

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVX CORPORATION
Petitioner

v.

SAMSUNG ELECTRO-MECHANICS CO., LTD.
Patent Owner

Case No. PGR2017-00010
Patent No. 9,326,381

**PATENT OWNER'S PRELIMINARY RESPONSE TO
PETITION FOR POST-GRANT REVIEW**

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Exhibit No.	Description
2001	AVX's Third Party Submission filed during original prosecution of the '381 patent
2002	Supplemental Notice of Allowability from the file history of the '381 patent
2003	Printout of eBay website's listing for eBay item number 111574917638 purchased by AVX declarant John Galvagni (accessed from http://www.eBay.com/itm/111574917638 on February 23, 2017)
2004	Printout of AVX website's "Authorized Distributors & Sales Representatives" page (accessed from http://www.avx.com/contact-us/authorized/ on February 24, 2017)
2005	Printout of AVX website's "Warning – Unauthorized Dealers/Distributors" page (accessed from http://www.avx.com/docs/corporate/Unauthorized-AVX-Distributors.pdf on February 24, 2017)
2006	Printout of eBay website's "Condition" page (accessed from http://pages.eBay.com/help/sell/contextual/condition_1.html on February 24, 2017)
2007	Printout of Oxford English Dictionary website's definition of "offset" (accessed from https://en.oxforddictionaries.com/definition/offset on April 25, 2017)

Patent Owner Samsung Electro-Mechanics Co., Ltd. (“SEM” or “Patent Owner”) respectfully requests that the Board deny the Petition requesting post-grant review of U.S. Patent No. 9,326,381 (the “’381 Patent”) filed by Petitioner AVX Corporation (“AVX” or “Petitioner”).

I. INTRODUCTION

The Petition for Post-Grant Review is AVX’s second attack against the ’381 patent, after its Third Party Submission of six prior art references during original prosecution failed to convince the Examiner that any claims were unpatentable. The Petition should fail as well.

AVX’s main attack in Grounds 1–3 is based on a combination of three references: U.S. Pat. No. 7,808,770 (“Itamura”), U.S. Pub. No. 2011/0152604 (“Jeong”), and U.S. Pat. No. 5,134,540 (“Rutt”). AVX’s resort to three different references arises from its inability to show the key “dielectric grains” limitation recited in both independent claims. The Petition first attempts to show dielectric grains based on Jeong, but that position falls short of the goal because AVX does not and cannot explain how Jeong’s discussion about “ceramic particles” satisfies the claim requirement concerning “dielectric grains.”

The Petition implicitly acknowledges that deficiency by including a fallback position, which is just a retread of the Rutt patent that AVX previously presented in its Third Party Submission with arguments alleging relevance to the very same

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