UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION
Petitioner,

v.

PACT XPP SCHWEIZ AG
Patent Owner

Case IPR2020-00532
U.S. Patent No. 8,471,593

PATENT OWNER'S SUR-REPLY TO PETITIONER'S REPLY PURSUANT TO BOARD ORDER

PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2015	Petition for *Inter Partes* Review of U.S. Patent No. 6,240,376 in *Synopsys, Inc. v. Mentor Graphics Corp.*, Case IPR2012-00042, Paper 1 (Sep. 26, 2012)
2016	Patent Owner's Request for Rehearing on Decision to Institute *Inter Partes* Review in *Synopsys, Inc. v. Mentor Graphics Corp.*, Case IPR2012-00042, Paper 18 (March 08, 2013)
2017	Banner & Witcoff, Ltd.'s "Messenger Log" from Exhibit 2005 in *Synopsys, Inc. v. Mentor Graphics Corp.*, Case IPR2012-00042
2018	Notice Regarding Case Management, Dkt. No. 19, filed May 23, 2019
2019	Patent Owner's Sur-Reply in *Intel Corp. v. Tela Innovations, Inc.*, Case IPR2019-01228, Paper 18 (Nov. 27, 2019)
2020	Declaration of Ziyong Li in Support of Patent Owner's Sur-reply
2021	Stipulation to Dismiss, Dkt. No. 24, filed May 30, 2019
2022	Stipulation and Order to Extend Time, Dkt. No. 98, filed June 1, 2020
2023	Excerpt of Intel's Initial Invalidity Contentions in the District Court case, filed October 31, 2019
2024	Intel's Motion to Transfer, No. 6:19-cv-00273-ADA, Dkt. 13
2025	Webster's Ninth New Collegiate Dictionary, 1990: "dedicated"

I. Introduction

The challenged claims of the '593 patent recite a bus system that includes, amongst other things, "a first structure dedicated for data transfer in a first direction" and "a second structure dedicated for data transfer in a second direction." '593 patent, Claims 1 and 12. Patent Owner ("PACT") showed in its Preliminary Response that under the plain and ordinary meaning of the claim language, the Petition should not be instituted because the "first structure" and "second structure" it identifies in its prior art are switches that transfer data in all directions (up, down, left, and right)—a switch that transfers data in all directions is not a structure that is dedicated to transfer data in a particular direction.

In its Reply, Petitioner ("Intel") does not dispute that it cannot show invalidity under Patent Owner's plain and ordinary meaning construction. Instead, Intel presents new claim construction arguments that fail for several reasons. First, despite being granted a Reply, Intel does not actually propose a construction or identify how the challenged claims are unpatentable under its undisclosed construction, as required by 37 C.F.R. § 42.104(b)(3)-(4). Second, Intel's attack on PACT's plain meaning construction is not supported by the patent.

The Petition should also be denied because Intel fails to overcome the multiple procedural challenges PACT raised in its Preliminary Response.

II. The Board Should Adopt PACT's Plain Meaning Construction

A Petition should be denied institution where the Petition does not show the prior art "meets the properly construed terms of" the challenged claims. *See United Microelectronics Corp. v. Lone Star Silicon Innovations LLC,* Case No. IPR2017-001513, Paper 8 at 17 (Jan. 31, 2018 PTAB) (denying institution). "The Board is under no obligation to subject a patent owner to the burden and expense of discovery and trial where a petition asserts patentability challenges that are keyed to an incorrect claim construction." *Id.*, Paper 10 at 4-5 (denying request for rehearing).

Here, PACT's Preliminary Response showed that the plain and ordinary meaning of "dedicated" is "assigned exclusively" to a particular task of purpose, such that the claims require that the bus system include a first structure that is assigned exclusively for transferring data in a first direction, and a second structure that is assigned exclusively for transferring data in a second direction. Paper 6 at 13-16; *id.*, Ex. 2013 and 2014). Intel does not dispute its prior art does not satisfy PACT's plain meaning construction, and the new claim construction arguments it raises suffer from multiple defects, discussed below.

a. Petitioner Fails to Propose an Actual Construction

37 C.F.R. § 42.104(b)(3)-(4) states that a Petition "*must*" identify "[h]ow the challenged claim is to be construed" and "how the construed claim is unpatentable" under its construction. Intel's Petition and Reply fails on both fronts.

First, despite having been granted a Reply, the Petitioner fails to actually identify how the disputed limitations should be construed. Instead of identifying its construction for "a [first/second] structure dedicated for data transfer in a [first/second] direction," Petitioner asserts that no construction is needed because a the "bus systems may have 'dedicated' direction in a variety of ways, including by configuring the 'connecting switches' disclosed in the specification." Paper 9 at 7-8. Petitioner's "variety of ways" construction fail to articulate how it contends the term should be construed.

Petitioner's "construction" is also not supported by the specification. Indeed, the specification never suggests a connecting switch is a structure that is "dedicated for data transfer in a [first/second] direction." While Intel's Reply states that "[b]y configuring the switches" the "bus system can 'define[]' or 'dedicate' the 'direction of travel' along each of the bus segment lines," the portion of the specification Intel cites does not support its position. Paper 9 at 8, citing 5:30-35. This passage never refers to switches as a structure that is dedicated to a "direction of travel"—rather, it states that particular types of interline elements, such as "drivers and/or registers," permit the bus system to define directions of travel. Ex. 1003 at 5:30-35 ("In bus systems having interline elements, *such as drivers and/or registers*, directions of

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