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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

GOOGLE LLC, SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.,
LG ELECTRONICS INC., and
LG ELECTRONICS U.S.A., INC.,
Petitioners,

v.

PARUS HOLDINGS INC.,
Patent Owner.

_____

Case No. IPR2020-00846
Patent No. 7,076,431

_____

PETITIONERS' REPLY TO PATENT OWNER RESPONSE[1]

[1] Emphases in this paper are added unless otherwise indicated, and internal quotations, citations, and original alterations are omitted.

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TABLE OF AUTHORITIES

CASES

ABB v. Roy-G-Biv,
IPR2013-00062, Paper 84 (Apr. 11, 2014) 6

Alexsam v. Gap,
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Apator Miitors v. Kamstrup,
887 F.3d 1293 (Fed. Cir. 2018) 8

Apple v. Yu,
IPR2019-01258, Paper 29 (Jan. 5, 2021) 8

Aspex Eyewear v. Marchon Eyewear,
672 F.3d 1335 (Fed. Cir. 2012) 11

Bradium Techs. v. Iancu,
923 F.3d 1032 (Fed. Cir. 2019) 17

Cisco Systems v. C-Cation Techs.,
IPR2014-00454, Paper 12 (Aug. 29, 2014).....4

Cooper v. Goldfarb,
154 F.3d 1321 (Fed. Cir. 1998) 6

DePuy Spine v. Medtronic Sofamor Danek,
567 F.3d 1314 (Fed. Cir. 2009) 19

Enzo Biochem v. Gen-Probe,
323 F.3d 956 (Fed. Cir. 2002) 27

Ex Parte Kwon,
Appeal 2015-008271 (Sep. 28, 2016) 19

Ex Parte Rans,
Appeal 2020-000512 (Jun. 4, 2020).....11

Foursquare Labs v. Mimzi,
IPR2019-01287, Paper 34 (Jan. 13, 2021) 6, 8

DOCKET ALARM
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Gen. Access Sols. v. Sprint Spectrum,
811 F. App'x 654 (Fed. Cir. 2020) 1, 2, 3, 4

In re Beattie,
974 F.2d 1309 (Fed. Cir. 1992) 25

In re Fulton,
391 F.3d 1195 (Fed. Cir. 2004) 19

In re Keller,
642 F.2d 413 (C.C.P.A. 1981) 17

In re Steed,
802 F.3d 1311 (Fed. Cir. 2015) 8

Int'l Bus. Machines v. Intellectual Ventures II,
IPR2015-01323, Paper 15 (Feb. 2, 2016) 16

Jiangu SmartSens Tech. Co. v. OmniVision Tech's,
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Kenexa Brassring v. Taleo,
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Manning v. Paradis,
296 F.3d 1098 (Fed. Cir. 2002) 13

Medichem v. Rolabo,
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Microsoft v. Surfcast,
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Newkirk v. Lulejian,
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Phillips v. AWH,
415 F.3d 1303 (Fed. Cir. 2005) 28

Raytheon v. Sony,
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