

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC., and GOOGLE LLC,  
Petitioner

v.

SCRAMOGE TECHNOLOGY LTD.,  
Patent Owner

---

IPR2022-00385  
Patent 9,843,215

---

**PATENT OWNER'S PRELIMINARY RESPONSE**

**Mail Stop "PATENT BOARD"**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## Table of Contents

I. INTRODUCTION .....	1
II. THE PATENTED TECHNOLOGY .....	2
A. The '215 Patent Was Invented by LG Innotek .....	2
B. Overview of the '215 Patent .....	2
C. Challenged '215 Patent Independent Claims .....	5
III. OVERVIEW OF ASSERTED REFERENCES.....	6
A. Sakuma (Ex. 1005)—a primary reference—does not disclose the claimed invention.....	6
B. Hiroki (Ex. 1007)— a primary reference—does not disclose the claimed invention.....	10
C. Suzuki (Ex. 1006)—a secondary reference—does not compensate for the failures of Sakuma or Hiroki.....	14
D. Akiho (Ex. 1022)—a secondary reference—does not compensate for the failures of Hiroki.....	14
IV. PETITIONER HAS NOT ESTABLISHED A REASONABLE LIKELIHOOD OF INVALIDITY OF THE CHALLENGED CLAIMS .....	15
A. <u>Ground 1</u> : Claims 1, 8, 9, 11, 13, 17, 19, and 21 are not anticipated by Sakuma.....	15
1. Sakuma does not anticipate 1[i]/13[j].....	15
a. Sakuma's Figure 1 and 2 embodiments do not disclose "sendust" .....	16
b. Sakuma only discloses the use of "sendust" in the Figure 7 embodiment.....	19
c. The Petition's anticipation theory fails.....	21

B.	<u>Ground 2</u> : Dependent Claims 4, 5, 12, 18, and 22 Are Not Rendered Obvious by Sakuma in view of Hiroki. ....	23
C.	<u>Ground 3</u> : Claims 1, 8-11, 13, 17, and 19-21 are Not Rendered Obvious by Sakuma in view of Suzuki.....	23
D.	<u>Ground 4</u> : Dependent Claims 4, 5, 12, 18, and 22 Are Not Rendered Obvious by Sakuma in view of Suzuki and Hiroki.....	23
E.	<u>Ground 5</u> : Claims 1, 4, 5, 8, 9, 11-13, 17-19, 21, and 22 are Not Anticipated by Hiroki. ....	24
1.	Hiroki does not anticipate 1[d]/13[e].....	24
F.	<u>Ground 6</u> : Claims 1, 4, 5, 8, 9, 11-13, 17-19, 21, and 22 are Not Rendered Obvious by Hiroki in view of Akiho. ....	30
V.	INSTITUTION SHOULD BE DENIED UNDER § 314(a).....	32
A.	Factors 1–3 do not compel institution.....	33
B.	Factor 4 weighs against institution, as Petitioner delayed filing after learning of Sakuma, Suzuki, Hiroki, and Akiho.....	35
C.	Factor 5 also weighs against institution, as Petitioner has no valid excuse for its delay.....	36
D.	Factor 6 weighs heavily against institution, as the district court is set to rule on the validity of the same claims. ....	37
E.	Factor 7 also weighs against institution, as Petitioner’s strategic timing prevents coordination/consolidation with the earlier IPR, wastes the Board’s resources, and prejudices Patent Owner. ....	39
F.	Summary of Factors.....	41
VI.	ALL <i>FINTIV</i> FACTORS WEIGH AGAINST INSTITUTION.....	41
A.	<u>Factor 1</u> : The district court has not granted a stay, nor is there any evidence that a stay will be granted. ....	43
B.	<u>Factor 2</u> : The district court trial will occur before the deadline for a final decision in this proceeding. ....	45

C. Factor 3: By the time an institution decision is reached, the parties and the court will have completed claim construction and discovery will nearly be closed..... 47

D. Factor 4: There is substantial overlap between this IPR and the district court proceedings. .... 48

E. Factor 5: Petitioner is a defendant in the district court litigation..... 50

F. Factor 6: The petition is without merit and unlikely to succeed..... 51

VII.CONCLUSION..... 54

## PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Notice of IPR Petitions, <i>Scramoge Technology Ltd. v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.</i> , Case No. 6:21-cv-00454-ADA, Dkt. No. 42 (W.D. Tex. Jan. 7, 2022)
2002	Scheduling Order, <i>Scramoge Technology Ltd. v. Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.</i> , Case No. 6:21-cv-00454-ADA, Dkt. No. 46 (W.D. Tex. Jan. 21, 2022)
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 (OGP) 4.1, Judge Alan D. Albright (Apr. 14, 2022)
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 Preliminary Disclosure of Asserted Claims and Infringement Contentions to Samsung in

# 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.