

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PINN, INC.,
Patent Owner.

Case PGR2020-00066
Patent No. 10,455,066

**PATENT OWNER PINN, INC.'S SUR-REPLY TO PETITIONER'S REPLY
TO PATENT OWNER PRELIMINARY RESPONSE**

TABLE OF CONTENTS

I. APPLE VIOLATED ITS UNCONDITIONAL STIPULATION 6

II. DISCRETIONARY DENIAL UNDER 324(a) IS APPROPRIATE UNDER
THE *FINTIV* FACTORS12

III. NONE OF THE REFERENCES PUT FORTH BY PETITIONER DISCLOSE
WIRELESS PAIRING.....13

IV. DISCRETIONARY DENIAL UNDER 325(D) IS WARRANTED UNDER
ADVANCED BIONICS15

TABLE OF AUTHORITIES

Cases

Advanced Bionics, LLC v. Med-El Elektromedizinische Geräte GmbH, IPR2019-0146916

Apple Inc. v. Fintiv, Inc., IPR2020-00019 9, 10, 12, 13

Regulations

37 CFR § 11.18(b)11

37 CFR § 11.18(c)11

37 CFR § 42.12(a)11

37 CFR § 42.12(b)11

37 CFR. § 42.11(c)11

37 CFR. § 42.11(d)(1).....11

Other Authorities

MPEP 2143.01(V) 7

MPEP 2143.01(VI) 7

MPEP 2144(IV) 7

PATENT OWNER'S EXHIBIT LIST

PINN-2001	Excerpts of Wells Report (redacted)
PINN-2002	Order Denying Apple's Motion to Stay Litigation Pending Outcome of IPR Proceedings
PINN-2003	Transcript of March 16, 2020, Scheduling Conference
PINN-2004	Transcript of June 11, 2020, Discovery Hearing
PINN-2005	Docket Sheet of Pinn, Inc. v. Apple Inc., Case No. 8:19-cv-1805
PINN-2006	Special Master's Report & Recommendation on Claim Construction
PINN-2007	RESERVED
PINN-2008	U.S. Pat. App. Pub. No. 2010/0320961 ("Castillo")
PINN-2009	U.S. Pat. App. Pub. No. 2005/0107120 ("Yueh")
PINN-2010	U.S. Pat. App. Pub. No. 2010/0245585 ("Fisher")
PINN-2011	U.S. Pat. App. Pub. No. 2008/0070501 to Wyld
PINN-2012	Pinn's Objections to Special Master's Report and Recommendation on Claim Construction

PINN-2013	Defendant Apple Inc.'s Answer, Affirmative Defenses, and Counterclaims to Plaintiff Pinn, Inc.'s Second Amended Complaint
PINN-2014	Excerpts of Defendant Apple Inc.'s Preliminary Invalidity Contentions
PINN-2015	Defendant Apple Inc.'s Supplemental Invalidity Contentions (redacted)
PINN-2016	RESERVED
PINN-2017	Excerpts of Nettles Report (redacted)

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.