

**UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

APPLE INC.,
Petitioner

v.

BILLJCO LLC,
Patent Owner

CASE: IPR2022-00131
U.S. PATENT NO. 8,639,267

PATENT OWNER'S SUR-REPLY

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Cases:

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Iron Grip Barbell Co., Inc. v. USA Sports, Inc., 392 F.3d 1317 (Fed.Cir. 2004)	22
K/S HIMPP v. Hear-Wear Technologies, LLC, 751 F.3d 1362 (Fed.Cir. 2014)	16
Liqwd, Inc. v. L'Oreal USA, Inc., 941 F.3d 1133 (Fed.Cir. 2019)	23
Phillips v. AWH Corp., 415 F.3d 1303 (Fed.Cir. 2005) (en banc)	3, 6
Vitronics Corp. v. Conceptronic, Inc., 90 F.3d 1576 (Fed.Cir. 1996)	3

Other Authority:

35 U.S.C. § 311(b) 16

37 C.F.R. § 42.65(a)..... 15

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All **emphasis** supplied unless otherwise noted.

TABLE OF EXHIBITS

Exhibit	Description
2009	Deposition of Thomas F. La Porta dated July 29, 2022 in IPR2022-00131 Petition for Inter Partes Review of U.S. Patent 8,639,267
2010	Declaration of Istvan Jonyer '267 Patent
2011	U.S. Patent Application Publication 2008/0170679
2012	U.S. Patent Application Publication 2007/0244633
2013	U.S. Patent Application Publication U.S. Patent No. 7,177,651
2014	Technical Dictionary Terms
2015	Amended Complaint and Select Exhibits [Northern District of California] (SEALED)
2016	Patent License Agreement dated August 10, 2017 (SEALED)
2017	Patent License Agreement dated August 3, 2022 (SEALED)
2018	Patent License Agreement dated March 8, 2022 (SEALED)
2019	About Privacy and Location Services in iOS and iPadOS (APL-BJCO_00014622)

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