

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DISH NETWORK L.L.C.,
Petitioner,

v.

WISTARIA TRADING LTD.,
Patent Owner

IPR2019-01447
PATENT 9,104,842

**PATENT OWNER PRELIMINARY RESPONSE TO PETITION
PURSUANT TO 37 C.F.R. § 42.107(a)**

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Table of Authorities

Cases

In re NuVasive, Inc., 841 F.3d 966 (Fed. Cir. 2016)3

Statutes

35 U.S.C. § 1033

35 U.S.C. § 316(e)3

Table of Exhibits

Exhibit	Description
1001	United States Patent No. 9,104,842 by Scott A. Moskowitz, entitled “Data Protection Method and Device”
1002	Declaration of Dr. Vijay K. Madiseti
1003	<i>Curriculum Vitae</i> of Dr. Vijay K. Madiseti
1004	File History for United States Patent No. 9,104,842
1005	File History for <i>Ex Parte</i> Reexamination of United States Patent No. 9,104,842
1006	File History for United States Patent No. 6,598,162
1007	First Amended Complaint for Patent Infringement, <i>Blue Spike LLC v. DISH Network Corporation</i> , Civil Action No. 1:19-cv-00160-LPS-CJB (filed Mar. 29, 2019) (“District Court Litigation”)
1008	First Amended Complaint, <i>Blue Spike LLC v. DISH Network Corporation et al.</i> , Nos. 6:18-CV-00333-RWS-KNM (E.D. Tex.), 1:18-CV-01512-LPS-CJB (D. Del.) (the “Prior Litigation”)
1009	Order Granting Joint Motion to Transfer to the District of Delaware and Stay All Deadlines, 6:18-CV-00333-RWS-KNM, ECF No. 19, entered in Prior District Court Litigation
1010	Notice of Voluntary Dismissal Without Prejudice, served in Prior District Court Litigation
1011	United States Patent No. 5,199,066 to Logan (“Logan”)
1012	United States Patent No. 5,103,476 to Waite <i>et al.</i> (“Waite”)
1013	United States Patent No. 5,757,907 to Cooper <i>et al.</i> (“Cooper”)

I. INTRODUCTION

Patent Owner Wistaria Trading Ltd. submits this Preliminary Response to the Petition for *Inter Partes* Review of United States Patent No. 9,104,842 (“the ’842 Patent”) filed by Petitioner DISH Network L.L.C. (“Petitioner”) (the “Petition” or “Pet.”).

The Board should dismiss the Petition in its entirety at least because, as Patent Owner shows below, dispositive claim elements are entirely missing from the combination of references asserted in each of the Grounds of the Petition.

II. THE ’842 PATENT

A. Overview of the ’842 Patent

The ’842 Patent is titled “DATA PROTECTION METHOD AND DEVICE.” The ’842 Patent describes a method for data protection. EX1001, Abstract. In particular, a computer receives software and embeds a watermark in the software. EX1001, 16:3-5. The watermark encodes a license code. EX1001, 16:6-7. The software (i.e., the license code encoded watermarked software) queries a user for personalization information during installation. EX1001, 16:8-10.

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