UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

COREPHOTONICS, LTD.,
Patent Owner

Case IPR2018-00030
U.S. Patent No. 9,857,568

PATENT OWNER'S RESPONSE TO PETITION FOR *INTER PARTES* REVIEW

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Table of Contents

I. Introduction 1

II. Summary of Argument 1

III. Background 1

A. Overview of the '568 Patent (Ex. 1001) 4

B. Complexity of the Design of Multiple Lens Assemblies, Like the Patented Invention 9

IV. Legal Standard for Petition Review 12

V. Level of a Person of Ordinary Skill in the Art (POSITA) 14

VI. Claim Construction 17

A. Legal Standard 17

B. Total Track Length (TTL) 18

1. Apple's Construction of "TTL" Contradicts the Patentees' Definition of "TTL" and the Instrinsic Evidence 19

2. The Reliance of Apple's Construction on the Term "Image Plane" Introduces Undesirable Ambiguity 22

VII. The Petition Fails to Establish that Ogino Renders Obvious Claims 1-5 29

A. Ogino Does Not Disclose a Lens Assembly with TTL / EFL < 1 30

B. A POSITA Would Not Modify Ogino Example 6 to Disclose a Lens Assembly with TTL / EFL < 1 35

1. Removing the CG in Example 6 Does Not Change The TTL To Be Less Than EFL 38

2. A POSITA Would Not Have Been Motivated to Design a Lens Assembly and Camera Module Without a Cover Glass 40

3. Apple Fails to Explain What Additional Modifications a POSITA Would Need to Apply After Removing the CG Element 45

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

C. Ogino Does Not Disclose a Lens Assembly with L11 / L1e < 4 48

VIII. The Petition Fails to Establish that Ogino in Combination with Beich Renders Obvious Claims 1-5 51

A. Apple Fails to Show That an Optics Designer Would Have Relied On "Rules-of-Thumb" Used in Optics Manufacturing 52

B. Apple Requires Beich's Rules-of-Thumb To Be Selectively and Inconsistently Applied..... 54

IX. Conclusion 60

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

Table of Authorities

CASES

Ariosa Diagnostics v. Verinata Health, Inc.,
805 F.3d 1359 (Fed. Cir. 2015) 13

Cisco Systems, Inc. v. C-Cation Techs., LLC,
IPR2014-00454, Paper 12 (PTAB, Aug. 29, 2014) 14

Edmund Optics, Inc. v. Semrock, Inc.,
IPR2014-00583, Paper 50 (PTAB, Sep. 9, 2015) 13

Harmonic Inc. v. Avid Tech., Inc.,
815 F.3d 1356 (Fed.Cir.2016) 12

Honeywell Int'l, Inc. v. Universal Avionics Sys. Corp.,
493 F.3d 1358 (Fed. Cir. 2007) 19

In re Magnum Oil Tools Int'l, Ltd.,
829 F.3d 1364 (Fed. Cir. 2016) 13

In re Smith Int'l, Inc.,
871 F.3d 1375 (Fed. Cir. 2017) 18

Martek Biosciences Corp. v. Nutrinova, Inc.,
579 F.3d 1363 (Fed. Cir. 2009) 19

V-Formation, Inc. v. Benetton Grp. SpA,
401 F.3d 1307 (Fed. Cir. 2005) 21

Vitronics Corp. v. Conceptronic, Inc.,
90 F.3d 1576 (Fed. Cir. 1996) 19

Wasica Finance GMBH v. Continental Auto. Systems,
853 F.3d 1272 (Fed. Cir. 2017) 13

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Table of Authorities

STATUTES

35 U.S.C. § 312(a)(3) 12

RULES

37 C.F.R. §42.6(a)(3)..... 13
37 C.F.R. §42.65(a) 12

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.