

By: Andy H. Chan, Reg. No. 56,893  
Pepper Hamilton LLP  
333 Twin Dolphin Drive  
Suite 400  
Redwood City, CA 94065  
(650) 802-3600 (telephone)  
(650) 802-3650 (facsimile)  
chana@pepperlaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GOOGLE INC.  
Petitioner

v.

IXI IP, LLC  
Patent Owner

---

Case No. IPR2016-01669  
Patent 7,552,124

---

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

MICROSOFT CORP. ET AL.  
EXHIBIT 1012

## TABLE OF CONTENTS

	Page(s)
Table of Authorities .....	ii
Table of Exhibits .....	iii
I. Introduction.....	1
II. Alleged Grounds.....	1
III. Technical Overview Of The '124 Patent.....	2
IV. Claim Construction And Ordinary Skill In The Art.....	4
A. Person Having Ordinary Skill In The Art .....	5
B. Claim Construction .....	5
1. “operative language” .....	5
2. “means-plus-function” elements.....	6
V. Petition Procedural Deficiencies .....	7
VI. The Challenged Claims Are Not Obvious Over <i>Maes</i> In View Of <i>Preston</i> .....	12
A. Summary Of <i>Maes</i> .....	12
B. Summary Of <i>Preston</i> .....	14
C. There Is No Reasonable Likelihood That Claims 1-10 Are Rendered Obvious By The Combination Of <i>Maes</i> And <i>Preston</i> .....	16
1. <i>Maes</i> fails to disclose “parsing the high-level code for the keywords” as alleged by Petitioner.....	17
2. <i>Maes</i> fails to disclose “determining level of complexity and implementation of the high-level code” as alleged by Petitioner. ....	20
VII. The Challenged Claims Are Not Obvious <i>Pazandak</i> In View Of <i>White</i> <i>And Manson</i> .....	23
A. Summary Of <i>Pazandak</i> .....	23
B. Summary Of <i>White</i> .....	26
C. Summary Of <i>Manson</i> .....	27

D.	There Is No Reasonable Likelihood That Claims 1-10 Are Rendered Obvious By The Combination Of <i>Pazandak</i> , <i>White</i> , And <i>Manson</i> .....	28
1.	<i>Pazandak</i> fails to disclose “receiving a high-level code comprising one or more keywords, wherein the high-level code is provided by a user ... without having to select from menu items ...” as alleged by Petitioner.....	29
2.	<i>Pazandak</i> fails to disclose “parsing the high-level code for the keywords” as alleged by Petitioner. ....	32
3.	<i>Pazandak</i> fails to disclose “determining whether high-level code comprises keywords defining one or more relationships and conditions corresponding to the operative language” as alleged by Petitioner. ....	34
4.	<i>White</i> fails to disclose “determining level of complexity and implementation of the high-level code” as alleged by Petitioner. ....	35
5.	A person of ordinary skill in the art would not have combined <i>Pazandak</i> , <i>White</i> , and <i>Manson</i> as alleged by Petitioner. ....	37
VIII.	Conclusion .....	40

**TABLE OF AUTHORITIES**

	<u>Page(s)</u>
<b>CASES</b>	
<i>CAE Screenplates, Inc. v. Heinrich Fiedler GmbH &amp; Co. KG</i> , 224 F.3d 1308 (Fed. Cir. 2000) .....	21, 36
<i>CFMT, Inc. v. Yieldup Int’l Corp.</i> , 349 F.3d 1333 (Fed. Cir. 2003) .....	16
<i>Chicago Board Options Exchange, Inc. v. Int’l Securities Exchange, LLC</i> , 677 F.3d 1361 (Fed. Cir. 2012) .....	20, 36
<i>Endo Pharmaceuticals, Inc. v. Depomed, Inc.</i> , IPR2014-00652, Paper 12 (PTAB Sep. 29, 2014) .....	16, 28, 29
<i>Endo Pharmaceuticals, Inc. v. Depomed, Inc.</i> , IPR2014-00656, Paper 12 (PTAB Sep. 29, 2014) .....	4
<i>Ethicon Endo-Surgery, Inc. v. U.S. Surgical Corp.</i> , 93 F.3d 1572 (Fed. Cir. 1996) .....	21, 36
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006) .....	39
<i>Kinetic Techs., Inc. v. Skywork Solutions, Inc.</i> , IPR2014-00529, Paper 8 (PTAB Sep. 23, 2014) .....	11
<i>Kinetic Techs., Inc. v. Skywork Solutions, Inc.</i> , IPR2014-00530, Paper 8 (PTAB Sep. 29, 2014) .....	11
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 127 S. Ct. 1727 (2007) .....	29, 39
<i>LG Display, Ltd. v. Innovative Display Technologies LLC</i> , IPR2014-01094, Paper 10 (PTAB Jan. 13, 2015) .....	8
<i>LG Display, Ltd. v. Innovative Display Technologies LLC</i> , IPR2014-01094, Paper 18 (PTAB April 9, 2015) .....	8
<i>Microsoft Corp. v. Proxyconn, Inc.</i> , IPR2012-00026, Paper 17 (PTAB Dec. 21, 2012) .....	17, 28
<i>In re Royka</i> , 490 F.2d 981 (CCPA 1974) .....	16

*In re Translogic Tech., Inc.*, 504 F.3d 1249 (Fed. Cir. 2007) .....5

*TRW Automotive U.S., LLC v. Magna Electronics, Inc.*, IPR2015-00949,  
Paper 7 (PTAB Sep. 17, 2015) .....5

*Wowza Media Sys, LLC and Coffee Cup Partners, Inc. v. Adobe Sys. Inc.*,  
IPR2013-00054, Paper 12 (PTAB Apr. 8, 2013) ..... 12

**STATUTES**

35 U.S.C. § 112 .....6, 7

35 U.S.C. § 312 .....8, 12

35 U.S.C. § 313 ..... 1

**OTHER AUTHORITIES**

37 C.F.R. § 42.22 ..... 12

37 C.F.R. § 42.100 .....4

37 C.F.R. § 42.104 ..... 8-10, 12

37 C.F.R. § 42.107 ..... 1

*Office Patent Trial Practice Guide*, 77 Fed. Reg. 48,756 (Aug. 14, 2012).....4, 8, 10

# 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.