UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., Petitioner,

v.

COREPHOTONICS, LTD., Patent Owner.

Case No. IPR2020-00861 U.S. Patent No. 10,230,898

PATENT OWNER'S SUR-REPLY



TABLE OF CONTENTS

I.	INTRODUCTION	
II.	APPLE FAILS TO ESTABLISH A MOTIVATION TO COMBINE GOLAN, MARTIN, AND TOGO	2
A.	Apple's untimely arguments as whether Golan and Martin are "analogous art" to the '898 patent should be rejected	2
В.	Apple's Reply Does Not Demonstrate That a POSITA Would Have Been Motivated to Combine Golan and Martin	
	1. Apple's cursory "not discouraged" argument violates 37 C.F.R. § 42.6(a)(3) and should be disregarded	
	2. Apple's Reliance on Martin is Incorrect	7
В.	Martin's Critical Alignment is Not Necessary or Usable in Golan.	3
C.	Apple Fails to Demonstrate that a POSITA Would Have Been Motivated to Combine Golan, Martin and Togo	2
III.	GROUND 1 – APPLE STILL FAILS TO DEMONSTRATE THAT CLAIMS 1, 4, 8, 12 AND 15 ARE UNPATENTABLE UNDER OVER GOLAN IN VIEW OF MARTIN AND TOGO13	3
A.	Limitation [1.4]	3
В.	Limitation [1.5]	5
C.	Claim 4	5
IV.	GROUND 2 - APPLE FAILS TO DEMONSTRATE THAT CLAIM 9 IS UNPATENTABLE OVER GOLAN IN VIEW OF MARTIN, TOGO, AND LEVEY	5



Case No. IPR2020-00861 U.S. Patent No. 10,230,898

V.	GROUND 3 – APPLE FAILS TO DEMONSTRATE THAT CLAIMS 11 AND 19 ARE PATENTABLE OVER GOLAN IN VIEW OF MARTIN, TOGO, AND BORDER	
VI.	GROUND 4 - APPLE FAILS TO DEMONSTRATE THAT CLAIMS 10 AND 20 ARE UNPATENTABLE OVER GOLAN IN VIEW OF MARTIN, TOGO AND PARULSKI	
VII.	SECONDARY CONSIDERATIONS / OBJECTIVE INDICIA OF NON-OBVIOUSNESS	18
VIII	CONCLUSION	20



TABLE OF AUTHORITIES

Cases

Apple Inc. v. Samsung Elecs. Co., 839 F.3d 1034 (Fed. Cir. 2016)	4
Gen. Access Sols., Ltd. v. Sprint Spectrum L.P., 811 F. App'x 654 (Fed. Cir. 2020)	
<i>In re Clay</i> , 966 F.2d 656 (Fed. Cir. 1992)	5
Innogenetics, N.V. v. Abbott Labs, 512 F.3d 1363 (Fed. Cir. 2008)	13
Snap, Inc. v. Blackberry Ltd., IPR2019-00715, Paper 37 (Sept. 1, 2020)	6
WBIP, LLC v. Kohler Co., 829 F.3d 1317 (Fed. Cir. 2016)	4
Rules	
37 C.F.R. § 42.6(a)(3)	passim



Patent Owner's Exhibit List

Exhibit No.	Description
2001	Declaration of John C. Hart, Ph.D.
2002	Curriculum Vitae of John Hart, Ph.D
2003	"Why You Should Use a Telephoto Lens for Landscape
	Photos" (https://www.naturettl.com/use-telephoto-lens-
	landscape-photos/)
2004	Complaint for Patent Infringement, Dkt. No. 1, Case No.
	19-cv-4809 (United States District Court, Northern Dis-
	trict of California)
2005	Answer to Complaint for Patent Infringement, Dkt. No.
	17, Case No. 19-cv-4809 (United States District Court,
	Northern District of California)
2006	Corephotonics Proposal: "Dual Aperture Image Fusion
	Technology, Proposed Engagement Framework" (June 22,
	2014)
2007	Email chain with emails dating from July and August 2014
2008	Email chain with emails dating from March 2015
2009	Email dated December 21, 2015
2010	Email chain with emails dating from August 2016
2011	Email dated May 23, 2013
2012	Email dated May 23, 2013
2013	Declaration of Eran Kali
2014	"Lenses for portraiture" excerpted from "Lenses Guide"
	by Margaret Brown, Photo Review Media Publishing,
	Aug. 2014. Available at https://www.photore-
	view.com.au/tips/lens-tips/lenses-for-portraiture.
2015	Declaration of Marc A. Fenster in Support of Motion to
	Appear Pro Hac Vice on Behalf of Patent Owner Corepho-
2016	tonics
2016	Declaration of James S. Tsuei in Support of Motion to Ap-
	pear Pro Hac Vice on Behalf of Patent Owner Corephoton-
(37) 201=	ics
(New) 2017	Transcript of July 1, 2021 Video-Recorded Deposition of
	Fredo Durand, Ph.D.



DOCKET A L A R M

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.

