. Obviousness.....	11
VI. THE PETITION DOES NOT DEMONSTRATE THAT THE CHALLENGED CLAIM IS UNPATENTABLE UNDER GROUND 1.	13
A. Griffin Does Not Disclose Turning on the Display (Displaying a Lock Screen) and Performing a Fingerprint Authentication Function in Response to a One-Time Pressing of the Activation Button.....	13
B. The Deficiencies of Griffin Are Not Resolved by Davis.....	16
C. A POSITA Would Not Combine Griffin With Davis to Arrive at the Claimed Invention.	19
VII. THE PETITION DOES NOT DEMONSTRATE THAT THE CHALLENGED CLAIM IS UNPATENTABLE UNDER GROUND 2.	20
A. Goertz Does Not Disclose an Activation Button Configured for Pressing to Turn On the Touch Screen Display.	21
B. Goertz Does Not Disclose Turning On the Display and Performing a Fingerprint Authentication Function in Response to a One-Time Pressing of the Activation Button.....	23

..

C. The Deficiencies of Goertz Are Not Resolved by Davis.25
VIII. CONCLUSION25

...

TABLE OF AUTHORITIES

Cases:

<i>Bausch & Lomb v. Barnes-Hind/Hydrocurve</i> , 796 F.2d 443 (Fed. Cir. 1986)	18
<i>CFMT, Inc. v. YieldUp Int’l Corp.</i> , 349 F.3d 1333 (Fed. Cir. 2003)	11
<i>Garmin Int’l, Inc. v. Patent of Cuozzo Speed Techs. LLC</i> , Case No. IPR2012-00001, Paper 15 (PTAB Jan. 9, 2013).....	12
<i>In re Gordon</i> , 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984)	12, 20
<i>In re Rijckaert</i> , 9 F.3d 1531 (Fed. Cir. 1993)	12
<i>In re Royka</i> , 490 F.2d 981 (C.C.P.A. 1974)	11
<i>KSR Int’l. Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	12
<i>Unigene Labs., Inc. v. Apotex, Inc.</i> , 655 F.3d 1352 (Fed. Cir. 2011)	12

Rules and Statutes:

35 U.S.C. § 103	11, 12, 18
35 U.S.C. § 103(a)	11
35 U.S.C. § 282(b)	6
35 U.S.C. § 314(a)	11
37 C.F.R § 42.100(b)	7

37 C.F.R. § 42.107 1

37 C.F.R. § 42.108(c)..... 11

Other Authorities:

M.P.E.P § 2143.01(V)..... 12, 20

Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,756 (Aug. 14, 2012) 11

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.