UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

WILLOW LABORATORIES, INC.,
Patent Owner

Case IPR2024-00296
Patent 10,984,911

PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO SUBMIT SUPPLEMENTAL INFORMATION UNDER 37 C.F.R. § 42.123(b)

Willow fails to show that the supplemental information "reasonably could not have been obtained earlier." 37 C.F.R. § 42.123(b). Willow had known of Ex. 2082 since December 15, 2023. Willow earlier submitted Apple's expert's report and other materials from the related litigation and could have submitted Ex. 2082 as well.

Willow also fails to show that "consideration of the supplemental information would be in the interests-of-justice." 37 C.F.R. § 42.123(b). Ex. 2082 is not relevant to the Reply arguments based on Kimura. Willow alleges that Ex. 2082 "permits Willow to respond to Apple's new argument that Kimura would have motivated making a 'opening'/'window' with an area smaller than the detection surface area" because "Ex. 2082 (¶186) shows the contrary opinion of Apple's Delaware expert that 'Kimura is silent' on these features." But Willow mischaracterizes Dr. Warren's testimony; he stated that "Kimura is silent on the shape" of the window and detector, not that Kimura was silent on the area of the window relative to the detector. Apple's Reply does not rely on Kimura's disclosure of the shapes or any specific dimensions of the window and detector. Rather, Apple's Reply relies on Kimura's suggestion of limiting a window width to cut out light having a large angle of incidence. Reply, 12; *Merck & Co. v. Biocraft Labs., Inc.*, 874 F.2d 804, 807-08 (Fed. Cir. 1989) ("not merely what the references expressly teach but what they would have suggested....").

Ex. 2082 is also not relevant to the excerpts relied on in Apple's Reply. The excerpts that Apple relies on relates to the '911 patent; they do not relate to Kimura.

Respectfully submitted,

Dated 2-13-25

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1) and 42.6(e)(4)(iii), the undersigned certifies that on February 13, 2025, a complete and entire copy of this Petitioner's Opposition to Patent Owner's Motion to Submit Supplemental Information was provided via email to the Patent Owner by serving the email correspondence addresses of record as follows:

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