

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APEAL BOARD

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DALI WIRELESS INC.,  
Petitioner,

v.

COMMSCOPE TECHNOLOGIES LLC,  
Patent Owner

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Case IPR2017-01324

Patent No. 7,848,747

Issued: December 7, 2010

Filed October 27, 2009

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

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**EXHIBITS**

<b>Exhibit No.</b>	<b>Description</b>
2001	Declaration Under 37 CFR § 42.53 of Dr. Anthony Acampora
2002	<i>Curriculum Vitae</i> of Dr. Anthony Acampora
2003	Notice of Intent to Issue Ex Parte Reexamination Certificate in Reexamination Control No. 90/010,362

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## I. Introduction

The petition asserts that the claims of '747 patent are unpatentable on three grounds. In Ground 1, the petition alleges that claims 1-17 are obvious over a combination of Bellers (Ex. 1006) and Farhan (Ex. 1007). In Ground 2, the petition alleges that claims 7-11, 13-17 are obvious over a combination of Bellers (Ex. 1006) and Grace (Ex. 1008). In Ground 3, the petition alleges that claims 1, 7, 8, 10, 11, 14 are obvious over a combination of Ichiyoshi (Ex. 1009) and Farhan (Ex. 1007).

As will be further explained below, for at least the following reasons, the Board should deny the Petition.

First, the Petition is procedurally defective because it fails the requirements under *Graham* to identify the differences between the claims and the primary references (e.g., Bellers and Ichiyoshi) before turning to secondary references (Farhan and Grace). Frustratingly, the Petitioner and its declarant avoid affirmatively admitting any differences between the claims and any of the asserted references (primary and secondary). The Petitioner, instead, leaves that task to the Board and CommScope to divine what missing elements or what changes to the primary references Petitioner believes would have been obvious to POSA in view of the asserted combinations.

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