

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC.,

Petitioner

v.

QUICKCOMPILE IP, LLC,

Patent Owner

Case IPR2016-00059

Patent 7,073,158

PATENT OWNER'S PRELIMINARY RESPONSE TO
PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. 7,073,158
UNDER 35 USC §§ 311-319 AND 37 CFR §42.100 ET SEQ.

TABLE OF CONTENTS

I. INTRODUCTION.....	1
II. OVERVIEW OF THE '158 PATENT.....	2
III. ARGUMENT.....	4
A. Claim Construction.....	4
B. Petitioner’s Allegations of Unpatentability Over the Combination of Banerjee and Benkrid are Insufficient to Meet the Requirements of the Claims.....	6
C. Petitioner’s Evaluation of the Analyzing Step of Claim 1 is Also Deficient.....	12
D. Petitioner’s Conclusions of Obviousness with Respect to Claim 6 Should Not Lead to Institution of Trial.....	15
E. Petitioner’s Conclusions of Obviousness with Respect to Claims 7 and 8 Should Not Lead to Institution of Trial.....	18
IV. CONCLUSION.....	19

TABLE OF AUTHORITIES

CASES

<i>Abbott Laboratories v. Baxter Pharm. Products, Inc.</i> , 334 F.3d 1274 (Fed. Cir. 2003)	10
<i>CCS Fitness, Inc. v. Brunswick Corp.</i> , 288 F.3d 1359 (Fed. Cir. 2002)	6
<i>Corning Incorporated v. DSM IP Assets B.V.</i> , Case No. IPR2013-00045 (PTAB May 9, 2014).....	17
<i>Google Inc. v. Jongerious Panoramic Techs., LLC</i> , Case No. IPR2013-00191 (PTAB Feb. 13, 2014).....	5
<i>Hartness Int’l. Inc. v. Simplimatic Engineering Co.</i> , 819 F.2d 1100 (Fed. Cir. 1987)	12
<i>In re Am. Acad. of Sci. Tech. Ctr.</i> , 367 F.3d 1359 (Fed. Cir. 2004)	5
<i>In re Kotzab</i> , 217 F.3d 1365 (Fed. Cir. 2000)	17
<i>In re Rouffet</i> , 149 F.3d 1350 (Fed. Cir. 1998)	17
<i>In re Royka</i> , 490 F.2d 981 (CCPA 1974).....	11, 14
<i>In re Skvorecz</i> , 580 F.3d 1262 (Fed. Cir. 2009)	4
<i>In re Wilson</i> , 424 F.2d 1382 (CCPA 1970).....	11
<i>Innova/Pura Water, Inc. v. Safari Water Filtration Sys., Inc.</i> , 381 F.3d 1111 (Fed. Cir. 2004)	5

<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)	15
<i>Marine Polymer Techs., Inc. v. Hemcon, Inc.</i> , 672 F.3d 1350 (Fed. Cir. 2012)	5
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)	5
<i>Renishaw PLC v. Marposs Societa' per Azioni</i> , 158 F.3d 1243 (Fed. Cir. 1998),	5
<i>Rhine v. Casio, Inc.</i> , 183 F.3d 1342 (Fed. Cir. 1999)	5
<i>Samsung Elecs. Co., Ltd. v. Va. Innov. Scis., Inc.</i> , Case No. IPR2013-00569 (PTAB Oct. 30, 2013)	6
<i>Stumbo v. Eastman Outdoors, Inc.</i> , 508 F.3d 1358 (Fed. Cir. 2007)	11
<i>Wright Medical Technology Inc. v. Orthopheonix, LLC</i> , Case No. IPR2014-00912 (PTAB Dec. 16, 2014)	12, 15

STATUTES

35 U.S.C. § 314(a)	1
--------------------------	---

REGULATIONS

37 C.F.R. § 1.75(d)(1)	6
37 C.F.R. § 42.100(b)	4
37 C.F.R. § 42.108(c)	1, 7
37 C.F.R. § 42.65(a)	17

EXHIBIT LIST

Exhibit No.	Description
2001	Excerpts from Microsoft Computer Dictionary, 5 th ed., Microsoft Corp. (2000): (a) analyze (p. 27), (b) compile (p. 115), (c) parse (p. 127).

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.