Filed: August 25, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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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 SUR-REPLY

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I. INTRODUCTION

Petitioner's Reply attempts to rehabilitate the failures of its Petition with 31 new exhibits and a host of new arguments. These arguments are largely untimely and, in any event, wrong.

II. BYRNE GROUNDS

A. Petitioner Fails to Prove Obviousness Based on Byrne

1. Petitioner's New Arguments Fail to Prove that Byrne Renders Obvious the Processor Limitations (Grounds 1A-1C)

a. Petitioner Fails to Prove that Byrne's Microprocessor Processes the Alleged Data Streams.

In the POR, Patent Owner showed that Byrne's microprocessor 210 controls transceivers 220/230 and audio switch 260, but does not receive or process data streams that are received by the antennas.

In its Reply, Petitioner argues that "a POSITA would have understood and found obvious that Byrne's microprocessor receives and processes data streams." Reply, 1-2. This general statement misses the point—according to Petitioner's theory as articulated in the Petition, the processor must receive and process the data streams ***received by the antennas***. Petitioner then claims that its annotated version of Figure 2 "clearly shows Byrne's microprocessor receiving data from each of its cellular and cordless transceivers," but cites to nothing more than its supplemental

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