UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., Petitioner,

v.

MAXELL, LTD., Patent Owner

Case: IPR2020-00200

U.S. Patent No. 10,084,991

PATENT OWNER'S REDACTED SUR-REPLY IN *INTER PARTES* REVIEW OF U.S. PATENT NO. 10,084,991

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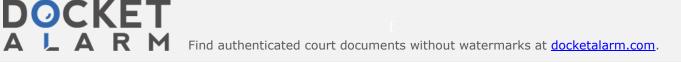


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<i>In re NTP</i> , 654 F.3d 1279 (Fed. Cir. 2011)	
InTouch Techs., Inc. v. VGo Communs., Inc., 751 F.3d 1327 (Fed. Cir. 2014)	10
Koninklijke Philips N.V. v. Google LLC, 948 F.3d 1330 (Fed. Cir. 2020)	10
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	
<i>Polaris Indus. v. Artic Cat, Inc.,</i> 882 F.3d 1056 (2018)	
SAS Inst., Inc. v. Iancu, 138 S. Ct. 1348 (2018)	9
Sirona Dental SystemsGMBH v. Institut Straumann AG, 892 F.3d 1349 (Fed. Cir. 2018)	10

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PATENT UPDATED OWNER'S EXHIBIT LIST

Description	Exhibit #	
October 9, 2018 Notice Letter from Maxell to Apple	2001	
March 16, 2020 Scheduling Order		
May 31, 2019 Scheduling Order		
Docket From District Court Action		
January 8, 2020 Minute Order		
March 18, 2020 Markman Order		
August 28, 2019 Minute Order		
September 17, 2019 Minute Order		
Maxell's Disclosure of Asserted Claims and Infringement Contentions	2009	
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Asmussen Chart from District Court Action		
March 6, 2017 Scheduling Order from Maxell v. ZTE		
March 19, 2018 Scheduling Order from Maxell v. ZTE		
Docket from District Court Action		
Standing Order re COVID-19		
April 20, 2020 Scheduling Order from District Court Action		
Declaration of Tiffany A. Miller		
Transcript of September 28, 2020 Deposition of Dr. Lippman		
Declaration of Dr. Maja Bystrom		
U.S. Patent No. 7,864,051		

I. INTRODUCTION

Apple's Reply fails to tackle the flaws in the prior art and motivations to combine the references set forth in the Petition.

Regarding the "network interface" limitation in claim 1(a), Apple fails to demonstrate that Asmussen discloses this limitation alone. Apple's expert, Dr. Lippman does not address key technical issues that undercut his opinions that receiver 750 of Figure 30 could be integrated with tuner 603 (in Figures 11a or 12) to meet the network interface limitation. Nor should the Board consider Apple's belated "Asmussen in combination with Lindstrom" Ground demonstrating claim 1(a) is met as such ground was not raised in the Petition.

Regarding the "rendering the camera operative" limitation in claim 1(e), Apple fails to demonstrate that Asmussen alone or in combination with Bear disclose this limitation. Indeed, the Board preliminarily determined that Asmussen alone does not disclose the "rendering the camera operative" limitation. *See* Institution Decision, at 64. Moreover, as to the Asmussen and Bear combination, the proposed motivations to combine are hindsight reconstructions that use the '991 Patent "as a guide through the maze of prior art references" and should be rejected.

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