

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

THE UNITED STATES POSTAL SERVICE (USPS)
AND THE UNITED STATES OF AMERICA,
AS REPRESENTED BY THE POSTMASTER GENERAL
Petitioner,

v.

RETURN MAIL, INC.
Patent Owner.

Case CBM2014-00116
Patent 6,826,548

**PATENT OWNER'S OPPOSITION TO
PETITIONER'S MOTION TO EXCLUDE EVIDENCE**

TABLE OF CONTENTS

I.	INTRODUCTION.....	1
II.	ARGUMENT.....	2
	A. Exhibit 2013.....	2
	B. Exhibit 2015.....	4
	C. Exhibits 2016-2020.....	8
	D. Exhibits 2021-2029.....	9
	E. Exhibit 2030.....	10
	F. Exhibit 2032.....	12
	G. Exhibits 2035-2052.....	14
III.	CONCLUSION.....	14

TABLE OF AUTHORITIES

Cases

<i>Alice Corporation Pty. Ltd. v. CLS Bank Int'l</i> , 134 S.Ct. 2347 (2014).....	9
<i>Application of Krimmel</i> , 292 F.2d 948 (Ct. Custom and Pat. App. 1961).....	6
<i>Beckson Marine, Inc. v. NFM, Inc.</i> , 292 F.3d 718 (Fed. Cir. 2002).....	3
<i>CLS Bank Int'l v. Alice Corp.</i> , 717 F.3d 1269 (Fed. Cir. 2013) (Rader, J., concurring-in-part and dissenting-in-part), <i>aff'd</i> , 134 S.Ct. 2347 (2014).....	6
<i>Fox v. Taylor Diving & Salvage Co.</i> , 694 F.2d 1349 (5th Cir. 1983).....	2, 7
<i>Gulf States Utilities Co. v. Ecodyne Corp.</i> , 635 F.2d 517 (5th Cir. 1981).....	12
<i>Markman v. Westview Instruments, Inc.</i> , 52 F.3d 967 (Fed. Cir. 1995).....	3
<i>Maytag Corp. v. Electrolux Home Products, Inc.</i> , 411 F.Supp.2d 1008 (N.D. Iowa 2006).....	3
<i>Melecosky v. McCarthy Bros. Co.</i> , 503 N.E.2d 355 (Ill. 1986).....	2, 7
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005).....	3
<i>Schultz v. Butcher</i> , 24 F.3d 626 (4th Cir. 1994).....	12
<i>SmithKline Beecham Corp. v. Apotex Corp.</i> , 403 F.3d 1331 (Fed. Cir. 2005) (Gajarsa, J., concurring).....	6

U.S. v. Blackstone,
56 F.3d 1143 (9th Cir. 1995)..... 11

U.S. v. Fields,
483 F.3d 313 (5th Cir. 2007)..... 11

PTAB Decisions

Fidelity National Information Services, Inc. v. Checkfree Corp.,
CBM2013-00031, 2014 WL 7330475
(PTAB, Dec. 22, 2014)..... 5

Interthinx, Inc. v. Corelogic Solutions, LLC,
CBM2012-00007, 2014 WL 587149
(PTAB, Jan. 30, 2014)..... 5

Liberty Mutual Insurance Co. v. Progressive Casualty Insurance Co.,
CBM2013-00002, 2014 WL 824373
(PTAB, Feb. 24, 2014)..... 11

Manukamed Ltd. v. Apimed Medical Honey, Ltd.,
IPR2013-00234, 2013 WL 8595942
(PTAB, Sept. 25, 2013)..... 1, 12

Nichia Corporation v. Emcore Corporation,
IPR2012-00005, 2014 WL 574596
(PTAB, Feb. 11, 2014)..... 1

SAP America, Inc. v. Versata Development Group, Inc.,
CBM2012-00001, 2013 WL 3167735
(PTAB, June 11, 2013)..... 5

Smith & Nephew, Inc. v. Convatec Technologies, Inc.,
IPR2013-00102
(PTAB, Paper 87, May 29, 2014)..... 1, 4

Statutes

35 U.S.C. § 101.....passim

Regulations

37 C.F.R. § 42.20(c)..... 1, 4

37 C.F.R. § 42.64(c)..... 1, 4

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.