UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCT MOBILE (US), INC.; TCT MOBILE (US) HOLDINGS, INC.; HUIZHOU TCL MOBILE COMMUNICATION CO. LTD.; AND TCL COMMUNICATION, INC., Petitioner,

v.

FUNDAMENTAL INNOVATION SYSTEMS INTERNATIONAL LLC, Patent Owner.

Case IPR2021-00599 Patent No. 7,834,586

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



TABLE OF CONTENTS

				<u>Page</u>		
I.	Intro	ductio	n			
II.	Petitioner's Untimely New Arguments Still Fail To Show Obviousness					
	A.	The Board Should Not Consider Untimely New Arguments 3				
	B.	Petitioner's New Characterization Of The SE1 References Still Fails To Show Obviousness				
		1.		SITAs would not have modified Morita's phone to erentiate between PS/2 and USB		
		2.		ni does not disclose or suggest using SE1 for ging or identifying power source type		
			(a)	SE1 was not a "well known" signal for USB inactive communication		
			(b)	Little current is available from data lines during inactive USB communications		
			(c)	Kerai's voltages does not identify a power source type		
		3.	Zyskowski does not disclose or suggest using SE1 for charging or identifying power source type			
		4.	Shig	ga does not disclose a claimed identification signal 15		
	C.	Petitioner's New Argument Regarding Morita's Operation Fails				
		1.		inventors' disclosure of SE1 does not render the ns obvious		
		2.	Petit	ita's silence on certain details does not justify tioner's injection of hypotheticals incompatible USB or Morita's express disclosures		



		3. Petitioner's New Power Saving Reasoning Fails	19
		4. Petitioner's New Proposal on Switching Between SE1 And Normal Communication Fails	21
	D.	Petitioner's New Argument Regarding Morita's Charge-Only Mode Fails	23
	Ε.	Petitioner's Analysis Is Infected With Hindsight	26
ш	Con	elucion	20



TABLE OF AUTHORITIES

	Page(s)
Cases	
Apple Inc. v. Samsung Elecs. Co., Ltd., 839 F.3d 1034 (Fed. Cir. 2016) (en banc)	17
Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd., 821 F.3d 1359 (Fed. Cir. 2016)	1, 3
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	28
KSR Int'l Co. v. Teleflex Inc., 127 S. Ct. 1727 (2007)	28
Otsuka Pharm. Co. v. Sandoz, Inc., 678 F. 3d 1280 (Fed. Cir. 2012)	16
Rembrandt Wireless Techs., LP v. Samsung Elecs. Co. Ltd., 853 F.3d 1370 (Fed. Cir. 2017)	17
Wasica Fin. GmbH v. Cont'l Auto. Sys., Inc., 853 F.3d 1272 (Fed. Cir. 2017)	3
Regulations	
37 C.F.R. §42.65	28



EXHIBIT LIST

EX2001	Telephonic Hearing Transcript dated March 25, 2021
EX2002	U.S. Patent No. 7,360,004 ("Dougherty")
EX2003	Jan Axelson, USB Complete (1999), excerpt
EX2004	U.S. Patent No. 5,884,086 ("Amoni")
EX2005	U.S. Patent No. 6,904,488 ("Matusmoto")
EX2006	Jan Axelson, USB Complete (2d ed. 2001), excerpt
EX2007	U.S. Patent No. 5,859,522 ("Theobald")
EX2008	U.S. Patent No. 6,556,564 ("Rogers")
EX2009	Declaration of Kenneth Fernald, Ph.D. in Support of Fundamental Innovation Systems International LLC's Patent Owner Preliminary Response
EX2010	Claim construction order in <i>Fundamental Innovation Systems International LLC v. Samsung Electronics Co., Ltd.</i> , Case No. 2:17-cv-145-JRG-RSP, Dkt. No. 140 (E.D. Tex. Jan. 31, 2018)
EX2011	Claim construction order in Fundamental Innovation Systems International LLC v. LG Electronics Inc., Case No. 2:16-cv-1425-JRG-RSP, Dkt. No. 146 (E.D. Tex. April 2, 2018)
EX2012	Claim construction order in <i>Fundamental Innovation Systems International LLC v. ZTE Corp. et al.</i> , Case No. 3:17-cv-1827-N, Dkt. No. 135 (N.D. Tex. Dec. 21, 2018)
EX2013	Claim construction order in <i>Fundamental Innovation Systems International LLC v. TCT Mobile (US), Inc.</i> , Case No. 20-cv-552-CFC-CJB, Dkt. No. 41 (D. Del. Feb. 12, 2021)
EX2014	USB 2.0 Specification
EX2015	USB 2.0 Specification Engineering Change Notice (ECN) #1: Mini-B connector dated Oct. 20, 2000



DOCKET

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.

