

Case No. IPR2020-00267

U.S. Patent No. 8,432,173

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.; AND
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

NEODRON LTD.,
Patent Owner.

Case No. IPR2020-00267

U.S. Patent No. 8,432,173

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List of Exhibits

Ex. 2001	Declaration of Mr. Richard Flasck
Ex. 2002	Curriculum Vitae of Mr. Richard Flasck
Ex. 2003	Deposition of Dr. Benjamin Bederson, taken 8/12/2020

I. Summary of Grounds

Petitioner challenges claims 1-24 of the '173 Patent under three grounds: (Pet. at 3):

Ground 1: Obviousness of claims 1-2, 8-11, and 17-19 in light of U.S. Patent Publication 2004/0252109 (“Trent”) in light of the knowledge of a POSITA.

Ground 2: Obviousness of claims 1-3, 5-12, and 14-19 in light of Trent in view of US Patent No. 6,229,456 (“Engholm”), and further in light of the knowledge of a POSITA.

Ground 3: Obviousness of claims 1-3, 5-12, and 14-19 in light of U.S. Patent No. 5,559,301 (“Bryan”) in view of Trent and Engholm, and further in light of the knowledge of a POSITA.

For the reasons below, Petitioner has not shown unpatentability of any claim of the '173 Patent. The Board should affirm the validity of all challenged claims as set forth below.

II. Person of Ordinary Skill in the Art

A person of ordinary skill in the art with respect to the '173 Patent would have a bachelor’s degree in physics, electrical engineering, or a related field, and at least two years of experience in the research, design, development, and/or testing of touch sensors, touchscreens and display stacks, human-machine interaction and interfaces,

and/or graphical user interfaces, and related firmware and software. A person with less education but more relevant practical experience, or vice versa, may also meet this standard. Patent Owner's expert Mr. Flasck agrees with this standard. Ex. 2001 ¶ 20.

III. Ground 1: Obviousness by Trent

Petitioner's and Dr. Bederson's analysis in Ground 1 is based exclusively on Trent in light of the background knowledge of a POSITA. Ex. 2003 at 12:18-13:3.

A. Petitioner's invalidity theory requires a mixture of Trent's separate absolute position sensing and relative motion sensing embodiments; yet Petitioners and Dr. Bederson fail to explain why it would be possible, much less obvious, to combine these embodiments.

As Mr. Flasck explains, Trent teaches two distinct embodiments of its "closed-loop" capacitive touch sensors. Ex. 2001 ¶¶ 25-33. In one embodiment, the sensor determines the absolute position of a user's finger; Mr. Flasck calls this the "absolute position sensing embodiment." *See, e.g.*, Ex. 1005 ¶¶ 25, 92, 105, 124-129; *Id.* Figs. 28, 31; Ex. 2001 ¶¶ 27-29. In the other embodiment, which Mr. Flasck calls the "relative motion sensing embodiment," the sensor is only capable of determining the relative motion of a user's finger and is incapable of unambiguously

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