UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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APPLE INC. & MICROSOFT CORPORATION
Petitioners

v.

Neodron, Ltd.
Patent Owner

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Case No. IPR2020-01000
U.S. Patent No. 8,749,251

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**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 8,749,251**

TABLE OF CONTENTS

I. INTRODUCTION

Petitioners Apple Inc. and Microsoft Corporation ("Petitioners") request an *Inter Partes* Review ("IPR") of claims 1-20 (the "Challenged Claims") of U.S. Patent No. 8,749,251 ("the '251 Patent"). This petition is being filed concurrently with a second IPR petition (IPR2020-00998). The instant petition establishes that the Challenged Claims recite new matter introduced on May 26, 2011 and are therefore not entitled to any earlier claim of priority, while IPR2020-00998 challenges the claims based on prior art that predates the earliest filing date on the face of the '251 Patent.

Additionally, Petitioners have concurrently filed Paper 4 to aid the Board in determining that two petitions are necessary here. As detailed in that filing, the Patent Trial and Appeal Board's Consolidated Trial Practice Guide expressly acknowledges situations at which it is appropriate to file multiple petitions against the same patent, including, as in the case here, "when there is a dispute about priority date requiring arguments under multiple prior art references." Paper 4 at 2. Moreover, as further explained in Paper 4 and as discussed below, this Petition presents non-cumulative grounds with new art directed at addressing the new matter introduced during prosecution—new matter which severed the priority chain prior to May 26, 2011. Accordingly, Petitioners respectfully request institution of all grounds of invalidity asserted against the '251 Patent.

II.   SUMMARY OF THE '251 PATENT

A.   Description of the alleged invention of the '251 Patent

The '251 Patent generally relates to managing power consumption related to touch-sensitive inputs. *'251 Patent* (Ex. 1001), 1:37-41, 4:7-8. Specifically, the alleged invention is directed to touch-sensitive sensors that detect a user's touch or close proximity based on changes in capacitance generated by the user's finger or other nearby objects. *Id.* at 4:24-34. In accordance with the power-saving goals of the '251 Patent, a "control circuit of the sensor can determine whether an object or a user's finger is no longer in proximity with the sensor and based on a predetermined time duration, the control circuit can produce an output signal automatically to prevent the capacitance measurement circuit from continually measuring changes in capacitance due to, for example, the perceived presence of an object in proximity with the sensor." *Id.* at 4:47-54. The control circuit can further implement an "auto-off" functionality or other power saving procedures "where an apparatus has inadvertently been left on or with the erroneous perception that a user is still present." *Id.* at 4:55-58. Figure 1 illustrates one exemplary arrangement of a "sense electrode" connected to a programmable controller that is able to implement these functions:

Fig. 1
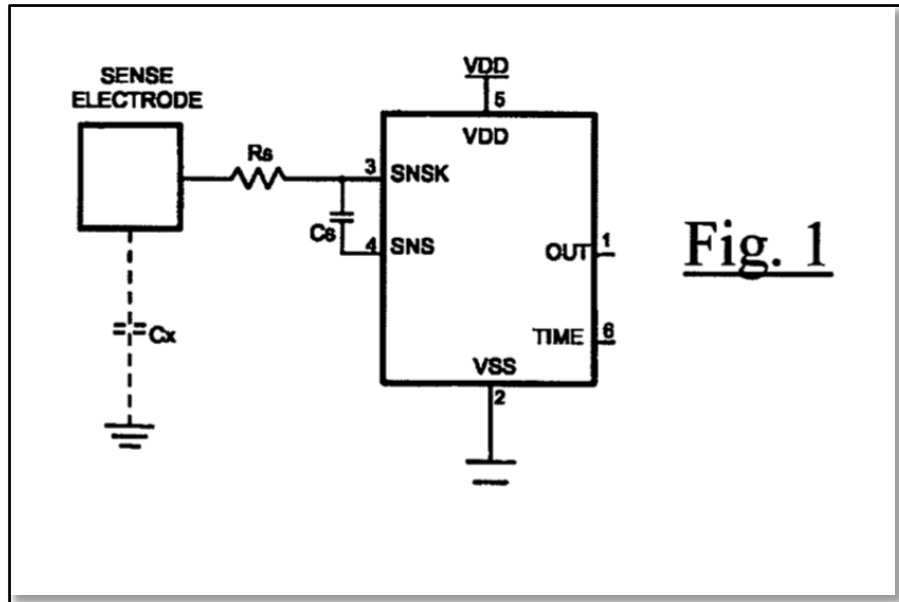
The '251 Patent explains that its features target devices in which a capacitive touch sensor is used as an on/off switch such that a "touch" indicates when the device was last powered on or used:

> **[T]he control circuit may be programmed by a user so that it may power down an apparatus based on a user-selected time duration**; the control circuit output signals may be overridden, for example, to extend time durations before an apparatus is turned-off or to immediately turn-off an apparatus when a user is no longer present.

> **The sensor of particular embodiments may be useful in** various applications, for example in **kitchen appliances, light switches, headsets**, and other electronic consumer devices. For example, **a coffee machine incorporating a sensor of particular embodiments may be programmed to power-down after a time period of, say, 30 minutes**, where the coffee machine has been left on inadvertently.

Id. at 5:5-17 (emphasis added).

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