

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner

v.

LBT IP I LLC,

Patent Owner

Case IPR2020-01192
U.S. Patent No. 8,421,618

**PATENT OWNER'S SUR-REPLY IN RESPONSE
TO PETITION FOR *INTER PARTES* REVIEW
OF U.S. PAT. NO. 8,421,618**

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**II. IT IS UNDISPUTED THAT *SAKAMOTO* DOES NOT DISCLOSE
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PATENT OWNER'S EXHIBIT LIST

Exhibit Number	Description
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

DSS Tech. Mgmt., Inc. v. Apple Inc.,
885 F.3d 1367 (Fed. Cir. 2018)7

InTouch Techs., Inc. v. VGO Communications, Inc.,
751 F.3d 1327 (Fed. Cir. 2014)7

TQ Delta, LLC v. Cisco Systems, Inc.,
942 F.3d 1352 (Fed. Cir. 2019)).....7

All claims of U.S. Patent No. 8,421,618 (the “’618 Patent”) require certain circuitry known as “location tracking circuitry” that deactivates when the strength of a GPS signal falls below a certain level, then reactivates in response to a GPS signal whose strength rises above a certain level. EX. 1001 at Claims, 1, 15. The Petitioner relies exclusively on the *Sakamoto* reference to meet that limitation. But as conceded by the Petitioner’s expert, Scott Andrews, *Sakamoto* does not disclose location tracking circuitry that deactivates *and* reactivates in response to the strength of a GPS signal. Nor does Mr. Andrews succeed in supplying that limitation, as his testimony is conclusory. Because the Petitioner has failed to establish the existence of that limitation in the prior art, the Petition must fail as to all claims.

I. INTRODUCTION

Although the Petitioner relies solely on the *Sakamoto* reference to disclose the primary location tracking circuitry claimed by the ’618 Patent, *Sakamoto* does not disclose circuitry that both deactivates and reactivates based on the strength of a GPS signal. Specifically, the Petitioner maps the ’618 Patent’s primary location tracking circuitry to *Sakamoto*’s GPS receiver 10 and related components. Paper 1, at 24. According to the Petitioner, *Sakamoto* deactivates the primary location tracking circuitry by cutting off power to GPS receiver 10, which stops all position searching—a state Mr. Andrews identifies as *Sakamoto*’s “stop-position mode”—then “reactivates” the circuitry by transitioning from stop-position mode into one of

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