

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SILICON LABORATORIES, INC.
Petitioner

v.

CRESTA TECHNOLOGY CORPORATION
Patent Owner

CASE: IPR2015-00626
Patent No. 7,265,792

Title: Television Receiver for Digital and Analog Television Signals

PETITIONER'S RESPONSIVE LIST PURSUANT TO PAPER 27

I. INTRODUCTION

The Board authorized: “Patent Owner to submit a paper in the form of a list providing the location and a concise description of any portion of the Petitioner’s Reply that Patent Owner wishes to draw to the Board’s attention with regard to exceeding scope or improper incorporation. See 37 C.F.R. §§ 42.6(a)(3), 42.23(b). This paper may not exceed five pages, *may not contain argument*, and is due no later than three business days from the entry of this order.” Paper No. 27 (emphasis added). Patent Owner’s submission does not comport with the Board’s order. Rather than providing a “list,” Patent Owner submitted an argumentative brief complete with citations to case law. Paper No. 28 at 1–5.

II. RESPONSE TO PATENT OWNER’S ALLEGATIONS OF IMPROPER PORTIONS OF PETITIONER’S REPLY

Rather than respond in kind to Patent Owner’s improper submission, Petitioner provides the following responses to each of the three broad categories of challenges identified in Patent Owner’s submission. *See* Paper No. 28, §§ II.A–C.

A. Page 10, last bullet point of Reply; entirety of Balaban (Ex. 1053)

Patent Owner contends that Zenith does not “detect carrier signals” because a “sync signal” is not considered a “carrier signal” by a POSITA. Paper No. 17 at 44–45. The Balaban reference directly refutes Patent Owner’s argument that a POSITA would not consider Zenith’s synchronization signal a “carrier signal.” Zenith

explicitly teaches “wherein the detecting a carrier signal includes detecting . . . a synchronization signal.” Ex. 1053 at 19:18–20. Dr. Opris was asked about Balaban at his deposition but he did not consider it in forming his opinion about whether a “sync signal” is considered a “carrier signal” even though Balaban was submitted by the applicant during prosecution and is prior art of record. *See* Ex. 1060 at 60:5–21. This goes to the weight of his testimony.

B. Page 2, middle paragraph (section labeled “Carrier Signals”) of Reply; paragraphs 33–44 of Holberg Declaration (Ex. 1061); paragraph 9 of the Supplemental Holberg Declaration (Ex. 1063); entirety of IEEE Dictionary (Ex. 1054)

As noted above, Patent Owner contends that Zenith does not “detect carrier signals” because a “sync signal” is allegedly not considered a “carrier signal” by a POSITA. *See* Paper No. 17 at 44–45. That argument, in turn, raises the issue of the proper interpretation of “carrier signals.” *Id.* Patent Owner admits as much in its Response. *Id.* at 45 (“This interpretation is consistent with the Board’s....”). Despite having implicitly raised the issue as to the proper meaning of “carrier signal,” Patent Owner never proffered its own construction. As Patent Owner acknowledges, Petitioner has consistently maintained that this term should be given its “plain and ordinary meaning.” *Compare* Petition at 18 *with* Reply at 2. Once Patent Owner raised the issue about the plain and ordinary meaning of “carrier signals” in its Response, Petitioner proffered Dr. Holberg’s opinion on the proper

meaning of that term. Ex. 1061 at ¶¶ 33–44. Dr. Holberg’s opinion, in turn, relies on the definition of “carrier” provided in the IEEE Dictionary (Ex. 1054) as evidence of the plain and ordinary meaning. *Id.* (quoting Ex. 1054). A review of Dr. Holberg’s opinion shows that he followed a rigorous methodology in forming that opinion. Ex. 1061 at ¶¶ 33–44. This goes to the weight of his testimony. There is nothing improper about Petitioner’s proffer or its reliance on this testimony in its Reply.

C. Page 1, bottom paragraph, through page 2, top paragraph (entire section labeled “Select Signal”) of Reply; paragraphs 14–32 of Holberg Declaration (Ex. 1061); paragraph 8 of Supplemental Holberg Declaration (Ex. 1063)

Patent Owner contends that Zenith does not generate a “select signal” because the binary output signal of Zenith’s microprocessor 22 allegedly does not contain sufficient “information” about the format of the television signal. Paper No. 17 at 38–41. That argument relies on Patent Owner’s explicit construction of the term “select signal.” *Id.* at 6–10. Patent Owner, in turn, relies on the opinion of Dr. Opris. *Id.* at 9 (citing Ex. 2032 at ¶¶ 69–70). Pages 1–2 of Petitioner’s Reply responds directly to Patent Owner’s claim construction argument. Paper 21 at 1–2. Petitioner, in turn, relies on Dr. Holberg’s opinion to rebut Dr. Opris’s opinion about the proper construction of this term. *Id.* at 3 (citing Holberg Rep. at ¶¶ 29–30). A review of

Dr. Holberg's opinion shows that he followed a rigorous methodology in forming that opinion. Ex. 1061 at ¶¶ 14–32. This goes to the weight of his testimony.

Dated: March 7, 2016

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of March, 2016, the foregoing
PETITIONER'S RESPONSIVE LIST PURSUANT TO PAPER 27 was served
upon Patent Owner's attorney of record by emailing to the following addresses:

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