UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION, HP INC., DELL INC., DELL TECHNOLOGIES INC., ASUSTEK COMPUTER INC., ASUS GLOBAL PTE. LTD., Petitioners,

v.

LITL LLC, Patent Owner.

IPR2024-00457 U.S. Patent No. 9,880,715

PETITIONERS' PRELIMINARY REPLY

Mail Stop PATENT BOARD Patent Trial and Appeal Board U.S. Patent & Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450

DOCKET

A L A R M Find authenticated court documents without watermarks at <u>docketalarm.com</u>.

TABLE OF CONTENTS

I.	INTR	ODUCTION	.1
II.	FAC	۲S	.2
	A.	Lenovo's '715 IPR (IPR2021-00786)	.2
	B.	Lenovo's '715 EPR (No. 90/014,958)	.3
	C.	The Petition	.4
III.		BOARD SHOULD NOT EXERCISE ITS DISCRETION ER § 325(D)	.5
	A.	The First Part of Advanced Bionics Framework Is Not Met	.5
		1. The Petition Does Not Rely on Substantially the Same Art	.5
		2. The Petition Does Not Raise Substantially the Same Arguments	.8
	B.	The Second Part of Advanced Bionics Is Not Met	.9

TABLE OF AUTHORITIES

CASES

<i>Dell Techs. Inc. v. LiTL LLC,</i> IPR2024-00480, Paper 13, 18-23 (May 28, 2024)
Lenovo (United States) Inc. v. LiTL LLC, IPR2021-00786, Paper 1, 3 (May 4, 2021)2, 5
<i>Mylan Pharms. Inc. v. Merck Sharp & Dohme Corp.</i> , IPR2020-00040, Paper 21, 20 (May 12, 2020)10
STATUTES

35 U.S.C. § 325(d)1	, 2	2, 4	4,	5	5
---------------------	-----	------	----	---	---

EXHIBIT LIST

Exhibit	Reference
1001	U.S. Patent No. 9,880,715 ("the '715 patent")
1002	File History of the '715 patent
1003	Declaration of Dr. Henry Houh in Support of Petition ("Houh Decl.")
1004	Dr. Henry Houh CV
1005	U.S. 90/014,958 Ex Parte Reexamination File History
1006	German Patent Application Publication DE10331185A1 ("Pröll") with certified translation
1007	U.S. Patent 6,137,468 ("Martinez")
1008	Joan Preppernau & Joyce Cox, <i>Step By Step Windows Vista</i> , Microsoft Press (Jan. 3, 2007) ("Preppernau")
1009	U.S. Patent 5,847,698 ("Reavey")
1010	RESERVED
1011	U.S. Patent Application Publication 2008/0062141 A1 ("Chan- dhri")
1012	RESERVED
1013	RESERVED
1014	RESERVED
1015	Declaration of June Munford
1016	Complaint, LiTL LLC v. ASUSTeK Computer Inc., No. 23-cv-00122 (D. Del. Feb. 1, 2023)
1017	Complaint, LiTL LLC v. Dell Techs. Inc., No. 23-cv-0121 (D. Del. Feb. 1, 2023)
1018	Complaint, <i>LiTL LLC v. HP Inc.</i> , No. 23-cv-00120 (D. Del. Feb. 1, 2023)
1019	Order Granting Microsoft Intervention, <i>LiTL LLC v. HP Inc.</i> , No. 23-cv-00120 (D. Del. Oct. 16, 2023)

Exhibit	Reference
1020	Scheduling Order, <i>LiTL LLC v. HP Inc.</i> , No. 23-120 (D. Del. Jan. 11, 2024), ECF No. 44
1021	Foley, James D., et al., <i>Computer Graphics Principles and Practice</i> , Second Edition in C (July 1997)
1022	Dino Esposito, New Graphical Interface: Enhance Your Pro- grams with New Windows XP Shell Features, MSDN Magazine
1023	Maintenance & Service Guide, <i>HP Pavilion dv1600 Entertain-</i> <i>ment Notebook PC</i> (June 2006)
1024	Complaint, LiTL LLC v. Lenovo (United States), Inc., No. 20- cv-00689 (D. Del. May 22, 2020)
1025	Stipulation of Dismissal, <i>LiTL LLC v. Lenovo (United States)</i> <i>Inc.</i> , No. 20-cv-00689 (D. Del. Feb. 3, 2023)
1026	RESERVED
1027	Dan Littman, <i>Fujitsu LifeBook T3000 Tablet PC review</i> , CNET (Oct. 12, 2003)
1028	Stephanie Bruzese, HP Compaq Tablet PC TC1100 review, CNET (Oct. 12, 2003)
1029	Brian Nadel, Acer TravelMate C110 review, CNET (July 9, 2003)
1030	Mark Harris, <i>OLPC XO-1 (One Laptop Per Child) review</i> , CNET (Jan. 7, 2008)
1031	Ltr. From Lenovo Counsel to Microsoft Counsel re Indemnifi- cation
1032	RESERVED
1033	RESERVED
1034	RESERVED
1035	<i>Q&A: Microsoft Unveils Details for Ultra-Mobile Personal</i> <i>Computers</i> , Microsoft News (Mar. 9, 2006)
1036	AU Patent Application Publication 2001/100022 A4 ("Ad-amson")
1037	RESERVED
1038	RESERVED
1039	Board Authorization to File Preliminary Reply

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.