UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.
Petitioner
v.

MULLEN INDUSTRIES LLC
Patent Owner

Inter Partes Review No. IPR2022-

Patent No. US 11,122,418 Filing Date: July 12, 2006 Issue Date: September 14, 2021

PETITION FOR INTER PARTES REVIEW



TABLE OF CONTENTS

I.	Intro	ntroduction			
II.	IPR	IPR Requirements			
	A.	Standing (37 C.F.R. § 42.104(a))	1		
	B.	Challenge Under 37 C.F.R. § 42.104(b)	2		
III.	Bacl	Background			
	A.	Priority Date and Family	2		
	B.	Summary of the '418 Patent	3		
	C.	Relevant Prosecution History of the '418 Patent	5		
IV.	Expert Testimony, Level of Skill in the Art, and Claim Construction		5		
	A.	Declaration Evidence	5		
	В.	Level of Ordinary Skill in the Art	6		
	C.	Claim Construction	6		
V.	The	The Prior Art			
	A.	Sheha	7		
	B.	Enzmann	8		
	C.	Tanaka	9		
	D.	Ryden	11		
	E.	Ganesh	11		
VI.	Mot	Motivation to Combine			
	A.	Motivation to Combine Sheha, Tanaka, Ryden, and Ganesh	14		

	В.	Motivation to Combine Enzmann, Tanaka, Ryden, Ganesh, and Sheha	17
VII.	The '418 patent is invalid in view of the prior art		20
	A.	Ground 1: Sheha alone or in combination with Tanaka, Enzmann, Ryden, and/or Ganesh renders obvious claims 1-30 under 35 U.S.C. § 103.	20
	В.	Ground 2: Enzmann alone or in combination with Tanaka, Ryden, Ganesh, and/or Sheha renders obvious claims 1-30 under 35 U.S.C. § 103	39
VIII.		ndary Considerations Cannot Overcome the Strong Evidence of ousness	60
IX.	This l	Petition Should Not Be Discretionarily Denied	61
	A.	Factor 1: Whether the Court Granted a Stay or Evidence Exists that One May be Granted if a Proceeding is Instituted	61
	В.	Factor 2: Proximity of the Court's Trial Date to the Board's Projected Statutory Deadline for a Final Written	61
	C.	Factor 3: Investment in the Parallel Proceeding by the Court and the Parties.	64
	D.	Factor 4: Overlap Between Issues Raised in the Petition and in the Parallel Proceeding.	64
	E.	Factor 5: Whether the Petitioner and the Defendant in the Parallel Proceeding are the Same Party.	65
	F.	Factor 6: Other Circumstances that Impact the Board's Exercise of Discretion, Including the Merits.	65
X.	Conc	lusion	66
XI.	Mandatory Notices (37 C.F.R. § 42.8(b))		
	Α.	Real Party-in-Interest (37 C.F.R. § 42.8(b)(1))	66

Petition for Inter Partes Review U.S. Patent No. 11,122,418

В.	Related Matters (37 C.F.R. § 42.8(b)(2))	66
C.	Designation of Lead and Backup Counsel (37 C.F.R. § 42.8(b)(3)) and Service Information (37 C.F.R. § 42.8(b)(4))	66
D.	Payment of Fees (37 C.F.R. § 42.103)	67
Ε.	Power of Attorney (37 C.F.R. § 42.10)	67

EXHIBIT LIST

EAHIBIT LIST					
Exhibit No.	Description				
1001-1005	[Reserved]				
1006	U.S. Patent No. 11,122,418 ("the '418 Patent")				
1007-1015	[Reserved]				
1016	Prosecution History of U.S. Patent No. 11,122,418				
1017-1019	[Reserved]				
1020	Curriculum Vitae of David Williams				
1021	Declaration of David Williams				
1021-6	Appendix 6 to the Declaration of David Williams				
1022-1029	[Reserved]				
1030	Complaint from in <i>Mullen Industries LLC v. Apple Inc.</i> , Case No. 6:22-cv-00145 (WDTX) (the "Parallel Litigation")				
1031	Infringement Contentions from the Parallel Litigation				
1032	Scheduling Order in the Parallel Litigation				
1033	District Court Trial Dates Tend to Slip After PTAB Discretionary Denials				
1034	Fintiv Order Setting Jury Selection and Trial				
1035	Tillis Ltr to USPTO re Fintiv Modification				
1036	Vidal Memo re Interim Procedure for Discretionary Denials				
1037	Federal Court Management Statistics as of June 30, 2022 (referenced in Vidal Memo fn. 4)				
1038-1039	[Reserved]				
1040	U.S. Patent No. 7,130,630 to Enzmann et al ("Enzmann")				
1041	U.S. Patent No. 7,333,820 to Sheha et al ("Sheha")				
1042	U.S. Provisional Patent Application 60/305,975 to Sheha et al ("Sheha Provisional")				
1043-1048	[Reserved]				
1049	U.S. Patent No. 7,013,146 to Ganesh ("Ganesh")				
1050-1056	[Reserved]				
1057	U.S. Patent No. 7,233,795 to Ryden ("Ryden")				
1058	U.S. Provisional Patent Application 60/277,117 to Ryden ("Ryden Provisional")				
1059	[Reserved]				
1060	U.S. Patent No. 6,819,919 to Tanaka ("Tanaka")				

DOCKET

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.

