

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.,
Petitioner,

v.

MEMORY TECHNOLOGIES, LLC,
Patent Owner

Case No.: To Be Assigned
U.S. Patent No. RE45,542

**PETITION FOR *INTER PARTES* REVIEW OF
U.S. PATENT NO. RE45,542**

Mail Stop “**Patent Board**”
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

TABLE OF CONTENTS

Contents

I.	INTRODUCTION AND STATEMENT OF RELIEF REQUESTED (37 C.F.R. §42.22(a)).....	1
II.	MANDATORY NOTICES (37 C.F.R. § 42.8(a)(1)).....	1
	A. Real Party-In-Interest (37 C.F.R. § 42.8(b)(1)).....	1
	B. Identification of Related Matters (37 C.F.R. § 42.8(b)(2)).....	2
	C. Lead and Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3).....	2
	D. Payment of fees (37 C.F.R. §42.103).....	3
III.	REQUIREMENTS FOR <i>INTER PARTES</i> REVIEW.....	3
	A. Identification of Challenge (37 C.F.R. § 42.104(b)).....	3
	B. Patents and Publications Relied Upon	4
IV.	BACKGROUND OF THE TECHNOLOGY.....	4
V.	OVERVIEW OF THE RE542 Patent.....	6
	A. Summary of the Claimed Subject Matter.....	6
	B. Prosecution History of the RE542 Patent.....	10
VI.	CLAIM CONSTRUCTION (37 C.F.R. § 42.104(b)(3)).....	13
	A. “peripheral device”	14
	B. “default value”	15
	C. “limiting value”	17
	D. “maximum power consumption of the peripheral device”	19
VII.	LEVEL OF ORDINARY SKILL IN THE ART.....	24
VIII.	BRIEF DESCRIPTION OF PRIOR ART RELIED UPON.....	24
	A. Overview of Garner (U.S. Patent No. 5,724,592).....	24
	B. Overview of Toombs (U.S. Patent No. 6,279,114).....	26
IX.	CLAIM-BY-CLAIM EXPLANATION OF GROUNDS OF UNPATENTABILITY	28

A. GROUND 1: Garner anticipates Claims 18, 23, 28-29, 32-33, 37, 38, and 40 under § 102.	29
1. Independent Claim 18.....	29
2. Dependent Claim 23 “The peripheral device according to the claim 18, wherein said default value and at least one limiting value are stored in the peripheral device.”	38
3. Independent Claim 28.....	39
4. Dependent Claim 29 “The peripheral device according to the claim 28, wherein said default value and at least one limiting value are stored in the peripheral device.”	41
5. Dependent Claim 32 “The peripheral device of claim 28, wherein the peripheral device is a memory card.”	41
6. Dependent Claim 33 “The peripheral device of claim 28, wherein the limiting value is a highest possible power consumption of the peripheral device.”	42
7. Dependent Claim 37 “The peripheral device of claim 28, wherein the default value is a lowest possible maximum power consumption for the peripheral device.”	43
8. Dependent Claim 38 “The peripheral device of claim 28, wherein the means for setting the maximum power consumption of the peripheral device comprises a processor operable to set the maximum power consumption of the peripheral device to the value.”	43
9. Dependent Claim 40 “The peripheral device of claim 28, wherein the range includes values other than the default value and the limiting value.”	44
B. GROUND 2: The combination of Garner and Toombs renders Claims 18, 23-24, 28-29, 32-33, and 37-40 obvious under § 103.	44
1. Independent Claim 18.....	57
2. Dependent Claim 23 “The peripheral device according to the claim 18, wherein said default value and at least one limiting value are stored in the peripheral device.”	66

3. Dependent Claim 24 “The peripheral device according to the claim 18, wherein said peripheral device is a MultiMediaCard™ peripheral device.”	66
4. Independent Claim 28.....	67
5. Dependent Claim 29 “The peripheral device according to the claim 28, wherein said default value and at least one limiting value are stored in the peripheral device.”	70
6. Dependent Claim 32 “The peripheral device of claim 28, wherein the peripheral device is a memory card.”	71
7. Dependent Claim 33 “The peripheral device of claim 28, wherein the limiting value is a highest possible power consumption of the peripheral device.”	71
8. Dependent Claim 37 “The peripheral device of claim 28, wherein the default value is a lowest possible maximum power consumption for the peripheral device.”	72
9. Dependent Claim 38 “The peripheral device of claim 28, wherein the means for setting the maximum power consumption of the peripheral device comprises a processor operable to set the maximum power consumption of the peripheral device to the value.”	72
10. Dependent Claim 39 “The peripheral device of claim 32, wherein the memory card is a MultiMediaCard.”	73
11. Dependent Claim 40 “The peripheral device of claim 28, wherein the range includes values other than the default value and the limiting value.”	73
X. CONCLUSION.....	74

TABLE OF AUTHORITIES

Page(s)

Cases

Memory Technologies, LLC v. Kingston Technology Co., Inc.,
8:18-cv-00171 (C.D. Cal.)2

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005)13, 14, 15

Statutes and Codes

United States Code

Title 35, section 102.....1, 3, 29

Title 35, section 102(a)4

Title 35, section 102(b)4

Title 35, section 102(e)4

Title 35, section 103.....1, 3, 45

Title 35, section 112.....15

Title 35, section 282(b).....13

Rules and Regulations

Code of Federal Regulations

Title 37, section 42.10(b)2

Title 37, section 42.103)3

Title 37, section 42.104(b)3

Title 37, section 42.104(b)(3)13

Title 37, section 42.108(c)15

Title 37, section 42.22(a)1

Title 37, section 42.24(a)(1)(i).....75

Title 37, section 42.6(a)(2)(ii)75

Title 37, section 42.6(a)(2)(iii)75

Title 37, section 42.8.....75

Title 37, section 42.8(a)(1)1

Title 37, section 42.8(b)(1)1

Title 37, section 42.8(b)(2)2

Title 37, section 42.8(b)(3)2

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.