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 IPR2022-01249 Patent 9,019,946 B1

PATENT OWNER'S PRELIMINARY RESPONSE UNDER 35 U.S.C. § 313 AND 37 C.F.R. § 42.107



TABLE OF CONTENTS

I.	\mathbf{I}	VTR	OD	UCTION	1
II.	T	HE	BOA	ARD SHOULD DENY INSTITUTION	10
	A.	CC	UR	IONER FAILS TO DISCLOSE OR APPLY ITS DISTRICT T CLAIM CONSTRUCTION POSITIONS IN VIOLATION C.F.R. § 42.104(b)(3) (ALL CLAIMS, ALL GROUNDS)	10
	В.	LII	KEL	IONER FAILS TO DEMONSTRATE A REASONABLE IHOOD OF PREVAILING ON GROUND 1A MS 14-15)	20
		1.		goshin-Johnston-Billström Does Not Teach a Mobile Device t Maintains Multiple IP Addresses (14[i])	20
			a)	Yegoshin's Phone Would Not Maintain an IP Address for Cellular Communication Because it Does Not Use IP for Cellular Communication	20
			b)	Petitioner Fails To Explain Why a POSITA Would Associate a Second IP Address With Yegoshin's Phone	24
		2.		goshin-Johnston-Billström Does Not Teach the Simultaneous e of Multiple Network Paths (14[j])	27
	C.	LII	KEL	IONER FAILS TO DEMONSTRATE A REASONABLE IHOOD OF PREVAILING ON GROUND 1B MS 1-11, 16-21)	30
		1.	Int	goshin-Johnston-Billström-Bernard Does Not Teach a Single erface Comprised of Multiplexed Signals from the Plurality of reless Transmit and Receive Units(1[i])	30
			a)	Yegoshin's Phone Does Not Multiplex Signals	30
			b)	Bernard Does Not Teach "Multiplexed" Signals	34
			c)	Petitioner Fails To Prove That a POSITA Would Be Motivated To Combine Yegoshin And Bernard as Proposed	39



		 i. A POSITA Would Not Be Motivated to Connect Yegoshin's Cell Phone To Bernard's Cradle Which Has a Cellular Telephone And a Land Phone 	40
		ii. A POSITA Would Not Be Motivated to Add an Internal Serial Interface to Yegoshin's Phone	42
	2.	Yegoshin-Johnston-Billström-Bernard Does Not Teach a First Interface for Transmission that Uses a Plurality of Interfaces for Internet Protocol Communication (1[i])	47
	3.	Yegoshin-Johnston-Billström-Bernard Does Not Teach a First Interface for Transmission that Uses a Plurality of Interfacesto Enable a Single Interface (1[i])	49
	4.	Yegoshin-Johnston-Billström-Bernard's Processor is Not Configured to Combine the Data Paths into a Single Transmission Interface (17[i])	53
	5.	Yegoshin Does Not Teach the Simultaneous Use of Multiple Network Paths (1[j], 17[j])	54
D.	LI	TITIONER FAILS TO DEMONSTRATE A REASONABLE KELIHOOD OF PREVAILING ON GROUND 1E LAIMS 27-30)	55
	1.	Neither Yegoshin nor Bernard Discloses a Second Wireless Transmit and Receive Unit that Communicates to a Remote Server on a Second Network Path in Response to a Change in Signal Strength or Connectivity (27[h])	55
	2.	Petitioner's Yegoshin-Johnston-Billström-Bernard Combination Does Not Disclose that Video or Audio Can Be Accessed Simultaneously Through Dedicated or Multiplexed Paths (27[h])	59
Е.	LII	TITIONER FAILS TO DEMONSTRATE A REASONABLE KELIHOOD OF PREVAILING ON ANY DEPENDENT AIMS (ALL GROUNDS)	60



	F. PETITIONER'S NEED FOR MULTITUDINOUS REFERENCES	
	STRONGLY SUGGESTS THE PRESENCE OF HINDSIGHT BIAS	
	(ALL GROUNDS)	60
III.	CONCLUSION	66



TABLE OF AUTHORITIES

Cases

Carefusion Corp. v. Baxter Int'l, Inc., IPR2016-01456, Paper 9 (P.T.A.B. Feb. 6, 2017)
Cheese Sys., Inc. v. Tetra Pak Cheese & Powder Sys., Inc., 725 F.3d 1341 (Fed. Cir. 2013)
Chemco Sys., L.P. v. RDP Techs., Inc., IPR2019-01562, Paper 9 (P.T.A.B. Jun. 4, 2020)
Ecolochem, Inc. v. S. Cal. Edison Co., 227 F.3d 1361 (Fed. Cir. 2000)
Ex parte Evans, 2017 Pat. App. LEXIS 386 (P.T.A.B. Aug. 1, 2017)64
Ex parte Orbotech LT Solar, LLC, 2012 Pat. App. LEXIS 2784 (B.P.A.I. May 31, 2012)64
Fid. Fed. Sav. & Loan Ass'n v. de la Cuesta, 458 U.S. 141 (1982)
Ford Motor Co. v. Mass. Inst. Tech., IPR2020-00010, Paper 9 (P.T.A.B. Mar. 26, 2020)17
Gen. Elec. Co. v. Raytheon Techs. Corp., 983 F.3d 1334 (Fed. Cir. 2020)60
Google Inc. v. Koninklijke Philips N.V., IPR2017-00409, Paper 10 (P.T.A.B. Jun. 5, 2017) passin
Halo v. Yale Health Plan, 819 F.3d 42 (2nd Cir. 2016)15
Hologic, Inc., v. Enzo Life Sciences, Inc., IPR2018-00019, Paper 17 (P.T.A.B. Apr. 18, 2018)
In re Am. Acad. of Sci. Tech Ctr., 367 F.3d 1359 (Fed. Cir. 2004)



DOCKET A L A R M

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.

