

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SEVEN NETWORKS, LLC,
Patent Owner.

Case IPR2020-00280
Patent 10,027,619

**PATENT OWNER'S PRELIMINARY RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW
OF UNITED STATES PATENT NO. 10,027,619
PURSUANT TO 35 U.S.C. § 313, 37 C.F.R. § 42.107**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. PETITIONER FAILS TO SHOW ITS MULTIPLE PETITIONS AGAINST THIS PATENT ARE NECESSARY OR JUSTIFIED.....	2
A. Multiple Petitions Are Improper Except In Rare Circumstances.	2
B. No Rare Circumstances Necessitating Multiple Petitions Apply.	3
1. Petitioner Fails To Show A Necessity To Raise An Exceptionally Broad Array Of Prior Art.....	5
2. No Dispute About The Priority Date Necessitates Extra Art.	6
3. Zero, Not Twenty, Claims Are Asserted In Litigation.	7
III. PETITIONER FAILS TO SHOW A REASONABLE PROBABILITY THE CLAIMS ARE OBVIOUS OVER THE HIND COMBINATIONS.....	8
A. Petitioner Fails To Show Nielsen Is Analogous Art (All Grounds).	8
B. Petitioner Fails To Show That The Hind Combinations “Optically Receiv[e] . . . A Displayed Service Activation Code.”	24
1. No Reference Or Combination Is Shown To “ <i>Optically Receiv[e]. . . A . . . Service Activation Code</i> From A Remote Device” (All Grounds, All Claims).....	26
2. No Reference Or Combination Is Shown To Optically Receive A “ <i>Displayed . . . Code</i> ” (All Grounds, All Claims).....	32
C. Petitioner Fails To Show That The Hind Combinations “Registe[r] The Remote Device . . . To A Messaging Account . . . Using The Service Activation Code” (All Grounds, All Claims).....	38

- 1. Registration, Here The Creation Of A Persistent Or Permanent Relationship, Is A Distinct Concept From Authentication.....39
- 2. Hind, Nielsen, And Thompson Describe Temporary Relationships That Are Not “Regist[rati]on]” As Claimed.41
- D. Petitioner Shows No Rationale For Combining Hind With Nielsen (All Grounds, All Claims).....47
- IV. CONCLUSION.....61**

TABLE OF AUTHORITIES

Page(s)

COURT DECISIONS

Bicon Inc. v. Straumann Co.,
441 F.3d 945 (Fed. Cir. 2006) 35, 36

Circuit Check Inc. v. WXW Inc.,
795 F.3d 1331 (Fed. Cir. 2015)23

In re Clay,
966 F.2d 656 (Fed. Cir. 1992) 21, 23

In re Glaug,
283 F.3d 1335 (Fed. Cir. 2002)20

Innovention Toys, LLC v. MGA Entm't, Inc.,
637 F.3d 1314 (Fed. Cir. 2011)8

Insite Vision Inc. v. Sandoz, Inc.,
783 F.3d 853 (Fed. Cir. 2015)20

In re Kahn,
441 F. 3d 977 (Fed. Cir. 2006)8

KSR Int'l Co. v. Teleflex Inc.,
550 U.S. 398 (2007).....60

K-Tec, Inc. v. Vita-Mix Corp.,
696 F.3d 1364 (Fed. Cir. 2012)8

In re Oetiker,
977 F.2d 1443 (Fed. Cir. 1992)23

Sci. Plastic Prods., Inc. v. Biotage AB,
766 F.3d 1355 (Fed. Cir. 2014)23

Wang Labs., Inc. v. Toshiba Corp.,
993 F.2d 858 (Fed. Cir. 1993) 21, 24

In re Wood,
599 F.2d 1032 (CCPA 1979)23

ADMINISTRATIVE DECISIONS

Comcast Cable Commc 'ns, LLC v. Rovi Guides, Inc.,
IPR2019-01417, Paper 11 (PTAB Feb. 11, 2020).....3

Dropbox, Inc. v. Whitserve LLC,
IPR2019-01018, Paper 13 (PTAB Nov. 1, 2019).....3

Intel Corp. v. Tela Innovations, Inc.,
IPR2019-01220, Paper 19 (PTAB Jan. 30, 2020)3

Microsoft Corp. v. Uniloc 2017 LLC,
IPR2019-01470, Paper 7 (PTAB Feb. 11, 2020).....3

Nalox-1 Pharms., LLC v. Opiant Pharms., Inc.,
IPR2019-00696, Paper 10 (PTAB Oct. 1, 2019)3

Parrot SA v. Drone Techs.,
IPR2014-00730, Paper 27 (PTAB Oct. 20, 2015)9

Pfenex Inc. v. GlaxoSmithKline Biologicals SA,
IPR2019-01027, Paper 12 (PTAB Nov. 13, 2019).....3

Schott Gemtron Corp., v. SSW Holding Co., Inc.,
IPR2014-00367, Paper 62 (PTAB May 26, 2015)9

Tianjin Shuangrong Paper Prods. Co., Ltd., v. Kiss Nail Prods., Inc.,
IPR2016-00371, Paper 13 (PTAB Jun. 10, 2016)9

Volkswagen Group of Am., Inc. v. Carucel Investments, L.P.,
IPR2019-01106, Paper 8 (PTAB Dec. 2, 2019)3

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.