

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC.; INTEL CORPORATION;
SAMSUNG ELECTRONICS CO., LTD.

Petitioner,

v.

DEMARAY LLC
Patent Owner.

Case IPR2021-00103¹
Patent No. 7,544,276

PATENT OWNER'S SUR-REPLY

Mail Stop "PATENT BOARD"

Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

¹ Intel Corporation has filed a petition in IPR2021-01030 and has been joined as a petitioner in this proceeding. Samsung Electronics Co., Ltd. has filed a petition in IPR2021-01090 and has also been joined as a petitioner in this proceeding.

TABLE OF CONTENTS

	<u>Page</u>
I. Hirose Is Not Prior Art	1
A. Petitioner Bears The Burden To Prove That Hirose Is Prior Art.....	1
B. Petitioner Misapplies The Rule-Of-Reason Analysis For Corroborating Evidence	2
C. Petitioner’s Scattershot Criticism Does Not Undermine Patent Owner’s Evidence Of Earlier Invention.....	4
1. No Duplicative Testimony By Co-Inventors	4
2. Alleged Inability To Recall Details	4
3. Alleged Deficiencies In Declaration Preparation	5
4. Who Conceived NBRFs (Reply 6-7)	6
5. Alleged Lack Of Personal Knowledge	6
6. Notebooks	7
7. Claim Charts	8
8. Test Runs And Filter Schematics.....	8
(a) June 13, 2001 Run	8
(b) Early July 2001 Run	11
(c) Mid-July Run.....	12
(d) Dr. Zhang’s Hand-Drawn Filter Schematics.....	12
(e) 7/18/2001 Filter Schematics	14
9. Summary	18

TABLE OF CONTENTS

	<u>Page</u>
II. The Petition Fails To Prove That Any Challenged Claim Is Invalid Based On Barber And Hirose	19
A. Prior Art Does Not Teach Advantage Of NBRF Over Other Filters For The Claimed Reaction Configuration	19
B. Alleged Deficiency in Simulation Is Red Herring	23
C. No Disclosure of Claimed Filter in Barber and Hirose.....	24
D. Petitioner Misunderstands The RF Coupling In Barber.....	25
III. Improper Incorporation By Reference.....	28

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Arendi S.A.R.L v. Apple Inc.</i> , 832 F.3d 1355 (Fed. Cir. 2016)	23
<i>Cooper v. Goldfarb</i> 154 F.3d 1321 (Fed. Cir. 1998)	3
<i>E.I. du Pont De Nemours & Co. v. Unifrax I LLC</i> , 921 F.3d 1060 (Fed. Cir. 2019)	2
<i>Fleming v. Escort Inc.</i> , 774 F.3d 1371 (Fed. Cir. 2014)	2, 3, 9
<i>Linear Tech. Corp. v. Impala Linear Corp.</i> , 379 F.3d 1311 (Fed. Cir. 2004)	2
<i>Loral Fairchild Corp. v. Matsushita Elec. Indus. Co.</i> , 266 F.3d 1358 (Fed. Cir. 2001)	2
<i>Mahurkar v. C.R. Bard, Inc.</i> , 79 F.3d 1572 (Fed. Cir. 1996)	1
<i>Medichem, S.A. v. Rolabo, S.L.</i> , 437 F.3d 1157 (Fed. Cir. 2006)	4
<i>Motorola Mobility LLC v. Intellectual Ventures LLC</i> , IPR2014-00504, Paper 84 (PTAB, March 13, 2020)	19
<i>Otsuka Pharm. Co., Ltd. v. Sandoz, Inc.</i> , 678 F. 3d 1280 (Fed. Cir. 2012)	21, 27
<i>Sandt Tech., Ltd. v. Resco Metal & Plastics Corp.</i> , 264 F.3d 1344 (Fed. Cir. 2001)	19
<i>Singh v. Brake</i> , 222 F.3d 1362 (Fed. Cir. 2000)	3
<i>South-Tek Sys., LLC v. Eng'g Corrosion Sols., LLC</i> , 748 F. App'x. 1003 (Fed. Cir. 2018)	27

Square, Inc. v. Think Computer Corp.,
CBM2014-00159, Paper No. 47, 2015 WL 7695141 (PTAB Nov.
27, 2015)5

Unigene Lab 'ys, Inc. v. Apotex, Inc.,
655 F.3d 1352 (Fed. Cir. 2011)20

Statutes

35 U.S.C. § 102(e)(2).....1

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.