

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DELL INC.  
Petitioner,

v.

NXP B.V.  
Patent Owner

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Case No. IPR2015-01308  
Patent No. 8,204,959

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**PATENT OWNER'S PRELIMINARY RESPONSE  
UNDER 37 C.F.R. § 42.107**

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Pursuant to 37 C.F.R. § 42.107, Patent Owner NXP B.V. (“Patent Owner,” “NXP”) submits this Preliminary Response to the above-captioned Petition for *Inter Partes* Review (“Pet.”, Paper 1) filed by Dell Inc. (“Petitioner”) regarding claims 1 to 20 (“challenged claims”) of U.S. Patent No. 8,204,959 (“the ’959 patent”).

## I. INTRODUCTION

On its face, Petitioner’s submission fails to provide the Board with the basic evidence required to institute any *inter partes* review. If the Board nonetheless institutes trial on any of the challenged claims, Patent Owner will address in detail in its § 42.120 Response the substantive errors and shortcomings that underlie each of Petitioner’s arguments and its purported evidence. In this paper, however, Patent Owner addresses only the meaning of certain of the challenged claims’ pertinent terms, and some fundamental shortcomings of the Petition under Rule 42.107: in particular, Petitioner’s failure to demonstrate, as to any of the challenged claims, a reasonable likelihood of success on any asserted ground of invalidity. Because of this clear threshold failure, the Petition should be denied and no *inter partes* review should be instituted under 35 U.S.C. § 314.

The ’959 patent’s challenged claims are directed to methods and devices that implement new protocols for controlling the transfer of content between two or more devices based on the outputting (*e.g.*, displaying) of the content—as opposed

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