

Filed: May 23, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-01222
Patent 8,982,863 B1

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

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	PETITIONER FAILS TO PROVE THAT AHOPELTO DISCLOSES OR RENDERS OBVIOUS A “SERVER” AND A “NETWORK SWITCH BOX” (CLAIMS 1, 14)	4
A.	Petitioner Fails to Identify a “Server” Separate and Distinct From a “Network Switch Box”	4
B.	Petitioner’s Alternative “Access Server” Argument Also Fails	10
III.	PETITIONER FAILS TO SHOW A SERVER “IN COMMUNICATION WITH” A PLURALITY OF NETWORK DEVICES (CLAIM 1)	14
IV.	PETITIONER FAILS TO ESTABLISH THAT THE ALLEGED “SERVER FUNCTIONALITY” IS CONFIGURED FOR COMMUNICATION WITH A SECOND NETWORK SWITCH BOX (CLAIM 14).....	17
V.	PETITIONER’S COMBINATION DOES NOT DISCLOSE OR RENDER OBVIOUS CLAIM 4.....	19
VI.	THE ALLEGED COMBINATION DOES NOT TEACH OR SUGGEST CLAIM 6	27
VII.	THE ALLEGED COMBINATION FAILS TO TEACH OR SUGGEST AN OPTIMAL PATH FOR A SPECIFIC DATA STREAM FLOW (CLAIM 19).....	30
VIII.	THE PETITION FAILS TO ESTABLISH THE LIMITATIONS OF CLAIMS 4–6, AND 24 UNDER ITS “ACCESS SERVER” THEORY	32
IX.	PETITIONER FAILS TO SHOW HARDWICK OR SOOD IS ANALOGOUS ART.	36
X.	THE PETITION CANNOT ESTABLISH OBVIOUSNESS FOR ANY DEPENDENT CLAIMS.....	38
XI.	CONCLUSION.....	38

TABLE OF AUTHORITIES

Cases

<i>Apple Inc. v. ContentGuard Holdings, Inc.</i> , IPR2015-00449, Paper 10 (PTAB Jul. 15, 2015)	37
<i>Apple Inc. v. Smart Mobile Techs. LLC</i> , IPR2022-00808, Paper 34 (PTAB Jan. 20, 2023).....	25
<i>Apple Inc. v. Smart Mobile Techs. LLC</i> , IPR2022-00979, Paper 17 (PTAB Mar. 29, 2023)	25
<i>Apple Inc. v. Smart Mobile Techs. LLC</i> , IPR2022-00980, Paper 21 (PTAB Mar. 29, 2023)	25
<i>Apple Inc. v. Smart Mobile Techs. LLC</i> , IPR2022-00981, Paper 20 (PTAB Mar. 29, 2023)	25
<i>Apple Inc. v. Smart Mobile Techs. LLC</i> , IPR2022-00982, Paper 17 (PTAB Mar. 29, 2023)	25
<i>Arendi S.A.R.L. v. Apple Inc.</i> , 832 F.3d 1355 (Fed Cir. 2016).....	passim
<i>Becton, Dickinson & Co. v. Tyco Healthcare Grp., LP</i> , 616 F.3d 1249 (Fed. Cir. 2010).....	4
<i>Boart Longyear Ltd. v. Australian Mud Co., Pty Ltd.</i> , IPR2019-01129, Paper 26 (PTAB Nov. 20, 2020).....	19
<i>Gamber-Johnson LLC v. Nat’l Prod.s Inc.</i> , IPR2021-01159, Paper 7 (PTAB Jan. 3, 2022).....	12
<i>Harmonic Inc. v. Avid Tech., Inc.</i> , 815 F.3d 1356 (Fed. Cir. 2016).....	passim
<i>In re Bigio</i> , 381 F.3d 1320 (Fed. Cir. 2004).....	36
<i>In re Klein</i> , 647 F.3d 1343 (Fed. Cir. 2011).....	36

<i>In re Nat. Alts., LLC,</i> 659 Fed. App'x. 608 (Fed. Cir. 2016).....	37
<i>Intelligent Bio-Systems, Inc. v. Illumina Cambridge, Ltd.,</i> 821 F.3d 1359 (Fed. Cir. 2016).....	37
<i>Motherson Innovations Co., Ltd. V. Magna Mirrors of Am.,</i> IPR2020-00777, Paper 22 (PTAB Oct. 5 2021)	10
<i>Netflix Inc. v. DivX, LLC,</i> IPR2020-00646, Paper 47 (PTAB Sept. 9, 2021).....	36
<i>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Matal,</i> 868 F.3d 1013 (Fed. Cir. 2017).....	14, 25
<i>Packers Plus Energy Servs. Inc. v. Baker Hughes Oilfield Operation, LLC,</i> IPR2016-01000, Paper 34 (PTAB Nov. 6, 2017).....	10
<i>Parrot S.A., et al. v. Drone Tech., Inc.,</i> IPR2014-00730, Paper 27 (PTAB Oct. 20, 2015).....	37
<i>Perfect Web, Techs., Inc. v. InfoUSA, Inc.,</i> 587 F.3d 1324 (Fed. Cir. 2009).....	16, 26
<i>SCHOTT Gemtron Corp. v. SSW Holding Co., Inc.,</i> IPR2013-00358, Paper 106 (PTAB Aug. 20, 2014).....	36
<i>TQ Delta, LLC v. CISCO., Inc.,</i> 942 F.3d 1352 (Fed. Cir. 2019).....	19
<i>Wasica Fin. GmbH v. Continental Auto. Sys., Inc.,</i> 853 F.3d 1272 (Fed. Cir. 2017).....	26, 29, 37
<i>Workspot, Inc. v. Citrix Systems, Inc.,</i> IPR2019-01002, Paper 39 (PTAB Nov. 17, 2020).....	10
<i>Xerox Corp. v. Bytemark, Inc.,</i> IPR2022-00624, Paper 9 (PTAB Aug. 24, 2022)	11
Statutes	
35 U.S.C. § 103	31

Regulations

37 C.F.R. § 42.104(b)16

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.