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

APPLE INC.,

Petitioner

v.

BILLJCO LLC,

Patent Owner

CASE: IPR2022-00426

U.S. PATENT NO. 8,761,804

PATENT OWNER'S RESPONSE PURSUANT TO 35 U.S.C. §§ 316(a)(8)



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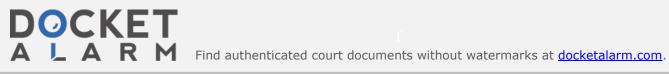
TABLE OF AUTHORITIES

Cases:

DePuy Spine, Inc. v. Medtronic Sofamor Danek, Inc.,
567 F.3d 1314 (Fed. Cir. 2009)
Fox Factory, Inc. v. SRAM, LLC, 944 F.3d 1366 (Fed. Cir. 2019)40
Graham v. John Deere Co. of Kan. City, 383 U.S. 1, 86 S.Ct. 684 (1966)
In re Gartside, 203 F.3d 1305 (Fed. Cir. 2000)
In re Warsaw Orthopedic, Inc., 832 F.3d 1327 (Fed. Cir. 2016)
Institut Pasteur & Universite Pierre Et Marie Curie v. Focarino, 738 F.3d 1337 (Fed. Cir. 2013)
J.T. Eaton & Co. v. ATl. Paste & Glue Co., 106 F.3d 1563 (Fed. Cir. 1997)41
Lectrosonics, Inc. v. Zaxcom, Inc., IPR2018-01129, Paper 33 at 33 (PTAB Jan. 24, 2020)
Liqwd, Inc. v. L'Oreal USA, Inc., 941 F.3d 1133 (Fed. Cir. 2019)33
Panduit Corp. v. Dennison Mfg. Co., 774 F.2d 1082 (Fed. Cir. 1985)
Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (en banc)
Thorner v. Sony Computer Entm't Am. LLC, 669 F.3d 1362 (Fed. Cir. 2012)



Transocean Offshore Deepwater Drilling Inc. v. Maersk Drilling USA, Inc., 699 F.3d 1340 (Fed. Cir. 2012)	32
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WBIP, LLC v. Kohler Co.,	
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All emphasis supplied unless otherwise noted.	



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