#### UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG ELECTRONICS AMERICA, INC., Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC, Patent Owner.

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Case IPR2022-00807 Patent 9,756,168

PATENT OWNER'S RESPONSE



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Wyers v. Master Lock Co., 616 F.3d 1231 (Fed. Cir. 2010)



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