# UNITED STATES PATENT AND TRADEMARK OFFICE

# BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION Petitioner

v.

ARRIS ENTERPRISES LLC Patent Owner

> Case IPR2017-01803 Patent 7,107,532

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

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# **TABLE OF AUTHORITIES**

### Cases:

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<i>Alarm.com Inc. v. Vivint, Inc.,</i> IPR2015-01965, Paper 12 (PTAB Mar. 30, 2016)
Apple Inc. v. Parthenon Unified Memory Architecture LLC, IPR2016-00924, Paper 10 (PTAB Aug. 23, 2016)32
<i>Berk-Tek LLC v. Belden Tech's, Inc.,</i> IPR2013-00057, Paper 21 (PTAB May 14, 2013)
<i>Conopco, Inc. v. Procter &amp; Gamble Co.,</i> Case IPR2013- 00505, Paper 9 (PTAB Feb. 12, 2014)
Free-Flow Packaging International, Inc. v. Automated Packaging Systems, Inc., IPR2016-004465, Paper 8 (PTAB, July 22, 2016)13, 29
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In re Ratti, 270 F.2d 810 (CCPA 1959) 19-20, 27
<i>KSR Int'l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007)
LG Electronics, Inc. v. ATI Technologies ULC, IPR2015-00330, Paper 17 (PTAB Sept. 2, 2015)32
Liberty Mut. Ins. Co. v. Progressive Cas. Ins. Co., CBM2012-00003, Paper 7 (PTAB Oct. 25, 2012)
<i>Oracle Corp. v. Clouding IP, LLC,</i> IPR2013-00088, Paper 13 (PTAB June 13, 2013)
<i>Scentair Tech's., Inc. v. Politec, Inc.,</i> IPR2013-00179, Paper 18 (PTAB Aug. 23, 2013)32
<i>Ultratec v. Sorenson Commc'ns</i> , IPR2013-00288, Paper 23 (PTAB Jan. 10, 2014)32
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