

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,

Petitioner,

v.

SPEIR TECHNOLOGIES LTD.,

Patent Owner.

Case IPR2022-0151

Patent 7,321,777

PATENT OWNER’S PRELIMINARY RESPONSE SUR-REPLY

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Patent Trial and Appeal Board
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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Clerk's Notice Resetting Case Management Conference, <i>Speir Technologies Limited v. Apple Inc.</i> , No. 5:23-cv-00095-EJD, Dkt. No. 79 (N.D. Cal. Mar. 20, 2023)
2002	Docket Sheet, <i>Speir Technologies Limited v. Apple Inc.</i> , No. 5:23-cv-00095-EJD (N.D. Cal. Mar. 20, 2023)
2003	Defendant's Amended Preliminary Invalidity Contentions, <i>Speir Technologies Limited v. Apple Inc.</i> , No. 6:22-cv-00077-ADA (W.D. Tex. Oct. 26, 2022)

Patent Owner Speir Technologies Ltd. (“Patent Owner”) submits this sur-reply in support of Patent Owner’s Preliminary Response (Paper 6) in accordance with the Board’s authorization on March 28, 2023.

Although the stay granted by the district court for the Northern District of California on March 30, 2023 changed the analysis with respect to the first five *Fintiv* factors, this Board should still deny institution because the petition is without merit as set forth in Patent Owner’s Preliminary Response at Sections II.F (the petition is without merit and unlikely to succeed) and III (the petition relies on impermissible hindsight reconstruction for a claim limitation appearing in every challenged claim). Paper 6 at 9-13.

Respectfully submitted,

/Brett Cooper/

Brett Cooper, Reg. No. 55,085
Lead counsel for Patent Owner

Date: April 17, 2023

CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above document was served on April 17, 2023, by filing this document through the Patent Trial and Appeal Case Tracking System as well as delivering a copy via electronic mail upon the following attorneys of record for the Petitioner:

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