

Filed: April 5, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-01004
Patent 9,614,943

**PATENT OWNER'S RESPONSE
UNDER 37 C.F.R. § 42.120**

TABLE OF CONTENTS

| | | |
|------|--|----|
| I. | INTRODUCTION | 1 |
| II. | LEVEL OF ORDINARY SKILL | 6 |
| III. | BYRNE GROUNDS (GROUNDS 1A-1C) | 7 |
| | A. Petitioner Fails to Prove Obviousness Based on Byrne for Claims 1, 3-9, and 12 (Grounds 1A-1C) | 7 |
| | 1. Petitioner Fails to Prove that Byrne Discloses a Processor that Processes a First Data Stream and a Second Data Stream | 7 |
| | 2. Petitioner Fails to Prove that Byrne Discloses a Processor that Processes Two Data Streams <i>in Parallel</i> | 19 |
| | B. Petitioner Fails to Prove the Byrne-WO748 Combination Disclose Claims 3-4 (Ground 1B) | 22 |
| | C. Petitioner Fails to Prove that a POSITA Would Have Reasonably Expected Success in Making the Byrne-WO748 Combination (Ground 1B)..... | 25 |
| | D. Petitioner Fails to Prove that a POSITA Would Have Reasonably Expected Success in Making the Byrne-Johnston- Pillekamp Combination (Ground 1C)..... | 27 |
| IV. | BYRNE-RALEIGH GROUNDS (GROUNDS 2A-2C) | 32 |
| | A. Petitioner Fails to Prove Obviousness Based on Byrne in Combination with Raleigh for Claims 1, 2-9, and 12 (Grounds 2A-2C) | 32 |
| | 1. Petitioner Fails to Prove that Either Byrne or Raleigh Discloses a Processor that Processes a First Data Stream and a Second Data Stream in Parallel..... | 32 |
| | 2. A POSITA Would Not Have Been Motivated to Modify Byrne to Incorporate Raleigh’s SOP System | 39 |

| | | |
|----|--|----|
| 3. | A POSITA Would Not Have Had a Reasonable Expectation of Success in Modifying Byrne to Incorporate Raleigh’s SOP System..... | 52 |
| B. | Petitioner has Failed to Show that the Raleigh-Byrne Combination Teaches Claims 6 and 7. | 56 |
| C. | Petitioner has Failed to Show Obviousness of the Raleigh-Byrne-WO748 Combination (Ground 2B)..... | 56 |
| 1. | Petitioner Fails to Prove that a POSITA Would Have Reasonably Expected Success in Making the Raleigh-Byrne-WO748 Combination | 56 |
| 2. | Petitioner’s Raleigh-Byrne-WO748 Combination Fails to Teach a Virtual Network as Required by Claims 3-4. | 58 |
| D. | Petitioner has Failed to Show Obviousness of the Raleigh-Byrne-Pillekamp Combination (Ground 2C, 2E – Claims 12, 15, 18-20)..... | 58 |
| E. | The Remaining Grounds Fail Because They Depend on Independent Claims as to which Petitioner has Failed to Meet Its Burden..... | 58 |
| V. | CONCLUSION..... | 59 |

TABLE OF AUTHORITIES

Cases

| | |
|--|------------|
| <i>ActiveVideo Networks, Inc. v. Verizon Communications, Inc.</i> , 694 F.3d 1312 (Fed. Cir. 2012)..... | 48 |
| <i>Altera Corp. v. PACT XPP Techs., AG</i> , 2015 U.S. Dist. LEXIS 111222 (N.D. Cal. Aug. 21, 2015) | 34 |
| <i>Cuozzo Speed Techs., LLC v. Lee</i> , 579 U.S. 261 (2016)..... | 35 |
| <i>Eli Lilly v. Teva Pharms. Intn'l GmbH</i> , 8 F.4th 1331 (Fed. Cir. 2021)..... | 52 |
| <i>Fanduel, Inc. v. Interactive Games LLC</i> , 966 F.3d 1334 (Fed. Cir. 2020)..... | 17, 21, 51 |
| <i>Harmonic Inc. v. Avid Tech., Inc.</i> , 815 F.3d 1356 (Fed. Cir. 2016)..... | 16 |
| <i>Henny Penny Corp. v. Frymaster LLC</i> , 938 F.3d 1324 (Fed. Cir. 2019)..... | 40 |
| <i>Howmedica Osteonics Corp. v. Wright Med. Tech. Inc.</i> , 540 F.3d 1337 (Fed. Cir. 2008)..... | 34 |
| <i>Hulu, LLC v. Sound View Innovations, LLC</i> , IPR2018-00582, Paper 34 (PTAB Aug. 5, 2019)..... | 48 |
| <i>In re Cuozzo Speed Techs., LLC</i> , 793 F.3d 1268 (Fed. Cir. 2015)..... | 34 |
| <i>In re Hedges</i> , 783 F.2d 1038 (Fed. Cir. 1986)..... | 47 |
| <i>In re Magnum Oil Tools International, Ltd.</i> , 829 F.3d 1364 (Fed. Cir. 2016)..... | 7 |
| <i>In re Vaeck</i> , 947 F.2d 488 (Fed. Cir. 1991)..... | 52 |

| | |
|--|----------------|
| <i>Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i> , 821 F.3d 1359 (Fed. Cir. 2016)..... | 49 |
| <i>InTouch Technologies, Inc. v. VGO Communications, Inc.</i> , 751 F.3d 1327 (Fed. Cir. 2014)..... | 22 |
| <i>Johns Manville Corp. v. Knauf Insulation, Inc.</i> , IPR2018-00827, Paper No. 9 (PTAB Oct. 16, 2018) | 25 |
| <i>Keynetick, Inc. v. Samsung Elec. Co.</i> , 841 Fed. Appx. 219 (Fed. Cir. 2021)..... | 25 |
| <i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012)..... | 49, 50 |
| <i>Microsoft Corp. v. Enfish, LLC</i> , 662 F. App'x 981 (Fed. Cir. 2016) | 51 |
| <i>Orthopedic Equip. Co., Inc. v. United States</i> , 702 F.2d 1005 (Fed. Cir. 1983)..... | 25 |
| <i>Otsuka Pharm. Co., v. Sandoz, Inc.</i> , 678 F.3d 1280 (Fed. Cir. 2012)..... | 19 |
| <i>PAR Pharm., Inc. v. TWI Pharms., Inc.</i> , 773 F.3d 1186 (Fed. Cir. 2014)..... | 19 |
| <i>Rolls-Royce, PLC v. United Techs. Corp.</i> , 603 F.3d 1325 (Fed. Cir. 2010)..... | 50, 51 |
| <i>Ruiz v. A.B. Chance Co.</i> , 234 F.3d 654 (Fed. Cir. 2000)..... | 47 |
| <i>Samsung Elecs. Co., Ltd. v. Elm 3DS Innovations, LLC</i> , 925 F.3d 1373 (Fed. Cir. 2019)..... | 25, 27, 32, 55 |
| <i>Securus Techs., Inc. v. Global Tel*Link Corp.</i> , 701 F. App'x 971 (Fed. Cir. 2017) | 51 |
| <i>St. Jude Med., LLC v. Snyders Heart Valve LLC</i> , 977 F.3d 1232 (Fed. Cir. 2020)..... | 7 |

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.