

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.  
Petitioner

v.

PROMOS TECHNOLOGIES, INC  
Patent Owner

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Case IPR2017-00039  
U.S. Patent No. 6,195,302

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**PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE**

Petitioner Samsung Electronics Co., Ltd. (“Petitioner”) submits the following reply to the Patent Owner Response (Paper No. 10, “Response”).

The Board instituted trial in this proceeding on claims 1-6, 10-12, and 14-18 finding that the Petition (Paper No. 1) and the accompanying evidence demonstrated a reasonable likelihood that Petitioner will prevail in establishing that each of claims 1-6, 10-12, and 14-18 are unpatentable. (*See generally*, Paper No. 6, “Decision.”) In its Response, Patent Owner does not submit any arguments contesting the merits of the Decision or the evidence set forth by Petitioner. Instead, the Response merely states that Patent Owner reserves its rights to request dismissal of this proceeding in the event that the Supreme Court concludes that *inter partes* review proceedings are unconstitutional. Indeed, in doing so, Patent Owner acknowledges that “[t]he Federal Circuit has held IPRs are constitutional.” (Response at 1, citing *MCM Portfolio LLC v. Hewlett-Packard Co.*, 812 F.3d 1284, 1288-92 (Fed. Cir. 2015).)

Because the evidence submitted by Petitioner explained how claims 1-6, 10-12, and 14-18 are rendered obvious by the prior art, and Patent Owner does not contest Petitioner’s evidence on the merits, Petitioner respectfully submits that Petitioner has established by at least a preponderance of the evidence that claims 1-6, 10-12, and 14-18 are unpatentable. The Board should, therefore, issue a final written decision canceling these claims.

IPR2017-00039  
Patent No. 6,195,302

Respectfully submitted,

Dated: August 3, 2017

By: /Naveen Modi/  
Naveen Modi (Reg. No. 46,224)  
Counsel for Petitioner

**CERTIFICATE OF COMPLIANCE**

Pursuant to 37 C.F.R. § 42.24(b)(1), the undersigned certifies that the foregoing Petitioner's Reply to Patent Owner's Response contains, as measured by the word-processing system used to prepare this paper, 223 words. This word count does not include the items excluded by 37 C.F.R. § 42.24 as not counting towards the word limit.

Respectfully submitted,

Dated: August 3, 2017

By: /Naveen Modi/  
Naveen Modi (Reg. No. 46,224)  
Counsel for Petitioner

**CERTIFICATE OF SERVICE**

I hereby certify that on August 3, 2017, a copy of the foregoing Petitioner's Reply was served by electronic means upon Counsel for Patent Owner at the following address of record:

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Dated: August 3, 2017

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