

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) Inc.
Petitioner,

v.

Papst Licensing GmbH & Co. KG
Patent Owner.

Case No. To Be Assigned
Patent No. 6,895,449 B2

[CORRECTED] PETITION FOR INTER PARTES REVIEW OF U.S.

PATENT NO. 6,895,449 UNDER 35 U.S.C. §§ 311-319

AND 37 C.F.R. § 42.100 *et seq.*

PETITIONER'S EXHIBIT LIST

Exhibit	Description
Ex. 1001	U.S. Pat. No. 6,895,449 to Tasler (“the ’449 Patent”)
Ex. 1002	File History for U.S. Pat. No. 6,895,449
Ex. 1003	Declaration of Kevin C. Almeroth (“Almeroth Declaration”)
Ex. 1004	Curriculum vitae of Kevin C. Almeroth
Ex. 1005	U.S. Patent No. 5,758,081 to Aytac (“Aytac”)
Ex. 1006	Am. Nat’l Standard Inst., Inc., <i>Am. Nat’l Standard for Info. Sys’s, Small Computer System Interface-2, ANSI X3.131-1994</i> (1994) (the “SCSI Specification”)
Ex. 1007	Ray Duncan, <i>The MS-DOS Encyclopedia</i> (1988)
Ex. 1008	<i>In re Papst Licensing Dig. Camera Pat. Litig.</i> , 778 F.3d 1255, 1265 (Fed. Cir. 2015)
Ex. 1009	Papst’s Opening Claim Constr. Brief and Appendix 8 of Papst’s Opening Claim Constr. Brief, <i>Papst Licensing GmbH & Co., KG v. Apple, Inc., et al.</i> , No. 6:15-cv-01095-RWS (E.D. Tex. Nov. 22, 2016)
Ex. 1010	<i>Papst’s Opening Claim Constr. Brief and Decl. of Robert Zeidman, In re Papst Licensing Dig. Camera Pat. Litig.</i> , MDL No. 1880, No. 1:07-mc-00493 (D.D.C. June 3, 2016)
Ex. 1011	<i>As-Filed Filed German priority document Patent Application 197 08 755.8</i>
Ex. 1012	<i>’399 German Application Publication (DE 197 08 755)</i>
Ex. 1013	<i>Certified Translation of Published ’399 German Application (DE 197 08 755)</i>
Ex. 1014	<i>English Translation of PCT Application PCT/EP98/01187</i>

	<i>(published as PCT Pub. No. WO98/39710)</i>
Ex. 1015	<i>U.S. Patent No. 4,589,063 to Shah</i>
Ex. 1016	<i>U.S. Patent No. 5,038,320 to Heath</i>
Ex. 1017	<i>U.S. Patent No. 5,787,246 to Lichtman</i>
Ex. 1018	<i>Rufus P. Turner et al., The Illustrated Dictionary of Electronics (1991)</i>
Ex. 1019	Decision, <i>Institution of Inter Partes Review</i> , Paper No. 8, IPR 2016-01200
Ex. 1020	File History for U.S. Pat. No. 5,758,081 to Aytac
Ex. 1021	Papst's Brief, <i>In re Papst Licensing Digital Camera Patent Litig.</i> , No. 2014-1110 (Fed. Cir., February 20, 2014)
Ex. 1022	U.S. Pat. No. 6,470,399 to Tasler (“the ’399 patent”)
Ex. 1023	File History for U.S. Pat. No. 6,470,399

TABLE OF CONTENTS

I. INTRODUCTION 1

II. MANDATORY NOTICES (37 C.F.R. § 42.8(A)(1)) 4

 A. Real Parties-In-Interest (37 C.F.R. § 42.8(b)(1))..... 4

 B. Related Matters (37 C.F.R. § 42.8(b)(2))..... 4

 1. Related Litigation 4

 2. Related Inter Partes Review Petitions 5

 C. Counsel and Service Information (37 C.F.R. § 42.8(b)(3) and (b)(4)) 6

III. FEES (37 C.F.R. § 42.103)..... 6

IV. REQUIREMENTS FOR INTER PARTES REVIEW UNDER 37 C.F.R. § 42.104 7

 A. Grounds for Standing (37 C.F.R. § 42.104(a))..... 7

 B. Claims for Which Review is Requested (37 C.F.R. § 42.104(b)(1))..... 7

 C. Statutory Grounds of Challenge and Prior Art Relied Upon for Each Ground (37 C.F.R. § 42.104(b)(2)) 7

 D. Person of Ordinary Skill in the Art 8

 E. Unpatentability of the Construed Claims (37 C.F.R. § 42.104(b)(4)) 9

 F. Supporting Evidence (37 C.F.R. § 42.104(b)(5))..... 9

V. THE '449 PATENT 9

 A. Overview of the '449 Patent..... 9

 B. Prosecution History of the '449 Patent 11

 1. “data transmit/receive device” 12

 2. “simulating a virtual file system” 12

 3. “interface device” 13

VI. SUMMARY OF REFERENCES APPLIED IN THIS PETITION 13

 A. Aytac Overview (Ex. 1005) 13

 B. Aytac Source Code..... 20

 C. The SCSI Specification and Overview (Ex. 1006) 22

VII. DETAILED EXPLANATION OF GROUNDS 29

 A. Ground I: Claims 1, 16 and 17 are Unpatentable Under 35 U.S.C. § 103(a) over the Combination of Aytac, the SCSI Specification, MS-DOS Encyclopedia and the admitted prior art..... 29

 1. Rationale for Combining Aytac, the SCSI Specification, MS-DOS Encyclopedia and the admitted prior art. 29

 2. Claims 1 and 17 31

 3. Claim 16 52

VIII. CONCLUSION 54

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.