IPR2023-00701 (U.S. Patent No. 8,510,407) PO's Preliminary Response

UNITED STA	ATES PATENT AND TRAD	EMARK OFFICE
BEFORE TI	HE PATENT TRIAL AND A	PPEAL BOARD
SAN	MSUNG ELECTRONICS CC Petitioner,	D., LTD.,

v.

DODOTS LICENSING SOLUTIONS LLC, Patent Owner.

Case IPR2023-00701 U.S. Patent No. 8,510,407 B1

PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR INTER PARTES REVIEW OF UNITED STATES PATENT NO. 8,510,407



## TABLE OF CONTENTS

		<u>Page</u>
I.	INTE	RODUCTION1
II.	THE	'407 PATENT4
	A.	Background of the claimed invention
	B.	The previous Lenovo '407 IPR
III.	THE	LEVEL OF ORDINARY SKILL IN THE ART10
IV.	CLA	IM CONSTRUCTION10
V.	THE	LEGAL STANDARD FOR OBVIOUSNESS11
VI.		TITUTION SHOULD BE DENIED FOR TWO THRESHOLD SONS12
	A.	Petitioner applies the incorrect claim construction standard under 37 C.F.R. § 42.100(b)
	B.	Petitioner fails to meet the requirements of §§ 37 C.F.R. 42.104(b)(3) and 42.104(b)(4)
		1. Petitioner violates both 42.104(b)(3) and 42.104(b)(4)15
		2. Petitioner fails to identify specific portions of the specification that describe the structure for a supposed means-plus-function limitation
VII.		TIONER HAS FAILED TO SHOW A REASONABLE LIKELIHOOD UCCESS FOR ANY OF GROUNDS 1A, 1B, 1C AND 220
	A.	Petitioner does not explain defect in prior consideration of Brown20
	В.	Petitioner fails to demonstrate how a local HTML file in Shimada that includes content that is presented on an alleged NIM meets "a content reference that comprises a network location at which content for the first networked information monitor is accessible via a TCP/IP protocol."



#### IPR2023-00701 (U.S. Patent No. 8,510,407) PO's Preliminary Response

VIII.		PETITION SHOULD BE DENIED IN THE DISCRETION OF THE RD UNDER 35 U.S.C. § 314(A)	
	A.	The district court case is not stayed nor is there any evidence that a stay will be granted if the IPR were instituted.	.28
	В.	Proximity of the district court's trial date to the Board's projected statutory deadline for a final written decision	.28
	C.	Both the district court and the parties have made significant investments in the parallel district court case.	.29
	D.	There is significant overlap between the issues raised in the petition and in the parallel district court case.	
	E.	Petitioner and defendant in the parallel litigation are the same party	.31
	F.	Other circumstances favor the Board exercising its discretion to den institution, including the merits	•
IX	CON	CLUSION	32



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## IPR2023-00701 (U.S. Patent No. 8,510,407) PO's Preliminary Response

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Lindsay Corporation v. Valmont Industries, IPR2015-01039, Paper 7 (P.T.A.B. Sept. 24, 2015)1	17
Medshape, Inc. v. Cayenne Med., Inc., IPR2015-00848, Paper 9 (P.T.A.B. Sep 14, 2015)1	8
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Sotera Wireless, Inc. v. Masimo Corp., IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020)	31
Statutes	
35 U.S.C. § 102	5



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