

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Apple Inc.,  
Petitioner

v.

Telefonaktiebolaget LM Ericsson,  
Patent Owner

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Case IPR2022-00607  
U.S. Patent No. 10,517,133

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**PATENT OWNER'S PRELIMINARY RESPONSE**

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U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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## I. INTRODUCTION

Apple’s Petition is nothing more than a cut-and-paste of a prior meritless petition filed by Samsung challenging the claims of U.S. Patent No. 10,517,133 (“the ’133 Patent”). *See* IPR2021-00643 (filed on March 12, 2021). The ’133 Patent is not currently the subject of any patent infringement claims against Apple in any pending litigation, so Apple’s Petition is not a means for “providing a quick and cost-effective alternative[] to litigation,” which is the purpose of *inter partes* review as outlined in the legislative history. H.R. Rep. No. 112–98, pt. 1, at 40 (2011). The use of *inter partes* review in this manner, particularly where Apple has failed to show that it has a reasonable likelihood of prevailing as to any Challenged Claim pursuant to § 314(a), “frustrate[s] the purpose of the section as providing quick and cost-effective *alternatives to litigation*” and “divert[s] resources from the research and development of inventions.” *See, e.g., id.* at 40 (2011) (Legislative history establishing *inter partes* review).<sup>1</sup> Here, Apple repurposes the Samsung IPR at little or no cost to Apple, relying on the *same experts* retained by Samsung, and presenting the *same weak* arguments challenging the claims of the ’133 Patent.

Nevertheless, Petitioner fails to show that either asserted ground is reasonably likely to render Claims 1-20 of the ’133 patent unpatentable. In both grounds,

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<sup>1</sup> Unless otherwise noted, all emphasis is added by Patent Owner.

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