

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

FG SRC LLC,
Patent Owner.

IPR2020-01449
Patent No. 7,149,867

PATENT OWNER FG SRC LLC'S OBJECTIONS TO
PETITIONERS' DEMONSTRATIVE EXHIBITS (EX1047)

Pursuant to the Board's *Order Setting Oral Argument* 37 C.F.R. § 42.70

(Paper 47), Patent Owner FG SRC submits its objections to Petitioner's demonstrative exhibits filed as EX1047. A copy of the objected to portions are attached as Appendix A.

SLIDE	OBJECTION
3 – priority date	This slide is misleading because the priority date is the provisional filing date, while the slide lists only the non-provisional filing date.
9 – statement that <i>Zhang</i> refers to itself as “reconfigurable processor”	This slide is misleading because all the bullet points are presented as statements of uncontroverted fact that can be seen from the face of the document, but the term “reconfigurable processor” does not appear in the reference and the last bullet point characterizing <i>Zhang</i> as a “reconfigurable processor” is thus mere attorney argument.
35 – irrelevant proposed claim constructions from district court	This slide includes irrelevant information because the proposed infringement claim constructions in district court are irrelevant to these proceedings and unduly prejudicial because only the court's actual construction is relevant.
36 – irrelevant proposed claim constructions from district court	This slide includes irrelevant information because the proposed infringement claim constructions in district court are irrelevant to these proceedings and unduly prejudicial because only the court's actual construction is relevant.
37 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization and is incomplete because the Expert was not asked about the particular construction that Petitioner is asserting. EX1044 at 107:19-108:7; <i>see also id.</i> at 28:18-29:5, 32:10-14.

SLIDE	OBJECTION
45 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization and incomplete because the Expert did not “agree” that the portion of the diagram emphasized in the pink box is a Reconfigurable Processor at all. EX1044 at 84:3–19.
48 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization and incomplete because the Expert did not opine that the reconfigurable component is not limited to the interface of the processing element, instead, the Expert testified specifically that “My recollection is that I didn't see any discussion of incorporating into the processing elements” (EX1044 at 80:7-9) and that the disclosure is not clear about exactly what is meant (<i>id.</i> at 80:2-82:25).
53 – statements improperly attributed to <i>Zhang</i> when they actually come from the '867 Patent.	The excerpt is a mischaracterization and incomplete because the citations are not to <i>Zhang</i> but to the '867 Patent, and the Expert's testimony regarding “carveout” code elements are not related specifically to the '867 Patent but are only a general conceptual question about C and Fortran. EX1044 at 53:4-59:12.
54 – mischaracterized and incomplete expert testimony	The excerpt is a mischaracterization and incomplete because the citations are not to <i>Zhang</i> but to the '867 Patent, and the Expert's testimony regarding “carveout” code elements are not related specifically to the '867 Patent but are only a general conceptual question about C and Fortran (EX1044 at 53:4-59:12), which is not the same “remains in memory” as used in <i>Zhang</i> .
60 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization and incomplete because the expert testified to the contrary that “it's a question of whether one is focusing on the entire structure as understood by an algorithm or the subfields.” EX1044 at 101:22-24.

SLIDE	OBJECTION
61 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization and incomplete because the expert clarified that “elaborating a little bit more, these two operate independently from a – from a number of perspectives, but on the other hand, the computational unit is intended to consume the data produced by the prefetch unit.” EX1044 at 67:4-8.
67 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization and incomplete because the expert explicitly testified “I don’t believe it teaches it at all.” EX1044 at 121:5-6.
68 – incomplete expert testimony	The excerpt of the expert deposition is an incomplete quote because Dr. Shanfield could not point to any specific disclosure whereby the reference discloses a perfect cache line size in every case, and instead admitted that not all cache line sizes could be accommodated (EX2029 at 161:3-10) and that there is no clear support that <i>Zhang</i> discloses anything other than 32- and 64- byte cache lines (<i>id.</i> at 164:10-165:11).
72 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization and incomplete because the expert explicitly testified that “My recollection is that I didn’t see any discussion of incorporating into the processing elements. So this sentence, the sentence in 3 and the other one that you pointed to, certainly indicate that they anticipated doing that, but on their own, they don’t teach it.” EX1044 at 80:7-12.
76 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization because <i>Gupta</i> is an implementation of only a small aspect of <i>Zhang</i> , <i>i.e.</i> , the cache memory system, so <i>Gupta</i> does not implement a processor at all.
80 – irrelevant reference to old bankruptcy	The slide is irrelevant and unduly prejudicial because references to the DirectStream bankruptcy are irrelevant to secondary considerations at the time of invention, which was almost 20 years earlier.

SLIDE	OBJECTION
84 – irrelevant reference to different forum	This slide is irrelevant and unduly prejudicial because references to infringement disputes in a different forum are irrelevant and misleading, particularly because motivation is not a factor in determining whether a proposed number of amended claims is reasonable.
95 – incomplete citation to file history	The slide is an incomplete citation to the file history and the complete excerpt is required because—in proper context—the cited portion does not support the attorney argument regarding disclaimer of sending configuration data to the reconfigurable hardware.
96 – “proposed” constructions are irrelevant	The slide is irrelevant because the <u>proposed</u> infringement claim constructions in district court are irrelevant and unduly prejudicial because only the court’s actual construction is relevant.
100 – mischaracterized and incomplete expert testimony	The excerpt of the expert deposition is a mischaracterization because the expert explicitly testified that “It’s not clear to me in that context” (EX1044 at 82:3) and speculated about various possibilities as to what the meaning of the disclosure “could be.” <i>Id.</i> at 82:4-83:16.

Date: January 4, 2022

Respectfully submitted,

/s/ Jay P. Kesan

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Cecil E. Key (admission *pro hac vice* pending)

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