

**UNITED STATES PATENT AND TRADEMARK OFFICE**

---

**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

---

APPLE INC.,  
Petitioner

v.  
SCRAMOGE TECHNOLOGY, LTD.,  
Patent Owner

---

IPR2022-00118  
U.S. Patent No. 10,804,740

**PETITIONER'S SUR-REPLY  
TO PATENT OWNER'S REVISED MOTION TO AMEND**

**TABLE OF CONTENTS**

PETITIONER’S EXHIBIT LIST ..... iii

I. INTRODUCTION ..... 1

II. PATENT OWNER’S PROPOSED CLAIM CONSTRUCTIONS ARE INCONSISTENT AND UNDULY NARROW ..... 1

    A. The term “otherwise separate” cannot mean “otherwise not connected” based on the surrounding claim language and the Board’s Preliminary Guidance ..... 2

    B. Patent Owner’s construction of “receiving space” is premised on a non-existent “horizontal boundary” and reads in an embodiment from the specification ..... 5

II. KATO RENDERS OBVIOUS THE SUBSTITUTE CLAIMS AS WRITTEN ..... 8

    A. Kato renders obvious a “discrete” connecting unit that is “otherwise separate” from the coil ..... 8

    B. Kato renders obvious a “receiving space” as recited in substitute claim 23 ..... 10

III. CONCLUSION ..... 12

CERTIFICATE OF SERVICE ..... 14

**PETITIONER'S EXHIBIT LIST**

Ex.1001	U.S. 10,804,740
Ex.1002	Prosecution History of U.S. 10,804,740
Ex.1003	Declaration of Dr. Joshua Phinney under 37 C.F.R. § 1.68
Ex.1004	<i>Curriculum Vitae</i> of Dr. Joshua Phinney
Ex.1005	U.S. Patent Application Publication 2009/0021212 (Hasegawa)
Ex.1006	U.S. Patent Application Publication 2007/0069961
Ex.1007	U.S. Patent Application Publication 2014/0306656 A1 Tabata et al
Ex.1008	U.S. Patent 8,384,263 B2 to Hiramatsu et al
Ex.1009	Reserved
Ex.1010	Reserved
Ex.1011	Reserved
Ex.1012	Reserved
Ex.1013	Reserved
Ex.1014	Reserved
Ex.1015	Scheduling Order, <i>Scramoge Technology Limited 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 Technology Limited v. Apple Inc.</i> , WDTX-6-21-cv-00579 (served Sept. 7, 2021)
Ex.1017	U.S. Patent Publication No. 2008/0164840 to Kato et al.
Ex.1018	Supplemental Declaration of Dr. Joshua Phinney under 37 C.F.R. § 1.68

Ex.1019	<i>The Merriam-Webster Dictionary</i> , Merriam-Webster, Inc., 1995.
Ex.1020	The Wayback Machine, capture of “Separate   Define Separate at Dictionary.com” on February 7, 2012, <a href="https://web.archive.org/web/20120207103735/http://dictionary.reference.com:80/browse/separate">https://web.archive.org/web/20120207103735/http://dictionary.reference.com:80/browse/separate</a>
Ex.1021	Second Supplemental Declaration of Dr. Joshua Phinney under 37 C.F.R. § 1.68
Ex.1022	U.S. 9,178,369
Ex.1023	Suzuki – U.S. 8,421,574

## I. INTRODUCTION

In response to the Board's Preliminary Guidance, Patent Owner further amended the claims of the '740 patent to add specific words and phrases. *See* Revised Motion (Paper 28). These amendments were not sufficient to overcome the Kato reference so Patent Owner now asks the Board to interpret its own added words as *different* words. Aside from the inherent unreasonableness of this request, Patent Owner's desired interpretations are (i) inconsistent with the surrounding language, (ii) ignore the Board's Preliminary Guidance, and (iii) import embodiments from the specification. Accordingly, Petitioner respectfully requests that the Board find each of substitute claims 21-23 unpatentable.

## II. PATENT OWNER'S PROPOSED CLAIM CONSTRUCTIONS ARE INCONSISTENT AND UNDULY NARROW

In traditional claim construction disputes, the parties construe static claim language in a patent drafted years or decades ago. That is not the situation here. Under the Motion to Amend Pilot Program, Patent Owner has been given two opportunities to draft *new* claim language that clearly delineates the claimed invention over the prior art put forth by Petitioner. Patent Owner failed to do that. Now, it attempts to use claim construction as an end-around. For example, Patent Owner urges the Board to replace the words "otherwise separate" it added to the substitute claims with the words "otherwise not connected." PO Reply (Paper 37),

# 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.