

*Apple Inc.*  
v.  
*Scramoge Technology Ltd.*

IPR2022-0573, U.S. Patent No. 7,825,

Patent Owner's Demonstrative Exhibits

June 16, 2023

Ex. 2011

Scramoge Technology Ltd.

DEMONSTRATIVE EXHIBIT - NO

# Ground 1: Not Obvious Over Baarman

Scramoge Technology Ltd.

Ground 1

Ground 2

DEMONSTRATIVE EXHIBIT - NO

# Petition Failed to Establish Baarman as P

**January 7, 2008**

Baarman Provisional Application Filed

**January 14, 2008**  
Baarman Non-Provisional Ap

**November 14, 2008**  
'537 Patent Application Filed

Jan

Feb

Mar

Apr

May

Jun

Jul

Aug

Sep

Oct

Scramoge Technology Ltd.

Ground 1

Ground 2

DEMONSTRATIVE EXHIBIT - NO

## Petition Failed to Show Enablement

- “An application for patent ... for *an invention disclosed in the prior art* ... *provided by section 112 [first paragraph]* ... *in a provisional application* shall have the same effect, as to such invention, as though filed as a regular application of the provisional application.”
  - 35 U.S.C. § 119(e)(1); see *Dynamic Drinkware, LLC v. Nat’l Graphic Arts Ass’n*, 581 F.3d 1375, 1378 (Fed. Cir. 2015)
- It is well settled that 35 U.S.C. § 112, ¶ 1 contains a written description requirement separate from an enablement requirement.
  - *Ariad Pharm., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1344 (Fed. Cir. 2010)

## Petition Failed to Show Enablement

- “The enablement requirement is satisfied when one skilled in the art, after reading the specification, could practice the claimed invention without undue experimentation.”
  - *AK Steel Corp. v. Sollac and Ugine*, 344 F.3d 1234, 1244 (Fed. Cir. 2006)
- Petition does not address the *Wands* factors, including the degree of experimentation required to “make and use” the Baarman claims
- Petition merely gives exemplary citations to the Baarman Provisional Patent without explanation

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