UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

LBT IP I LLC,

Patent Owner

Case IPR2020-01189
U.S. Patent No. 8,497,774

PATENT OWNER'S REPLY BRIEF

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

TABLE OF CONTENTS

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

PATENT OWNER'S EXHIBIT LIST

Exhibit Numer	Description
2001	Declaration of Brian S. Seal in support of Patent Owner's Unopposed Motion For *Pro Hac Vice* Admission
2002	Revised Declaration of Brian S. Seal in support of Patent Owner's Unopposed Motion For *Pro Hac Vice* Admission
2003	Transcript of deposition of Scott Andrews
2004	U.S. Pub. No. 2009/0174603 (Appl. No. 11/969,905)
2005	Sun, U.S. Patent Number 7,612,663
2006	Syrjarinne et al., U.S. Pub. No. 2005/0113124
2007	Suprun et al., U.S. Patent Number 7,292,223
2008	Croyle et al., U.S. Patent Number 5,862,511
2009	Lau et al., U.S. Patent Number 5,592,173
2010	Tsai, U.S. Pub. No. 2007/0057068
2011	Huang et al., U.S. Patent Number 7,826,968
2012	File history of U.S. Patent Number 8,421,619
2013	U.S. Pub. No. 2009/0189807 (Appl. No. 12/419,451)
2014	U.S. Patent Appl. No. 13/356,614
2015	U.S. Patent Appl. No. 11/969,905
2016	U.S. Patent Appl. No. 13/356,699
2017	U.S. Patent Appl. No. 12/419,451
2018	U.S. Patent Appl. No. 13/356,643
2019	File history of U.S. Patent Number 8,497,774

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

I. INTRODUCTION

As discussed in Patent Owner's Opening Brief, the language of Claim 8 from U.S. Patent No. 8,497,774 ("the '774 Patent") clearly shows that the term "a multitude of threshold values" is limited to battery power level threshold values and does not include GPS signal strength values. Specifically, Claim 8 recites:

> wherein the battery power level monitor measures ***a power level of the charging unit*** and adjusts ***a power level applied to location tracking circuitry*** responsive to one or more signal levels, ***the power level comprising a multitude of threshold values*** determined by a user or system administrator to intermittently activate or deactivate the location tracking circuitry to conserve power of the charging unit in response to the estimated charge level of the charging unit.

EX1001, 16:43-61 (emphasis added). That claim language shows that "the power level comprising a multitude of threshold values" refers back to the "power level of the charging unit" and the "power level applied to location tracking circuitry," and thus decides the question.

Petitioner's opening brief, however, ignores that clear claim language. Instead, it relies on a single embodiment disclosed in the '774 Patent that is separate and distinct from the embodiment covered by Claim 8's "multitude of threshold levels" and thus cannot support Petitioner's argument. *See* Paper 45, 1-6.

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

Even if the Board focused solely on the embodiments disclosed in the specification, the claimed "power level comprising a multitude of threshold values" is limited to battery power level values. The '774 Patent discloses two distinct and complimentary embodiments that are each separately encompassed in Claim 8. Petitioner correctly observed that the Federal Circuit has repeatedly admonished against a claim construction that would read out a specific embodiment disclosed in the specification by noting that "a claim construction excluding a preferred embodiment is rarely, if ever correct." *Sequoia Tech, LLC v. Dell, Inc.*, 66 F.4th 1317, 1327 (Fed. Cir. 2023) (*citing Kaufman v. Microsoft.*, 34 F.4th 1360, 1372 (Fed. Cir. 2022)). However, Petitioner's proposed construction would, in clear error, exclude the second embodiment. The proper construction of the term "a multitude of threshold values" recited in Claim 8 is limited to battery power level threshold values in accordance with the preferred embodiment shown in FIG. 4 and disclosed in the corresponding portion of the specification. *See* EX1001, 11:1-14:57.

II. ARGUMENT

As discussed above, the claim language alone shows that Claim 8's recitation of "the power level comprising a multitude of threshold values" refers back to "a power level of the charging unit" and "a power level applied to the location tracking circuitry" and is thus limited to battery power level threshold values. That conclusion is supported by the embodiments disclosed in the specification.

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.