

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner

IPR2022-00351
Patent No. 10,622,842

PATENT OWNER'S RESPONSE

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Ex Parte Masashi Hayakawa,
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Exhibits

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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. Ampere 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)

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