

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner

IPR2022-00117
Patent No. 9,843,215

PATENT OWNER'S RESPONSE

Table of Contents

I.	Introduction.....	1
II.	Burden of Proof.....	3
III.	Technical Background	4
A.	Wireless Power Transfer.....	5
B.	Magnetic Permeability and Reluctance.....	9
C.	Magnetostriction, Stress and Increased Saturation Magnetization	16
IV.	The Teaching of Sawa.....	17
V.	Claim Construction	25
A.	The Board Should Construe the Claims to Require Two Separate and Distinct Polymeric Layers.....	25
VI.	Ground 1 of the Petition Fails Because Sawa Does Not Teach a Plurality of Soft Magnetic Layers	30
VII.	Ground 1 Further Fails Because Sawa Does Not Teach Two Separate and Distinct Polymeric Layers.....	33
VIII. Ground 2 Fails Because the Petition Fails to Motivate its Combination of Sawa with Inoue.....	39
A.	The Petition's Rationale to Consider Inoue's Adhesive Layer in view of Sawa is Unsupported.....	40
B.	The Petition identifies no benefit for its proposed combination.....	44
C.	A POSITA would have further avoided the Petition's proposed combination because that combination would be detrimental to Sawa's goals.....	47
D.	The Petition's combination is supported only by hindsight.....	48
IX.	Conclusion	51

Table of Authorities

Cases

<i>Am. Piledriving Equip., Inc. v. Geoquip, Inc.</i> , 637 F.3d 1324 (Fed. Cir. 2011).....	30
<i>Apple, Inc. v. Realtime Data LLC</i> , IPR2016-01737, 2018 WL 1326656 (PTAB Mar. 13, 2018)	46
<i>Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP</i> , 616 F.3d 1249 (Fed. Cir. 2010).....	25, 30
<i>Belden Inc. v. Berk-Tek LLC</i> , 805 F.3d 1064 (Fed. Cir. 2015).....	46
<i>Duo Sec. Inc. v. Strikeforce Techs., Inc.</i> , IPR2017-01041, 2017 WL 4677235 (PTAB Oct. 16, 2017)	45
<i>Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.</i> , 800 F.3d 1375 (Fed. Cir. 2015).....	4
<i>Ex Parte Brzillowska-Dabrowska</i> , Appeal No. 2016-006485, 2016 WL 4525004 (PTAB Aug. 24, 2016)	45
<i>Ex Parte Debates</i> , Appeal No. 2020-006536, 2022 WL 263587 (PTAB Jan. 27, 2022)	45
<i>Ex Parte Masashi Hayakawa</i> , Appeal No. 2020-006550, 2021 WL 6133976 (PTAB Dec. 27, 2021)	50
<i>Ex Parte Shigetoshi Ito & Daisuke Hanaoka</i> , Appeal No. 2010-003391, 2012 WL 3041144 (BPAI July 23, 2012)	48, 50
<i>Gaus v. Conair Corp.</i> , 363 F.3d 1284 (Fed. Cir. 2004).....	26
<i>Grain Processing Corp. v. American-Maize Prods. Co.</i> , 840 F.2d 902 (Fed. Cir. 1988).....	49, 51
<i>Harmonic Inc. v. Avid Tech., Inc.</i> , 815 F.3d 1356 (Fed. Cir. 2016).....	3, 37
<i>In re Magnum Oil Tools Int'l, Ltd.</i> , 829 F.3d 1364 (Fed. Cir. 2016).....	4
<i>In re NTP, Inc.</i> , 654 F.3d 1279 (Fed. Cir. 2011).....	49, 51
<i>In re Stepan Co.</i> , 868 F.3d 1342 (Fed. Cir. 2017).....	38
<i>Johns-Manville Corp. v. Knauf Insulation, Inc.</i> , IPR2018-00827, Paper No. 9 (PTAB Oct. 16, 2018)	46
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	45, 50

IPR2022-00117 ('215 Patent)
Patent Owner's Response

<i>Kyocera Senco Indus. Tools Inc. v. Int'l Trade Comm'n,</i> 22 F.4th 1369 (Fed. Cir. 2022).....	26
<i>NetApp, Inc. v. Proven Networks, LLC,</i> IPR2020-01436, Paper 33 (PTAB Apr. 7, 2022).....	39
<i>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co.,</i> 868 F.3d 1013 (Fed. Cir. 2017).....	25
<i>Personal Web Techs., LLC v. Apple, Inc.,</i> 848 F.3d 987 (Fed. Cir. 2017).....	46
<i>Princeton Biochemicals, Inc. v. Beckman Coulter, Inc.,</i> 411 F. 3d 1332 (Fed. Cir. 2005).....	36
<i>Regents of Univ. of Minn. v. AGA Med. Corp.,</i> 717 F.3d 929 (Fed. Cir. 2013).....	29, 36
<i>Smartmatic USA Corp. v. Election Sys. & Software,</i> IPR2019-00527, Paper 32 (Aug. 5, 2020)	37
<i>U.S. Surgical Corp. v. Ethicon, Inc.,</i> 103 F.3d 1554 (Fed. Cir. 1997).....	25
<i>Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.,</i> 200 F.3d 795 (Fed. Cir. 1999).....	25
<i>Winner Int'l Royalty Corp. v. Wang,</i> 202 F.3d 1340 (Fed. Cir. 2000).....	48

Statutes

35 U.S.C. § 312(a)(3)	4
35 U.S.C. § 316(e)	4

Exhibits

Exhibit No.	Description
2001	Notice of IPR Petitions, <i>Scramoge Technology Ltd. v. Apple Inc.</i> , Case No. 6:21-cv-00579-ADA, Dkt. No. 35 (W.D. Tex. Nov. 11, 2021)
2002	Scheduling Order, <i>Scramoge Technology Ltd. v. Apple Inc.</i> , Case No. 6:21-cv-00579-ADA, Dkt. No. 33 (W.D. Tex. Sept. 28, 2021)
2003	Law360 Article: <i>West Texas Judge Says He Can Move Faster Than PTAB</i>
2004	Text Order Denying Motion to Stay Pending IPR, <i>Solas OLED Ltd. v. Google, Inc.</i> , Case No. 6:19-cv-00515-ADA (W.D. Tex. June 23, 2020)
2005	Order Denying Motion to Stay Pending IPR, <i>Multimedia Content Management LLC v. DISH Network L.L.C.</i> , Case No. 6:18-cv-00207-ADA, Dkt. No. 73 (W.D. Tex. May 30, 2019)
2006	Scheduling Order, <i>Correct Transmission LLC v. Adtran, Inc.</i> , Case No. 6:20-cv-00669-ADA, Dkt. No. 34 (W.D. Tex. Dec. 10, 2020)
2007	Scheduling Order, <i>Maxell Ltd. v. Amperex Technology Ltd.</i> , Case No. 6:21-cv-00347-ADA, Dkt. No. 37 (W.D. Tex. Nov. 8, 2021)
2008	Standing Order Governing Proceedings in Patent Cases, Judge Alan D. Albright
2009	Claim Construction Order, <i>Solas OLED Ltd. v. Apple Inc.</i> , Case No. 6:19-cv-00537-ADA, Dkt. No. 61 (W.D. Tex. Aug. 30, 2020)
2010	Plaintiff Scramoge Technology Ltd.'s Amended Preliminary Disclosure of Asserted Claims and Infringement Contentions to Apple Inc. in <i>Scramoge Technology Ltd. v. Apple Inc.</i> , Case No. 6:21-cv-00579-ADA (W.D. Tex.)
2011	Defendant Apple Inc.'s First Amended Preliminary Invalidity Contentions in <i>Scramoge Technology Ltd. v. Apple Inc.</i> , Case No. 6:21-cv-00579-ADA (W.D. Tex.)
2012	Android Authority article: LG Innotek's Latest wireless charger is Three times faster
2013	Scheduling Order, <i>Scramoge Technology Ltd. v. Google LLC</i> , Case No. 6:21-cv-00616-ADA, Dkt. No. 28 (W.D. Tex. Nov. 15, 2021)
2014	Defendants' Joint Reply Claim Construction Brief in <i>Scramoge Technology Ltd. v. Apple Inc.</i> , Case No. 6:21-cv-00579-ADA (W.D. Tex.)
2015	Scheduling Order, <i>Scramoge Technology Ltd. v. Apple Inc.</i> , Case No. 6:21-cv-00579-ADA, Dkt. No. 56 (W.D. Tex. Feb. 11, 2022)
2016	Not Assigned
2017	<i>Curriculum Vitae</i> of David S. Ricketts, Ph.D.
2018	July 21, 2022 Deposition Transcript of Joshua Phinney, Ph.D.

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.