

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

APPLE INC.,  
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,  
Patent Owner.

---

IPR2022-00117  
U.S. Patent No. 9,843,215

**PETITION FOR *INTER PARTES* REVIEW  
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

**TABLE OF CONTENTS**

PETITIONER’S EXHIBIT LIST .....	5
I. INTRODUCTION .....	6
II. GROUNDS FOR STANDING.....	6
III. NOTE.....	6
IV. SUMMARY OF THE ’215 PATENT .....	7
V. PROSECUTION HISTORY .....	10
VI. LEVEL OF ORDINARY SKILL IN THE ART .....	11
VII. CLAIM CONSTRUCTION .....	11
VIII. RELIEF REQUESTED AND THE REASONS FOR THE REQUESTED RELIEF .....	12
IX. DISCRETIONARY DENIAL WOULD BE INAPPROPRIATE.....	12
A. Discretionary denial under the <i>Fintiv</i> factors is not appropriate.....	12
1. No evidence regarding a stay .....	13
2. Parallel proceeding trial date .....	13
3. Investment in the parallel proceeding.....	13
4. Overlapping issues with the parallel proceeding .....	14
5. Petitioner is a defendant.....	14
6. Other circumstances.....	15
B. The <i>Fintiv</i> Framework Should Be Overturned.....	15
C. Discretionary denial under <i>General Plastic</i> is not appropriate.....	15

D.	Discretionary denial under 35 U.S.C. § 325(d) is not appropriate ....	16
X.	IDENTIFICATION OF HOW THE CLAIMS ARE UNPATENTABLE....	17
A.	Challenged Claims .....	17
B.	Statutory Grounds for Challenges .....	17
C.	Ground 1: Claims 1, 8-11, 13, 17, and 19-21 are obvious under 35 U.S.C. § 103 over Sawa and Park. ....	18
1.	Summary of Sawa .....	18
2.	Summary of Park.....	21
3.	Reasons to Combine Sawa and Park.....	23
4.	Claim 1 .....	27
5.	Claim 8 .....	43
6.	Claim 9 .....	44
7.	Claim 10 .....	45
8.	Claim 11 .....	48
9.	Claim 13 .....	50
10.	Claim 17 .....	53
11.	Claim 19 .....	53
12.	Claim 20 .....	53
13.	Claim 21 .....	54
D.	Ground 2: Claims 5, 12, 18, and 22 are obvious under 35 U.S.C. § 103 over Sawa, Park, and Inoue.....	54
1.	Summary of Inoue.....	54

2.	Reasons to combine Sawa and Inoue .....	56
3.	Claim 5 .....	59
4.	Claim 12 .....	63
5.	Claim 18 .....	67
6.	Claim 22 .....	67
XI.	CONCLUSION.....	68
XII.	MANDATORY NOTICES .....	69
A.	Real Party-in-Interest .....	69
B.	Related Matters.....	69
C.	Lead and Back-up Counsel and Service Information .....	69
	CERTIFICATE OF WORD COUNT.....	71
	CERTIFICATE OF SERVICE .....	72

**PETITIONER'S EXHIBIT LIST**

Ex.1001	U.S. Patent No. 9,843,215
Ex.1002	Prosecution History of U.S. 9,843,215
Ex.1003	Declaration of Joshua Phinney under 37 C.F.R. § 1.68
Ex.1004	<i>Curriculum Vitae</i> of Joshua Phinney
Ex.1005	U.S. Patent No. 9,443,648 to Sawa (“Sawa”)
Ex.1006	U.S. Patent No. 8,922,162 to Park (“Park”)
Ex.1007	U.S. Patent No. 8,922,160 to Inoue (“Inoue”)
Ex.1008	U.S. Patent No. 9,030,724 to Agrawal (“Agrawal”)
Ex.1009	U.S. Patent Publication No. 2012/0236528 to Le (“Le”)
Ex.1010	U.S. Patent Publication No. 2014/0320369 to Azenui (“Azenui”)
Ex.1011	U.S. Patent No. 9,252,611 to Lee et al. (“Lee”)
Ex.1012	U.S. Patent No. 8,427,100 to Vorenkamp et al. (“Vorenkamp”)
Ex.1013	U.S. Patent No. 8,687,536 to Michaelis (“Michaelis”)
Ex.1014	U.S. Patent No. 9,627,646 to Ellinger (“Ellinger”)
Ex.1015	Scheduling Order, <i>Scramoge Tech. Ltd. v. Apple Inc.</i> , WDTX-6-21-cv-00579 (filed Sept. 28, 2021)
Ex.1016	Plaintiff’s Preliminary Disclosure of Asserted Claims and Infringement Contentions to Apple Inc., <i>Scramoge Tech. Ltd. v. Apple Inc.</i> , WDTX-6-21-cv-00579 (served Sept. 7, 2021)

# 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.