

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,

Petitioner

v.

LBT IP I LLC,

Patent Owner

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

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**PATENT OWNER'S SUR-REPLY  
TO PETITIONER'S REPLY**

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### PATENT OWNER'S EXHIBIT LIST

<b>Exhibit Numer</b>	<b>Description</b>
2001	Declaration of Brian S. Seal in support of Patent Owner's Unopposed Motion For <i>Pro Hac Vice</i> Admission
2002	Revised Declaration of Brian S. Seal in support of Patent Owner's Unopposed Motion For <i>Pro Hac Vice</i> 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. Appl. No. 13/356,614
2015	U.S. Appl. No. 11/969,905
2016	U.S. Appl. No. 13/356,599
2017	U.S. Appl. No. 12/419,451
2018	U.S. Appl. No. 13/356,643

**TABLE OF AUTHORITIES**

Cases

*Brookhill-Wilk I, LLC v Intuitive Surgical Inc.*,  
334 F.3d 1294, 1300 (Fed.Cir.2003) .....2

*Helmsderfer v. Bobrick Washroom Equip., Inc.*,  
527 F.3d 1379, 1382 (Fed.Cir.2008) .....2

*Phillips v. AWH Corp.*,  
415 F.3d 1303 (Fed.Cir.2005) (*en banc*) .....2,3,5

*Renishaw PLC v. Marposs Societa' per Azioni*,  
158 F.3d 1243, 1250 (Fed.Cir.1998) .....2,3

*Vitronics Corp. v. Conceptronic, Inc.*,  
90 F.3d 1576, 1582 (Fed.Cir.1996) .....2

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## I. INTRODUCTION

Petitioner's Reply (Paper 25, "*Reply*") turns on two primary issues. First, Petitioner appears to contend that a proper interpretation for the claim term "multitude" should be "a number larger than four" by arguing that prosecution history disclaimer must be clear and unequivocal and that the '774 Patent lacks written description support for a number of thresholds less than five. *See Reply* at 1-9. Second, Petitioner appears to acknowledge that *Sakamoto* fails to disclose limitations 1(e), 8(c), and 8(d) of the '774 Patent by 1) contending that each of *Sakamoto*'s positioning modes has a regular refresh rate which automatically changes with a change in mode responsive to the battery charge level, as opposed to "having a value that is responsive to a user input request"; and 2) contending that *Sakamoto* discloses four thresholds associated with signal level, as opposed to "the power level comprising a multitude of threshold values determined by a user or system administrator." *Id.* at 15-17. As discussed below, Petitioner has not demonstrated by clear and convincing evidence that any of the challenged claims of U.S. Patent No. 8,497,774 ("the '774 Patent") are invalid as obvious because the references on which it relies nonetheless fail to disclose required limitations from the challenged claims. Because the Petitioner has not met its burden, the challenged claims should be upheld.

## II. CLAIM CONSTRUCTION

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