UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NINTENDO CO., LTD., and
NINTENDO OF AMERICA INC.,
Petitioners

v.

MALIKIE INNOVATIONS LTD.,
Patent Owner

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Case IPR2026-00005
U.S. Patent No. 8,545,247 B2
Issue Date: October 1, 2013

Title: DEVICE FOR A PORTABLE ELECTRONIC DEVICE

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# PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,545,247 B2

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**List of Exhibits**

| Exhibit No. | Description of Document |
|---|---|
| **EX1001** | U.S. Patent No. 8,545,247 B2 to Leonardo Aldana et al. (filed February 15, 2012, issued October 1, 2013) ("**'247**" or "**'247 patent**") |
| **EX1002** | Declaration of William R. Michalson, Ph.D. ("**Michalson**") |
| **EX1003** | Japanese Laid-Open Patent Application No. JP2005085593A to Noritaka Tsutsui (filed on September 9, 2003 and published on March 31, 2005) ("**Tsutsui**") |
| **EX1004** | Certified Japanese translation of **Tsutsui** (EX1003) |
| **EX1005** | Prosecution File History of 8,545,247 B2 |
| **EX1006** | Claim Construction Report of Gavin T. Gardner, PhD, August 6, 2025, provided in *Malikie Innovations Ltd. et al. v. Nintendo Co., Ltd.*, No. 2:24-cv-01490-JLR (W.D. Wash.) ("**Gardner Report**") |
| **EX1007** | LPR 132 Joint Claim Construction and Prehearing Statement (Amended) (Doc. 50) in *Malikie Innovations Ltd. v. Nintendo Co.*, No. 2:24-cv-01490-JLR (W.D. Wash.) |
| **EX1008** | Complaint in *Malikie Innovations Ltd. v. Nintendo Co.*, No. 2:24-cv-01490-JLR (W.D. Wash.) |
| **EX1009** | Stipulated Motion Extending Time for Defendants to Respond to Complaint (Doc. 15) in *Malikie Innovations Ltd. v. Nintendo Co.*, No. 2:24-cv-01490-JLR (W.D. Wash.) |

# I. MANDATORY NOTICES UNDER §42.8(A)(1)

## A. Real Party-In-Interest Under §42.8(b)(1)

Nintendo Co., Ltd. and Nintendo of America Inc. (collectively, "Petitioner") are the real parties-in-interest to this IPR petition.

## B. Related Matters Under §42.8(b)(2)

The '247 patent is the subject of the following pending litigation involving Petitioner: *Malikie Innovations Ltd. v. Nintendo Co.*, Case No. 2:24-cv-01490-JLR (W.D. Wash.). Petitioner filed a signed waiver of the service of summons on October 21, 2024. (EX1009 at 001.)

## C. Lead and Back-Up Counsel under §42.8(b)(3)

Petitioner provides the following designation of counsel.

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### D. Service Information

This Petition is being served by Federal Express on Patent Owner at the correspondence address of record for the ’247 patent, 192641 - Botos Churchill IP Law LLP – Malik, 430 Mountain Avenue, Suite 401, New Providence, NJ 07974.

This Petition is also being served on litigation counsel identified in the Certificate of Service. Petitioner consents to electronic service at the addresses provided above for lead and back-up counsel.

### E. Power of Attorney

Filed concurrently per 37 C.F.R. § 42.10(b).

## II. FEE PAYMENT

Petitioner requests review of eight claims, with a $51,875 payment.

## III. REQUIREMENTS UNDER §§ 42.104 AND 42.108 AND CONSIDERATIONS UNDER §§ 314(A) AND 325(D)

### A. Standing

Petitioner certifies that the '247 patent is available for IPR and that Petitioner is not barred or otherwise estopped.

### B. Identification of Challenge

Petitioner requests IPR institution based on:

| Ground | Claims | Basis Under § 103 |
|---|---|---|
| 1 | 1, 2, 6, 11, 13, 15, 16, 19 | Tsutsui (**EX1003**/**EX1004**) |

This Petition is supported by the Declaration of William R. Michalson, Ph.D. (**EX1002**) ("Michalson"), a qualified technical expert (Michalson, ¶¶2-7, Appendix A).

### C. §§314 and 325(d)

Discretionary denial is not warranted. This is the first and only IPR petition filed by anyone against the '247 patent, and the validity or patentability of the '247 patent has not been adjudicated previously. The Tsutsui reference (EX1003/EX1004) used in Ground 1 was not identified during prosecution of the '247 patent. The pending litigation against Petitioner is in a relatively early stage. Petitioner intends to promptly move to stay the litigation pending IPR. Additionally, in the event an IPR is instituted (and the institution is not subsequently vacated, or a Final Written Decision in the IPR is not subsequently vacated or terminated), Petitioner will not pursue in district court any grounds of invalidity against the challenged claims that were, or reasonably could have been, asserted in IPR under §§ 102 or 103 on the basis of prior art patent or printed publications. Petitioner will further address discretionary denial considerations if Patent Owner seeks discretionary denial of the Petition.

## IV. OVERVIEW OF THE PATENT

### A. Level of Ordinary Skill in the Art

A person of ordinary skill in the art would have possessed a bachelor's degree in electrical engineering, mechanical engineering, or similar field, with two years of experience in the design, implementation, and packaging of electronic devices. A person with this level of experience would have had an understanding of the design

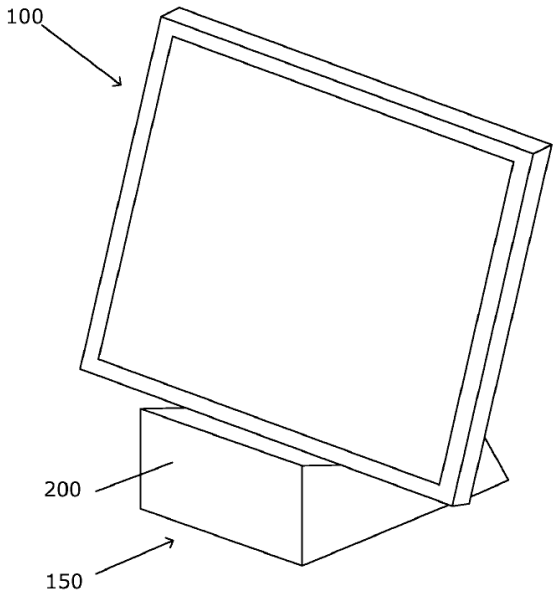
of physical enclosures or housings, the placement and wiring of electrical connectors, and the use of fasteners, mounts and other physical components for securing electrical components. (Michalson, ¶¶11-13.) A person of ordinary skill in the art could also have had more formal education and less practical experience, or vice versa. (*Id.*, ¶12.)

### B. Specification Overview

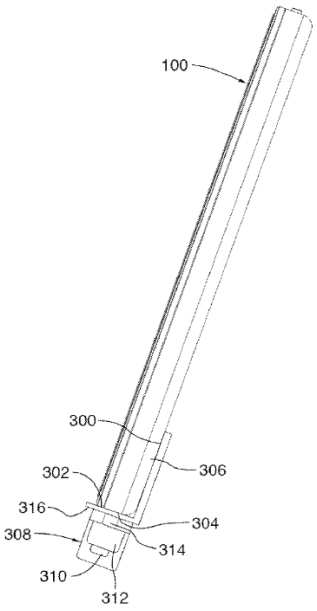
The '247 patent is entitled "Dock for a Portable Electronic Device" and states that it "relates to charging and/or data transfer docks for portable electronic devices." ('247, 1:14-15.) The patent acknowledges that docks for portable devices were well known as of the filing date, noting that "[p]ortable electronic devices are often placed in docks for charging or data transfer including transfer of information in any form optically or electrically from dock to portable electronic device and vice versa" and that "[s]ome docks are capable of both charging and data transfer." (*Id*., 1:32-36.) According to the patent, however, "[d]ocks and portable electronic devices are susceptible to damage due to connection attempts when the portable electronic device and the dock are not properly aligned." (*Id*., 1:36-39.) The '247 patent thus purports to describe a "dock [that] includes a support for a connector including an elastically deformable portion for allowing movement of the connector relative to the dock when a force is applied." (*Id*., 2:14-18.)

Figures 2 and 3, reproduced below, depict "[a]n example dock **150** for

receiving a portable electronic device **100**." ('247, 3:64-65.)



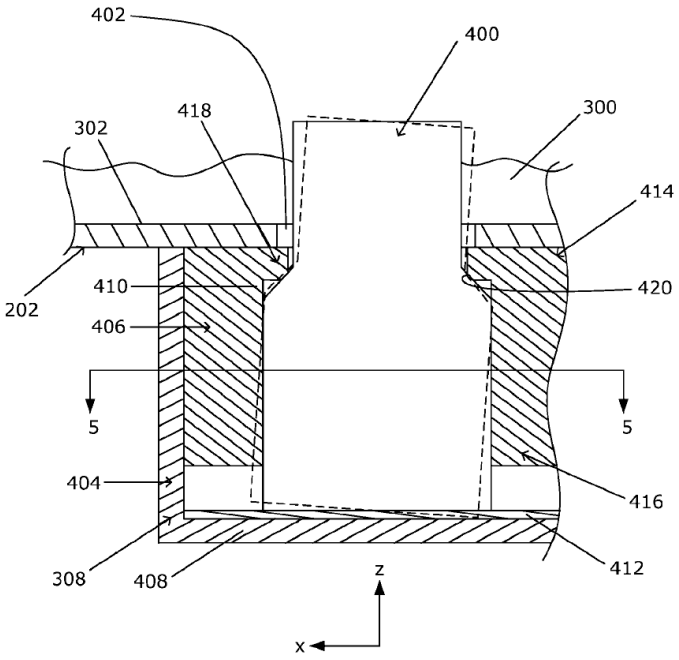

(*Id*., Fig. 2.)




(*Id*., Fig. 3.)

As shown in Figure 2, "[t]he dock **150** includes a housing **200** that is shaped to receive the portable electronic device **100**." (*Id*., 3:65-67.) "The housing may be a single part or may be an assembly of multiple parts." (*Id*., 4:16-17.) As shown in Figure 3, "[t]he dock **150** includes a connector support assembly **308** that is coupled to an inner surface of the housing **200**." (*Id*., 4:18-19.)

As shown in Figure 4, reproduced below, "the connector support assembly **308** receives a connector **400**." ('247, 4:32-33.)




(*Id*., Fig. 4.) "The connector **400** may be a charging connector, a data connector or a connector capable of both charging and data transfer." (*Id*., 4:33-35.) "A connecting portion of the connector **400** extends through an aperture **402**, which is located in the seat **302**." (*Id*., 4:37-39.) "The connector support assembly **308** includes a support **404**, a spring component **406**, which is received in the support **404**, and a flexible pad **412**, which is located on a base **408** of the support **404**." (*Id*., 4:51-54.) "The spring component **406** is made from a flexible material such as silicone rubber, urethane rubber or cork, for example." (*Id*., 5:23-24.) "A collar **418** is located at the top end **414** of the spring component **406**[.]" (*Id*., 4:64-66.) The collar **418** "includes a contact surface **420**, which abuts the connector **400** to limit translation of the connector **400** in the x and y directions" and "may fully or partially surround the connector **400**." (*Id*., 4:66-5:2.) "Although the collar **418** is shown as

part of the spring component **406**, the collar **418** may alternatively form part of the seat **302**." (*Id*., 6:11-13.)

## V. CLAIM CONSTRUCTION

No claim construction rulings have issued in the pending litigation between Petitioner and Patent Owner. The parties dispute the meaning of certain claim terms in the challenged claims in the related pending litigation, as shown below:

| Claim Term | Defendants' (Petitioner) Proposed Construction | Plaintiffs' (Patent Owner) Proposed Construction |
|---|---|---|
| "support" | a structure that limits movement in a direction | *No construction required* |
| "inner wall" | internal upright or vertical structure enclosing a space | *No construction required* |

(EX1007, pp.0016-0022.) The parties have also agreed on the meaning of certain claim terms in the related pending litigation, as shown below:

| Claim Term | Agreed Construction |
|---|---|
| "the housing" | a housing |
| "the/a connector" | The first instance of "the connector" should be construed as "a connector" and vice versa. |

(EX1007, p.002.)

Petitioner does not believe any term requires express construction at this time because, as shown below, the claims are obvious under any reasonable construction. (Michalson, ¶22.)

## VI. THE CHALLENGED CLAIMS ARE UNPATENTABLE

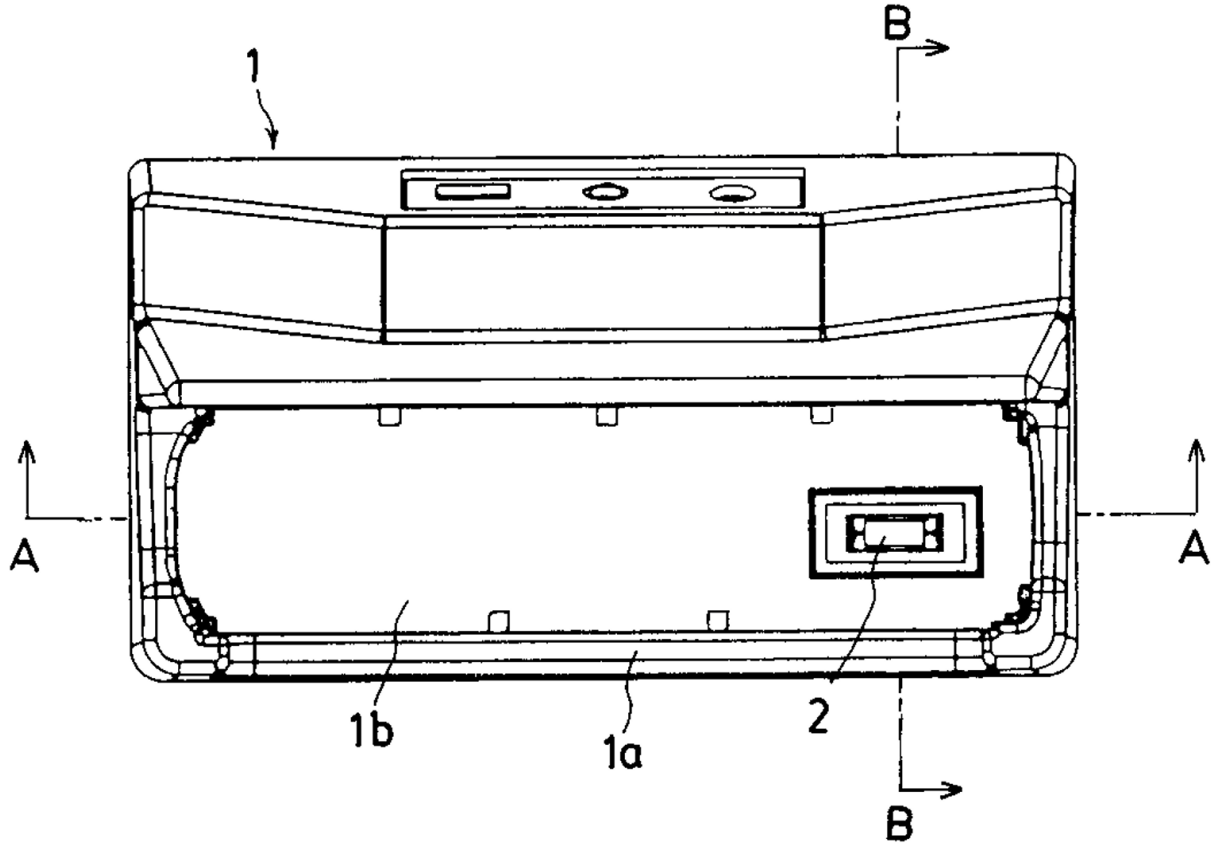
### A. Overview of Ground and Prior Art

As discussed in Section IV.B above, the '247 patent, purporting to address the problem that docks and portable devices were susceptible to damage due to connection misalignment, recites a dock that comprises a support for a connector including an elastically deformable portion for allowing movement of the connector relative to the dock when a force is applied. (*E.g.*, '247, 1:36-39, 2:14-18, claim 1.) However, this same problem and solution had already been recognized years before the application for the '247 patent was filed. This Petition presents a single ground, that all challenged claims would have been obvious over **Tsutsui** (EX1003), Japanese Laid-Open Application No. JP 2005-085593A to Noritaka Tsutsui, which discloses a cradle and connector system for mounting an electronic device. Tsutsui is prior art under §102(b) (pre-AIA) because it was published on March 31, 2005, several years before the priority date of the '247 patent. Because Tsutsui was originally published in Japanese, Petitioner has provided a certified English translation (**EX1004**). All citations to Tsutsui below refer to the certified English translation.

Tsutsui discloses aspects of a mounting system for a portable electronic device, such as a digital camera. (Tsutsui, Abstract.) Tsutsui explains that "[c]onventionally, cradles are known on which are mounted electronic devices such

as a digital camera, which serve as stands for the electronic devices, and which are provided with a connector to establish an electrical connection with the electronic device mounted thereon, enabling charging of the electronic device and data exchange with a computer, etc." (*Id*., [0002].) Tsutsui recognized—years before the '247 patent was filed—that, in the prior art, "even when the electronic device is mounted in the cradle while being positioned, misalignment may occur between the socket portion on the electronic device side and the connector on the cradle side during typical handling." (*Id*., [0004].) Tsutsui states that "a technical problem to be solved arises in order to prevent damage to the connector while ensuring a reliable electrical connection, and an object of the present invention is to solve this problem." (*Id*., [0005].)

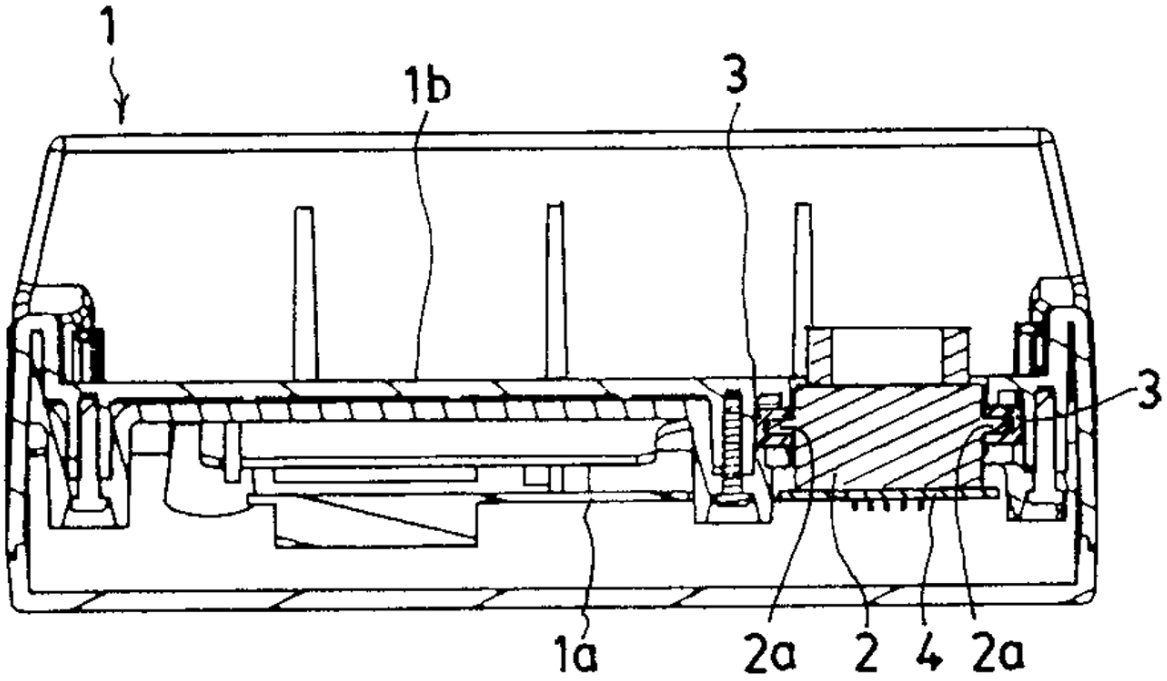
Tsutsui thus discloses a "connector float mechanism in a cradle of an electronic device," in which "a flange portion is formed on the outer periphery of the connector, the flange portion is covered with a cushioning member, and the cushioning member is fixed to the cradle body." (Tsutsui, [0006].) Figure 1 shows a top view of an embodiment of the disclosed electronic device cradle:




(*Id*., Fig. 1.)

As shown in Figure 1 above, cradle **1** includes cradle body **1a**, which includes mounting platform **1b** for mounting an electronic device such as a digital camera. (Tsutsui, [0022]-[0023].) Connector **2** is provided in a particular position on mounting platform **1b**. (*Id.*) "The connector 2 has the function of a plug, and the electronic device mounted on the mounting platform 1b is provided with a socket portion (connection portion) into which the connector 2 fits." (*Id*., [0022].)

The "A" and "B" lines shown in Figure 1 are used to define cross-sectional views shown in Figures 2 and 3, respectively. (Tsutsui, [0022].) For example, Figure 2 shows a cross-sectional view of Figure 1 along the "A-A" line:




(*Id*., Fig. 2, [0022].) Figure 2 shows a cross-sectional view of cradle **1** with connector **2** from Figure 1, but showing additional components. Connector **2** is connected to printed wiring board **4**, which has conductors to connect to external devices such as a computer via a cable attached to cradle **1**. (*Id*., [0025], [0022].) A key aspect of Tsutsui, and shown in Figure 2, is flange portion **2a** of connector 2**,** which is covered by cushioning member **3**. (*Id*., [0022].)

Tsutsui explains that the purpose of the flange and cushioning member is to absorb "any misalignment that occurs between the connection portion and the connector," thereby "preventing damage to the connector while ensuring a reliable electrical connection." (Tsutsui, [0016]; *see also id.*, [0027] ("Therefore, a smooth fitting between the socket portion of the electronic device and the connector 2 becomes possible, and damage to the connector 2 is prevented, thus ensuring a

reliable electrical connection.").) This is because the cushioning member may be made from a rubber- or urethane-based material, and "by using a rubber-based material or a urethane-based material with excellent elasticity as the cushioning member, when establishing an electrical connection between the electronic device and the connector in the cradle, the stress applied to the connector due to misalignment between the connection portion of the electronic device and the connector is adequately absorbed by the cushioning member." [1] (Tsutsui, [0009].)

As explained by Petitioner's expert, Tsutsui provides a level of detail sufficient to have enabled a person of ordinary skill in the art to have practiced the techniques described therein and to construct the disclosed cradle, without undue experimentation, as of at least the priority date of the challenged claims. (Michalson, ¶49.)

### B. Ground 1: Claims 1-2, 6, 11, 13, 15-16 and 19 Are Obvious Over Tsutsui

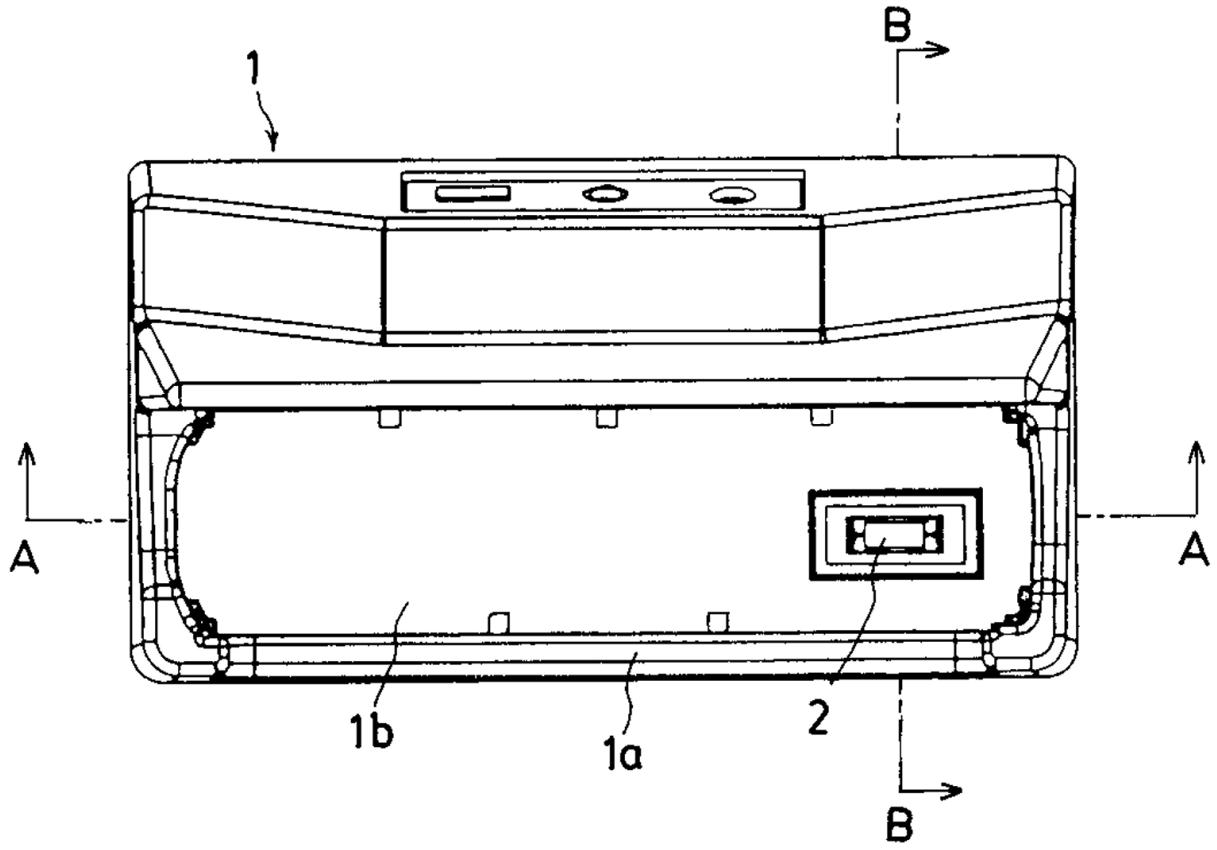
#### 1. Independent Claim 1: "A dock for receiving a portable electronic device, comprising:" (1[pre])

Claim 1[pre] is disclosed by and obvious over Tsutsui.

Tsutsui discloses a "**dock for receiving a portable electronic device**," in the form of a cradle in which a portable electronic device such as a digital camera can be mounted. (Tsutsui, [0002] ("Conventionally, cradles are known on which are

[1] All emphasis added to quoted material unless noted.

mounted electronic devices such as a digital camera, which serve as stands for the electronic devices ….”); Michalson, ¶¶50-52.) Figure 1 of Tsutsui shows one embodiment of the disclosed cradle:




(Tsutsui, Fig. 1.) As shown above, cradle **1** includes cradle body **1a** that, in turn, includes mounting platform **1b** for mounting an electronic device such as a digital camera. (*Id*., [0022]-[0023]; Michalson, ¶51.) Mounting platform **1b**, includes connector **2**. (Tsutsui, [0022]-[0023]) Tsutsui describes “[w]hen an electronic device such as a digital camera is mounted in the cradle 1 while being positioned by the outer shape thereof, and an electrical connection is established via the connector 2[.]” (*Id*., [0027]; *id*., [0002]-[0003] (connector for charging and/or

data exchange).) Tsutsui therefore discloses a "**dock for receiving**" an electronic device. (Michalson, ¶51.)

Tsutsui also discloses, and it would have been obvious to a person of ordinary skill in the art, that the electronic device received in Tsutsui's cradle would have been a "**portable**" electronic device, such as a "digital camera." (Tsutsui, [0022]-[0023]; Michalson, ¶52.) For starters, the '247 patent itself expressly identifies a digital camera as an example of a portable electronic device, ('247, 2:56-60); and moreover, a person of ordinary skill in the art would have recognized a digital camera as a well-known example of a portable electronic device. (Michalson, ¶52.) In addition, Tsutsui discloses that cradles are known for "enabling charging of the electronic device" and "data exchange with a computer," (Tsutsui, [0002]), which indicate that the electronic device may be battery-powered and need not be connected to a computer system, properties commonly associated with "**portable**" electronic devices. (Michalson, ¶52.)

Tsutsui thus discloses and renders obvious the preamble of claim 1, "[a] **dock for receiving a portable electronic device**."

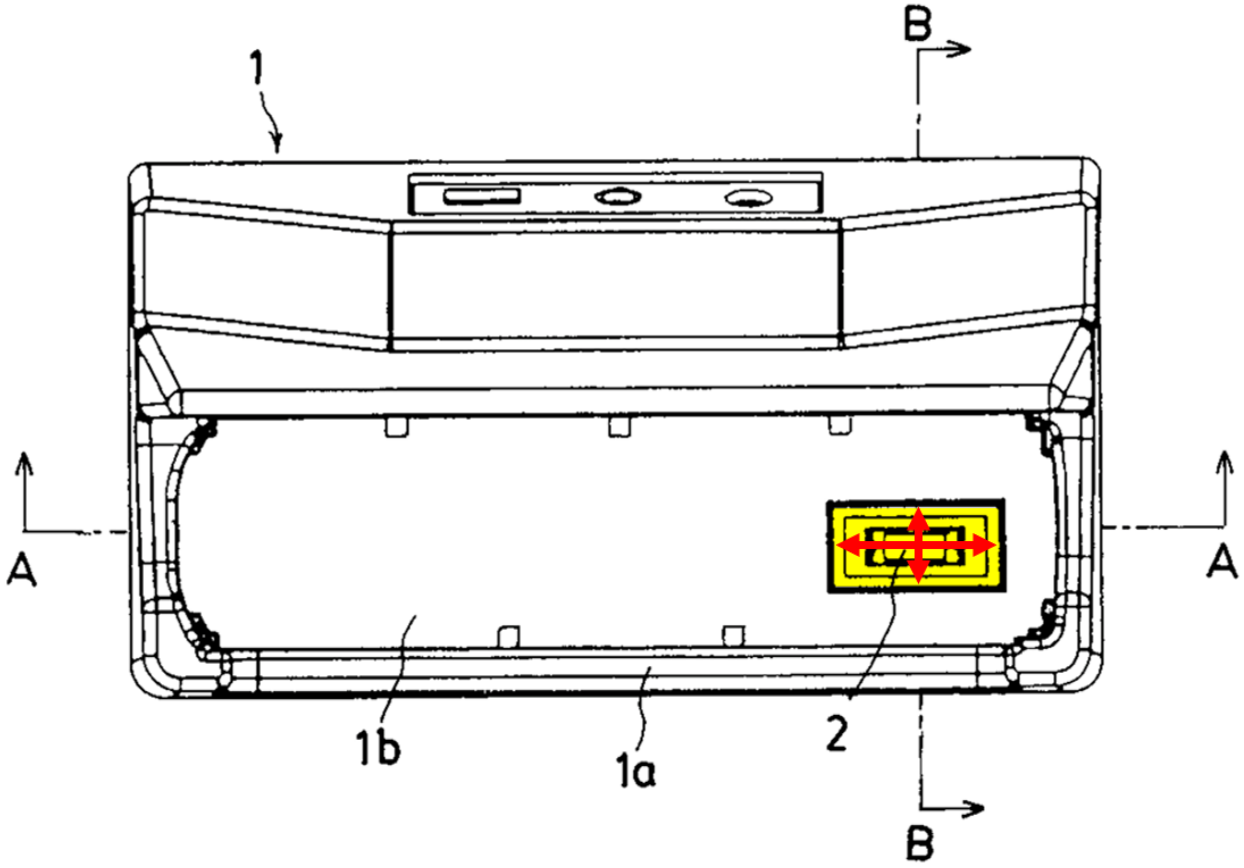
**(a) "a housing comprising an aperture;" (1[a])**

Claim 1[a] is disclosed by Tsutsui.

Tsutsui discloses a "**housing**" in the form of the cradle body **1a**, shown in Figure 1, which in turn includes mounting platform **1b**. (Tsutsui, Fig. 1; Michalson,

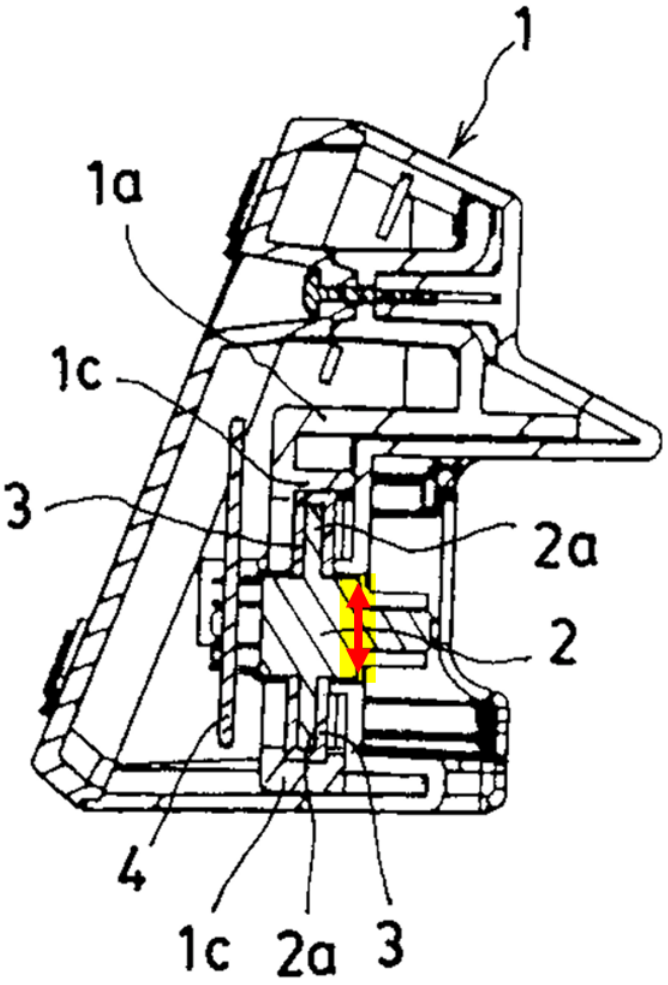
¶53; *see also* Tsutsui, [0022]-[0023]; Michalson, ¶54.)

Tsutsui further discloses that cradle body **1a** ("**housing**") includes an "**aperture**," *e.g.*, an opening in the housing that provides access to connector **2**. Referring again to annotated Figure 1 of Tsutsui:




(Tsutsui, Fig. 1 (annotation added indicating extent of housing opening for connector **2**); Michalson, ¶53; *see also* Tsutsui, [0022]-[0023]; Michalson, ¶54.)

The connector **2** in Figure 1 is accessible through an opening ("**aperture**") in the mounting platform **1b** of cradle body **1a**. (Michalson, ¶54.) This aperture and connector **2** are further shown in Figure 3 of Tsutsui, which shows a cross-sectional view of cradle **1** in Figure 1 along the B-B line of Figure 1:

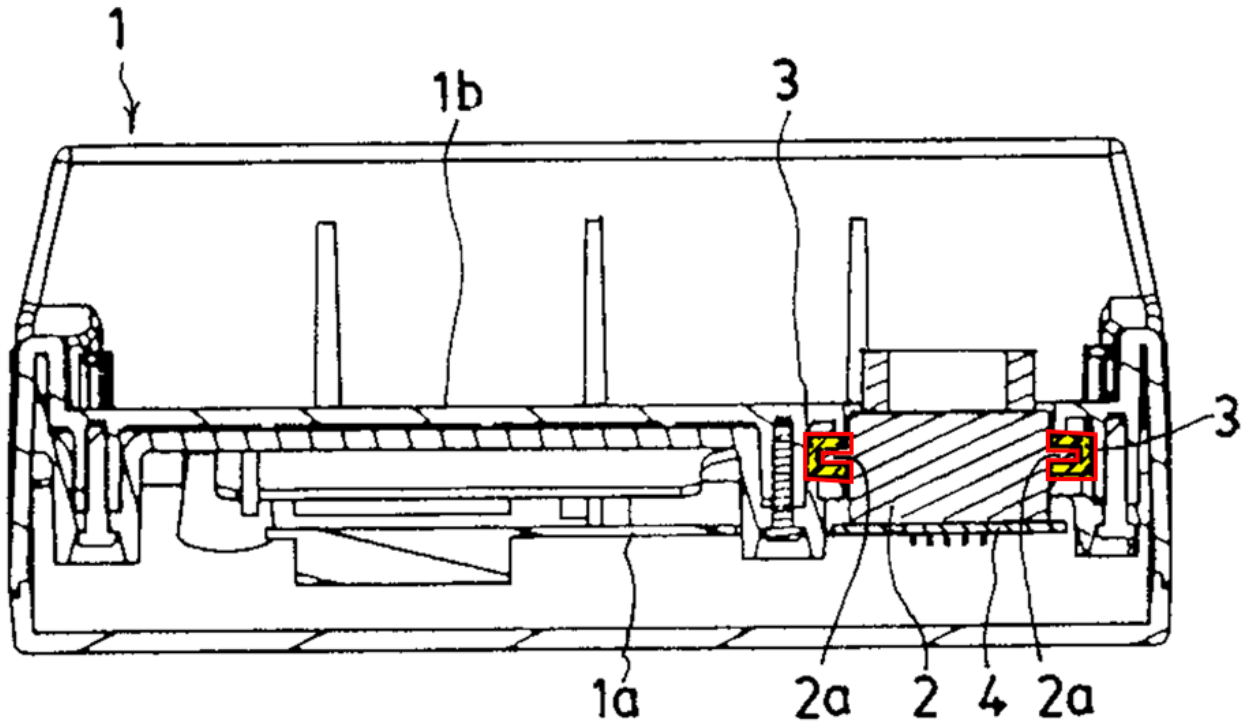



(Tsutsui, Fig. 3 (annotation added), [0022]; Michalson, ¶54.) Figure 3, which has been annotated above to indicate the extent of the housing opening for connector **2**, shows cradle body **1a** and its opening, or "**aperture**," for providing access to connector **2**. (Michalson, ¶54.) The connector body is oriented within the aperture by flanges on the connector body which are retained within an elastic medium which allows connector movement within the aperture, as explained in more detail below. (*Id*., ¶54; Tsutsui, [0022].) Tsutsui thus discloses that cradle body **1a** (the "**housing**") includes an "**aperture**" as claimed.

**(b) "a support coupled to an inner wall of the housing, a portion of the support being elastically deformable;" (1[b])**

Claim 1[b] is disclosed by or obvious over Tsutsui.

Tsutsui discloses a "**support**" in the form of cushioning member **3**, which is a rubber- or urethane-based material that is "**elastically deformable**." (Tsutsui, [0009] ("excellent elasticity as the cushioning member"); Michalson, ¶¶55, 57.) Cushioning member **3** is illustrated in Figure 2, reproduced below with highlighting, which shows a cross-sectional view of cradle **1** of Figure 1 along the "A-A" line:




(Tsutsui, Fig. 2, [0022] (annotation added to indicate cushioning member **3** ("**a support**")); Michalson, ¶55.) Tsutsui explains that "a flange portion 2a is formed on the outer periphery of the connector 2, and the entire flange portion 2a is covered with a cushioning member 3, with only the peripheral portion of the

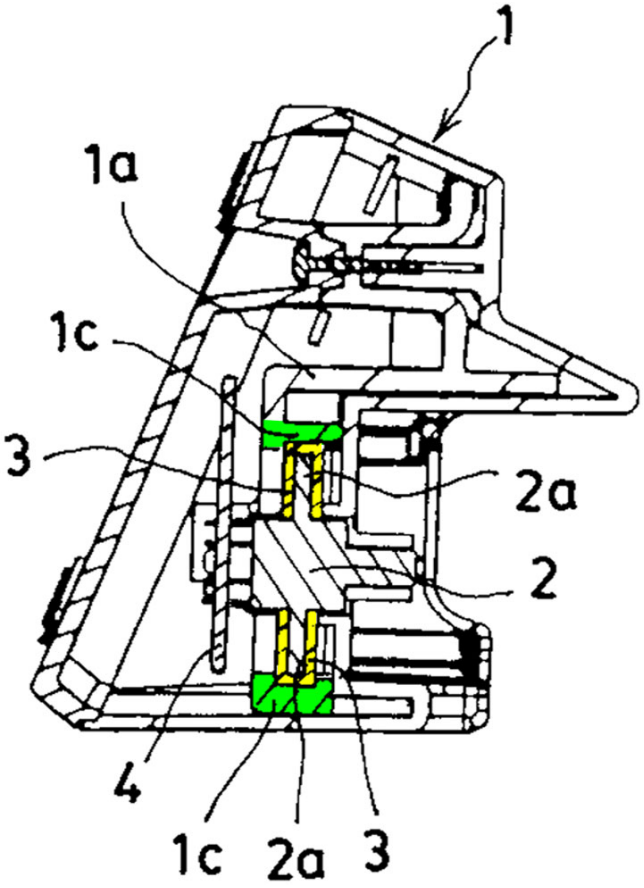
cushioning member 3 fixed to the cradle body 1a by a resin mold 1c[.]" (Tsutsui, [0022].) It is this assembly that allows movement of the connector **2** within the aperture. (Michalson, ¶55.)

The cushioning member in Tsutsui is a "**support**" as claimed. (Michalson, ¶56.) The cushioning member **3** in Tsutsui satisfies any reasonable construction of "**support**," because cushioning member **3** supports the connector and limits the connector's movement in a direction. For example, the cushioning member limits movement of the connector when the connector is being inserted into the connection or socket portion of an electronic device as it is inserted into the cradle. (*Id*.) This is because cushioning member is constructed of elastically deformable material, which will resist external forces and attempt to return to its original shape. (*Id*.) As Tsutsui explains, for example, the purpose of cushioning member **3** is to "absorb[]" any stress caused by misalignment between connector **2** and the connection or socket portion of the electronic device. (Tsutsui, *e.g.*, [0027], [0007]; Michalson, ¶56.)

Tsutsui further confirms that at least a portion of the cushioning member is "**elastically deformable**." (Michalson, ¶57.) For example, Tsutsui explains that cushioning member **3** may be made from "a rubber-based material or a urethane-based material with excellent elasticity as the cushioning member." (Tsutsui, [0009]; Michalson, ¶57.) Accordingly, "when establishing an electrical connection between the electronic device and the connector in the cradle, the stress applied to

the connector due to misalignment between the connection portion of the electronic device and the connector is adequately absorbed by the cushioning member." (Tsutsui, [0009]; Michalson, ¶57.)

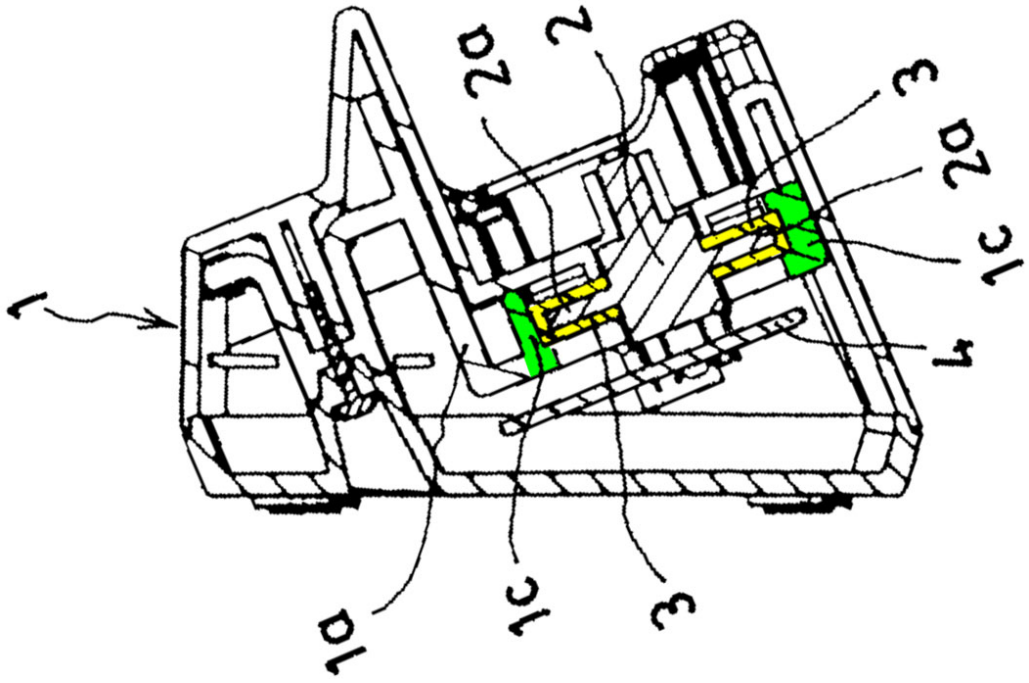
Cushioning member **3** is also "**coupled to an inner wall of the housing**," as claimed. (Michalson, ¶58.) This coupling is illustrated in Figure 3 of Tsutsui:




(Tsutsui, Fig. 3 (annotation added), [0022]; Michalson, ¶58.) Tsutsui explains that "a flange portion 2a is formed on the outer periphery of the connector 2, and the entire flange portion 2a is covered with a cushioning member 3, with only the peripheral portion of the cushioning member 3 fixed to the cradle body 1a by a resin

mold 1c (see Figure 3)." (Tsutsui, [0022]; Michalson, ¶¶58-60.) This is illustrated by the above annotations, which show that resin mold **1c** (in green above) couples the support (cushioning member **3**, in yellow above) to an interior or inner wall of the housing (cradle body **1a**). (Michalson, ¶¶58-61.) The cushioning member is therefore "**coupled to an inner wall**" of the housing, as claimed. (*Id*., ¶58.)

Tsutsui also satisfies any reasonable construction of "**inner wall**" because it shows that the support (cushioning member **3**) is connected to a portion of the housing (cradle body **1a**) that encloses a space including the connector. (Michalson, ¶59.) For instance, when Figure 3 is rotated approximately 90 degrees (see below) to show the cradle in a more natural position for use, the support (cushioning member **3**) is coupled to the vertical or upright walls of the housing (cradle body **1a**,via resin mold **1c**), which provides an enclosed space for connector **2** and cushioning member **3**, thereby disclosing coupling to "**an inner wall**."

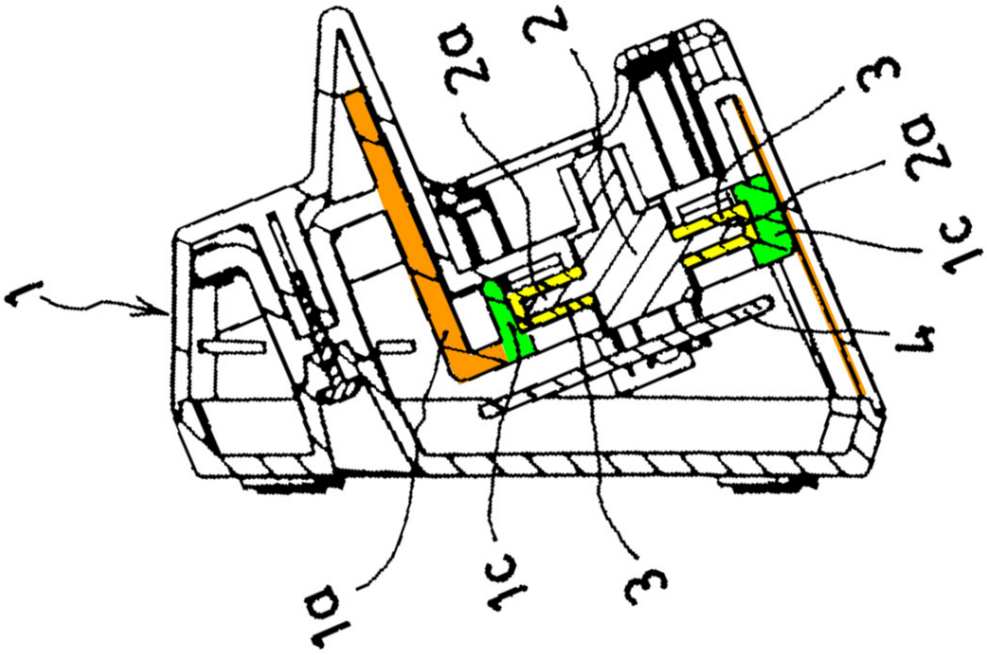



(Tsutsui, Fig. 3 (rotated approximately 90 degrees) (annotations added); *Id*., [0022], [0026]; Michalson, ¶59.)

The cushioning member is coupled to an "**inner wall**" of "**the housing**" (cradle body **1a**), under two separate and independent bases. First, Tsutsui demonstrates that resin mold **1c** (which makes physical contact with cushioning member **3**) is part of the housing (cradle body **1a**). (Tsutsui, [0022], [0026]; Michalson, ¶60.) Resin mold **1c** thus forms an "**inner wall**" of the housing, which is coupled to the support (cushioning member **3**). (*Id*.)

Second, even if resin mold **1c** was considered distinct from cradle body **1a**, resin mold **1c** (green) is coupled to cradle body **1a** (orange) as shown below. As a

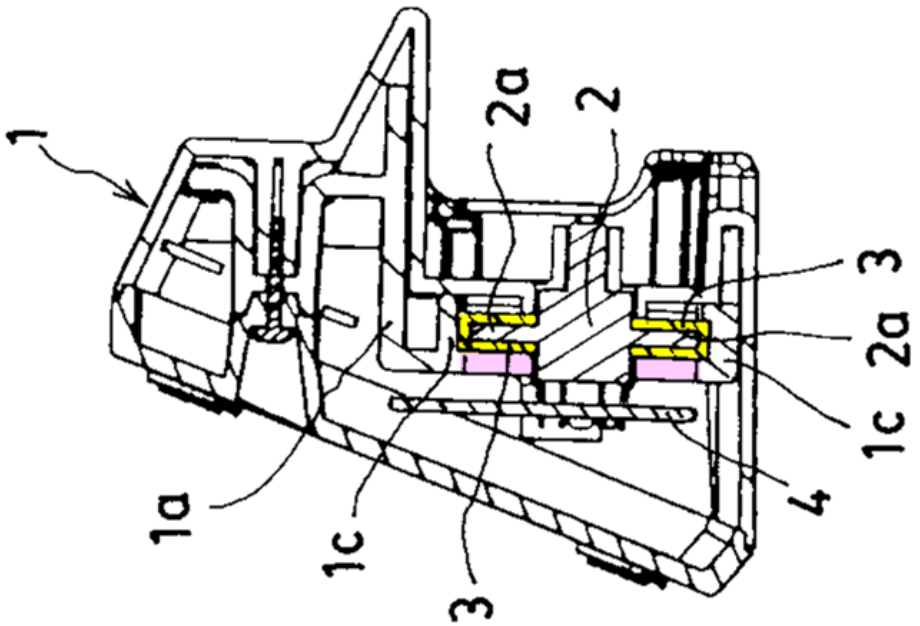
result, resin mold **1c** couples the support (cushioning member **3**) to an "**inner wall**" of the housing (cradle body **1a**):




(Tsutsui, Fig. 3 (rotated approximately 90 degrees) (annotations added); Michalson, ¶61.)

In either situation, therefore, Tsutsui discloses and renders obvious that the support (cushioning member 3**)** is coupled to an inner wall of the housing (cradle body **1a**). (Michalson, ¶61.)

Alternatively, the claimed "**support**" in Tsutsui can further include, in addition to cushioning member **3**, the portion of cradle body **1a** beneath cushioning member **3** (which the Petition will refer to as the "support-portion" of cradle **1a**), as shown with pink highlighting in Figure 3 below:

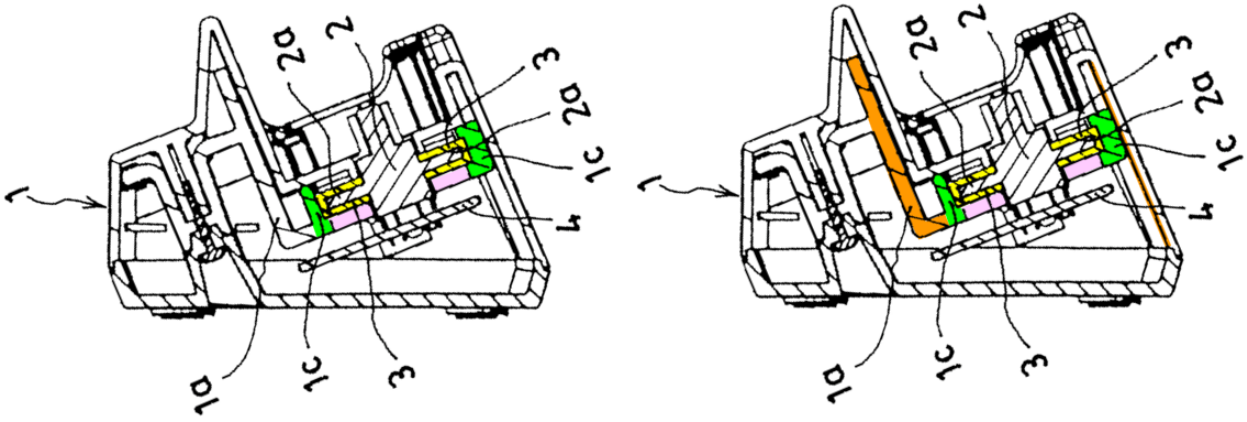



(Tsutsui, Fig. 3 (rotated 90 degrees) (annotations added); Michalson, ¶62.)

Under this second mapping, cushioning member **3** and portion of cradle body **1a** beneath cushioning member **3** provide a "**support**" as claimed because, similar to cushioning member **3** alone under the first mapping, they support the connector and limit its movement in a direction—for example, by limiting movement when the connector is being fitted to the connection or socket portion of the electronic device when the electronic device is inserted into the cradle. (Michalson, ¶63.)

And because Tsutsui's "**support**" under this second mapping also includes cushioning member **3**, Tsutsui discloses both (1) a "**portion of the support being elastically deformable**" and (2) that the support is "**coupled to an inner wall of the housing**" for the reasons discussed for the first mapping. (Michalson, ¶64.) As shown in the figures below, both of the alternative mappings discussed above for the

support being "**coupled to an inner wall of the housing**" are consistent with this second mapping. In both cases, the cushioning member **3** is "**coupled to**" an inner wall, and in addition, the support-portion of cradle member **1a** is also coupled to that inner wall:

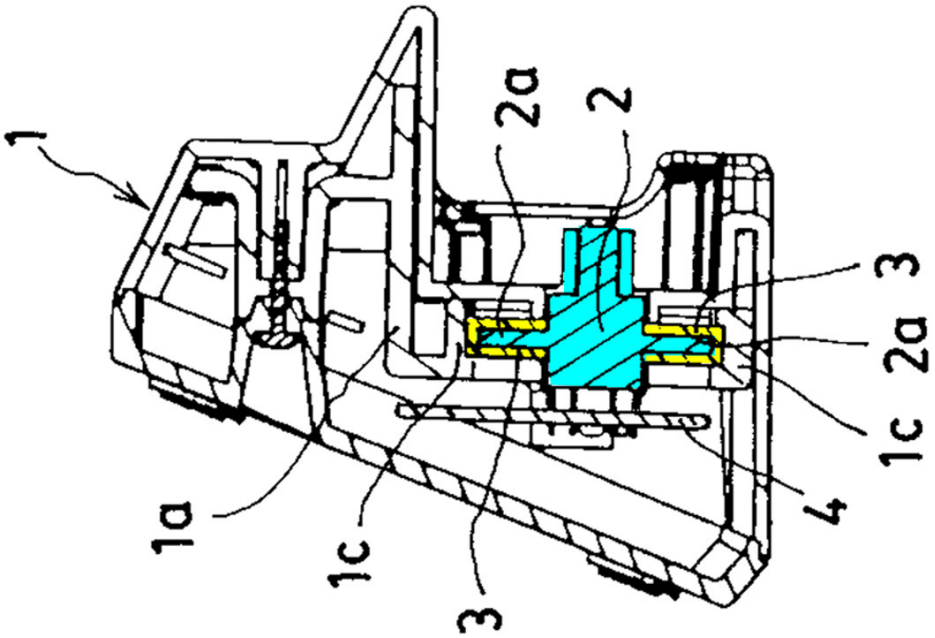



(Tsutsui, Fig. 3 (rotated approximately 90 degrees) (annotations added); Michalson, ¶64.)

**(c) "a connector received in the support and extending through the aperture for electrically communicating with the portable electronic device, wiring of the connector for transferring data from the portable electronic device; and" (1[c])**

Claim 1[c] is disclosed by or obvious over Tsutsui.

As explained above, Tsutsui discloses connector **2** ("**a connector**") received in cushioning member **3** and extending through the aperture in cradle body **1a** ("**received in the support through the aperture**"). (Michalson, ¶65.) In Figure 3 below, connector **2** (including its flange portion **2a**) is highlighted in blue:




(Tsutsui, Fig. 3 (rotated 90 degrees; annotation added to indicate connector **2** (in blue) and cushioning member **3** (in yellow), [0022]); Michalson, ¶65.) Tsutsui also explains that connector **2** enables "**electrically communicating with the portable electronic device**," as claimed. (Michalson, ¶65.) Tsutsui discloses, for example, that electronic device cradles are designed to "enable[e] charging of the electronic device and data exchange with a computer, etc." (Tsutsui, [0002].) It would have been obvious and apparent to a person of ordinary skill in the art that these activities involve electrical communication with the portable device. (Michalson, ¶65.)

The electrical communication to the portable electronic device occurs through connector 2, which in an embodiment "has the form of a printed board connector," with connection terminals that "connect external devices via printed conductors on the printed wiring board 4 and a cable… attached to the cradle 1." (Tsutsui, [0025];

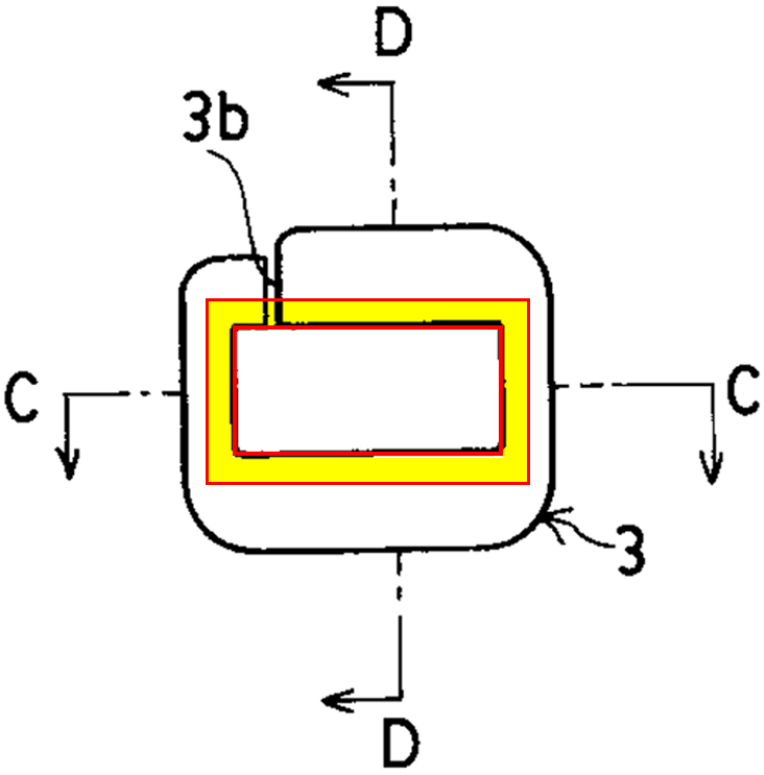
Michalson, ¶66.) Tsutsui therefore discloses "**wiring of the connector for transferring data from the portable electronic device**," because the wiring of connector 2 to the printed wiring board 4 facilitates communication between a portable electronic device such as a digital camera and an external device such as a computer. (Tsutsui, [0003] ("A socket portion (connection portion) provided with terminals for charging and data exchange is provided on the bottom surface of the digital camera serving as the electronic device."); Michalson, ¶66.)

It would have been apparent and obvious to a person of ordinary skill in the art that the phrase "data exchange" used in Tsutsui, in describing the communication between a portable electronic device such as a digital camera and a computer, would have included at least "**transferring data from the portable electronic device**," as claimed. (Michalson, ¶67.) Anyone who had used digital cameras (which were widely used prior to 2011) would have known that the data exchange would have included transferring digital photos from a digital camera to a computer, as well as transferring settings or other information from a computer to a digital camera as such exchanges were commonly known between computers and portable electronic devices. (*Id*.) And as noted, the '247 patent expressly identifies a digital camera as one type of portable electronic device that can be used with the described dock. ('247, 2:56-60.)

**(d) "a collar abutting the connector within the housing to limit translation of the connector, the connector being pivotable relative to the collar;" (1[d])**

Claim 1[d] is disclosed by or obvious over Tsutsui.

Tsutsui discloses a "**collar**" in the form of an inner portion of cushioning member **3** bordering the connector **2**. (Michalson, ¶68.) Figure 7, reproduced below, shows a top view of the cushioning member **3** with an opening through which connector **2** extends:

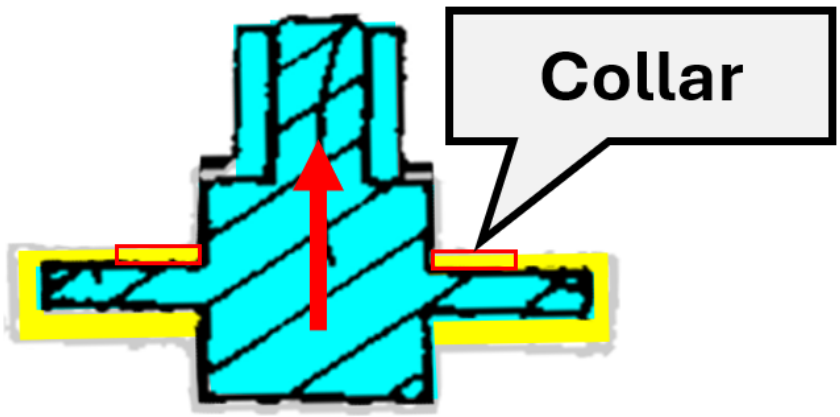



(Tsutsui, Fig. 7, [0023] (highlighting added to indicate collar portion of cushioning member **3**); Michalson, ¶68.)

Tsutsui therefore discloses "**a collar abutting the connector**," as claimed, in

the form of the inner portion of cushioning member **3** that borders connector **2**, including a portion of the flanges of connector **2**. (Michalson, ¶69.) The collar is "**within the housing**" because cushioning member **3** is contained within cradle body **1a**. (*Id.*) The collar also "**limit**[s] **translation of the connector**." This is because the collar, as part of upper portion of cushioning member **3**, allows only limited upward translation (as well as sideways and rotational movement) of the connector as a result of its elastic properties, while helping prevent further translation, such as pulling the connector entirely out of the housing. (*Id.*) The '247 patent confirms that the claimed collar may be part of the same structure as the claimed support. ('247, 10:58-59; Michalson, ¶¶69-70.)

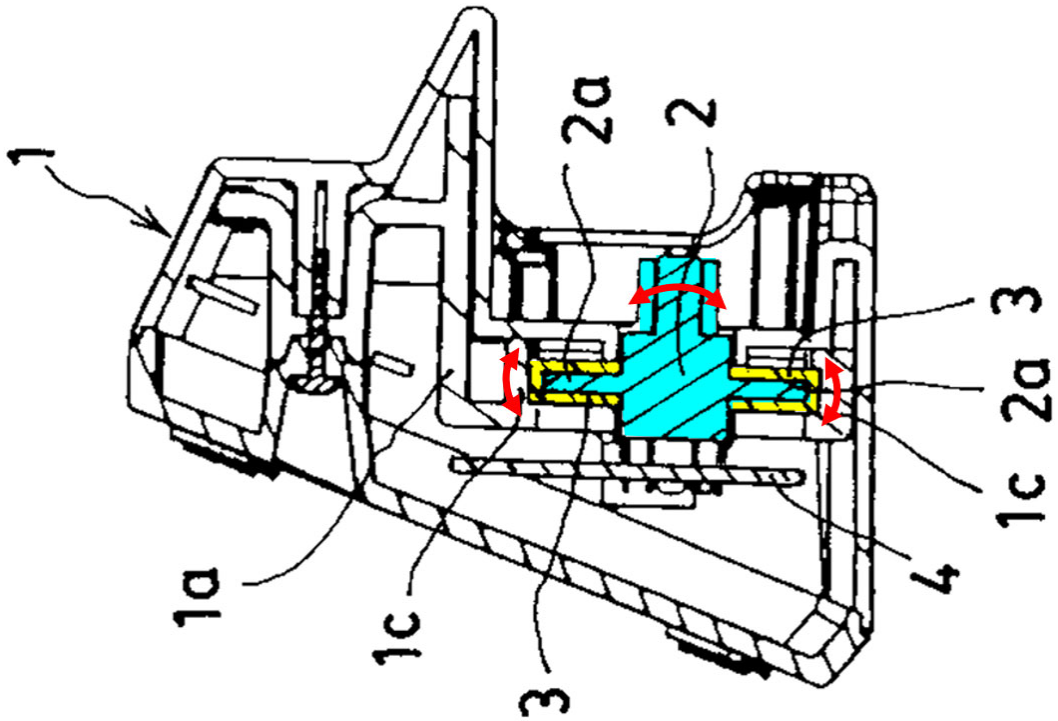
The diagram below using Figure 3 of Tsutsui illustrates how an axial force applied to the connector would compress the top portion of cushioning member **3**, including the collar, to allow only limited translation:



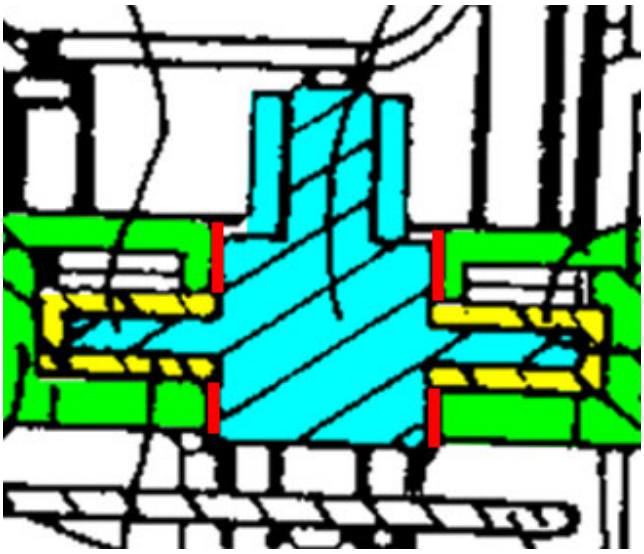

(Tsutsui, Fig. 3 (excerpt; annotation added, with red boxes indicating collar); Michalson, ¶69.)

Tsutsui also discloses and renders obvious that "**the connector** [is] **pivotable relative to the collar**," as claimed, as this would have been a property of the elastic deformability of cushioning member **3** (the collar) and the fact that "only the peripheral portion of the cushioning member 3 fixed to the cradle body 1a by a resin mold 1c (see Figure 3)." (Tsutsui, [0022]; Michalson, ¶71.) For example, when the user is connecting the portable electronic device to the cradle, the connector **2** can pivot slightly across the X, Y, and/or Z axes in the event of misalignment between the socket on the portable device and connector **2** on the cradle. (*Id*.) As Tsutsui explains, "the stress applied to the connector 2 due to any misalignment that occurs between the socket portion of the electronic device and the connector 2, regardless of the direction of the misalignment, is effectively absorbed by the cushioning member 3." (Tsutsui, [0027]; Michalson, ¶71.)

It thus would have been apparent and obvious that connector **2** is "**pivotable relative to the collar**," because connector **2** can pivot in the X, Y, and/or Z axes relative to cushioning member 3. (Michalson, ¶71.) This is further shown in Figure 3:




(Tsutsui, Fig. 3 (annotation added; rotated 90 degrees); Michalson, ¶71.) As shown in Figure 3, a slight amount of space is provided around connector **2** in the cradle, which allows connector **2** to slightly pivot relative to cushioning member **3** in response to misalignment. (*Id*.) This space (indicated in red below) is reflected in cushioning member **3** (in yellow) extending slightly beyond the mounting platform and cradle structures (in green) adjacent to connector **2** (in blue):

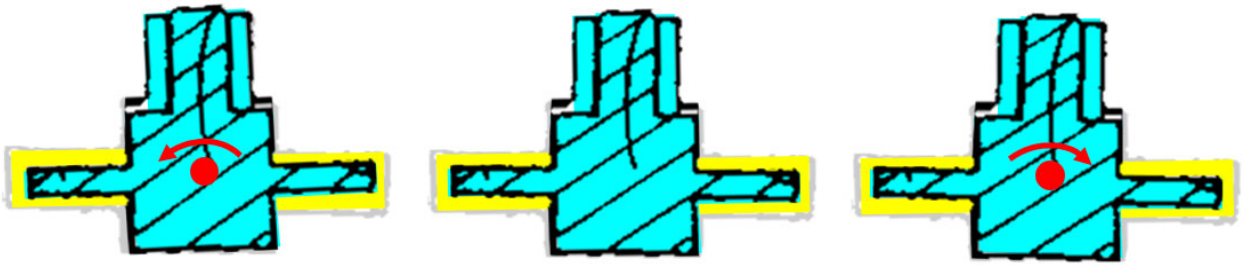


(Tsutsui, Fig. 3 (excerpt; annotation added); Michalson, ¶71.)

It would have been apparent and obvious that the space (in red) provided between connector **2** (in blue) and the cradle (in green) would have permitted connector **2** to pivot relative to cushioning member (in yellow). (Michalson, ¶71.) A person of ordinary skill in the art would have understood that a tightly-inserted connector, without at least slight surrounding space to allow the connector to move, would have been inconsistent with the goal of Tsutsui and the purpose of cushioning member **3**—to absorb stress caused by misalignment and thereby prevent damage to the connector. (Tsutsui, *e.g.*, [0007], [0013], [0016], [0017], [0027]; Michalson, ¶71.) A person of ordinary skill in the art would have further found the presence of at least slight surrounding space to be expected in accordance with reasonable manufacturing tolerances. (Michalson, ¶71.)

Below are three illustrations of the slight pivoting of the connector relative to

the collar that could take place as a result of the elastic deformability of cushioning member **3**:



(Tsutsui, Fig. 3 (excerpt; annotation added); Michalson, ¶71.) The leftmost image illustrates slight leftward/counterclockwise pivoting, while the rightmost image depicts slight rightward/clockwise pivoting relative to the collar. Because the peripheral portion of the cushioning member **3** is fixed to the cradle body by a resin mold, the connector pivots relative to, not with, the collar. (Michalson, ¶71.) Tsutsui thus discloses that the "**connector** [is] **pivotable relative to the collar**." (*Id.*)

**(e) "wherein the portion of the support elastically deforms in response to non-axial movement of at least a portion of the connector." (1[e])**

Claim 1[e] is disclosed by or obvious over Tsutsui.

As explained above, cushioning member **3** elastically deforms in response to movement of at least a portion of the connector. (Tsutsui, [0009]; Michalson, ¶72.) The '247 patent provides an example of "**axial**" movement as downward movement against the connector, *i.e.*, along the same axis in which the connector is designed to connect to the portable device. ('247, 7:59-60 ("a downward, or axial, force on

connector **806**, **808**").) The '247 patent does not expressly define "non-axial movement." (Michalson, ¶72.) However, examples of "**non-axial**" movement in this context of the '247 patent would include rotational movement of the connector such as tilting up, down, forward, or backward, within the claimed support. (*Id*.)

Tsutsui explains that by "using a rubber-based material or a urethane-based material with excellent elasticity as the cushioning member," the "stress applied to the connector due to misalignment between the connection portion and the connector is adequately absorbed by the cushioning member, ensuring that damage to the connector is reliably prevented." (Tsutsui, [0017].) In other words, as explained for claim 1**[d]** above, if connector **2** receives force attempting to move the connector to one side or another within cushioning member **3** (for example to the left or the right based on misalignment of the portable device), the cushioning member **3** will elastically deform in response to absorb that force. (Michalson, ¶73.) Tsutsui thus discloses that, "**in response to non-axial movements**" of connector **2**, cushioning member **3** will "**elastically deform**[]." (*Id*.)

**2. Claim 2: "A dock as claimed in claim 1, wherein the support includes a spring component received in a support tray, the spring component being elastically deformable."**

Claim 2 is disclosed by or obvious over Tsutsui.

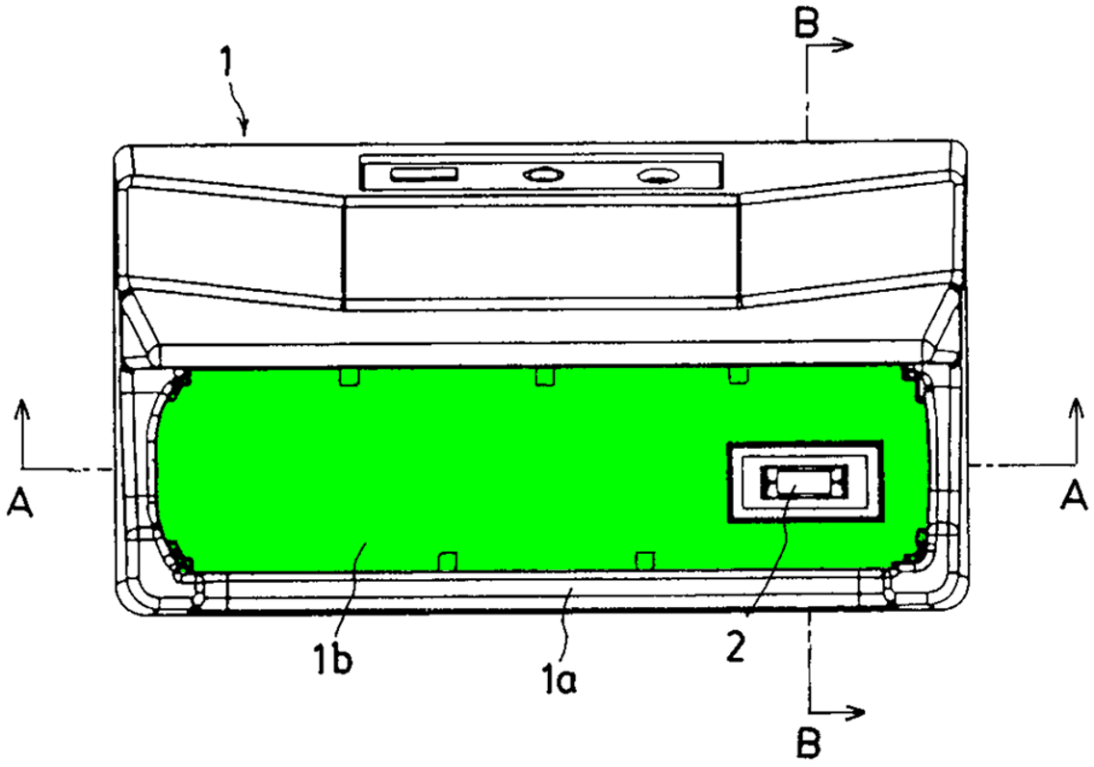
Tsutsui discloses that cushioning member **3** (or alternatively, cushioning member **3** and the support-portion of cradle **1a** as discussed for claim 1**[b]**)

("**the support**") includes a "**spring component**," which takes the form of the elastically deformable material in cushioning member **3** of Tsutsui. (Michalson, ¶¶74, 55-64.)

As explained above, Tsutsui confirms that the cushioning member in one embodiment "us[es] a rubber-based material or a urethane-based material with excellent elasticity," (Tsutsui, [0017]), thus confirming that "**the spring component** [is] **elastically deformable**." (Michalson, ¶74.)

The spring component in Tsutsui is indistinguishable from examples of spring components in the written description of the '247 patent, which may be "made from a flexible material such as silicone rubber, urethane rubber or cork, for example." ('248, 5:23-24; Michalson, ¶74.) The cushioning member also provides a "**spring**" functionality because the elastically deformable material of cushioning member **3** will resist external forces and attempt to return the cushioning member to its original shape. (*Id*.)

The spring component is also "**received in a support tray**," as claimed. (Michalson, ¶75.) Under the first mapping of Tsutsui where the claimed "**support**" takes the form of cushioning member **3**, the support tray in Tsutsui includes mounting platform **1b**, which is part of the cradle body as shown in green below. (Tsutsui, [0022], Figs 1-3; Michalson, ¶75.)

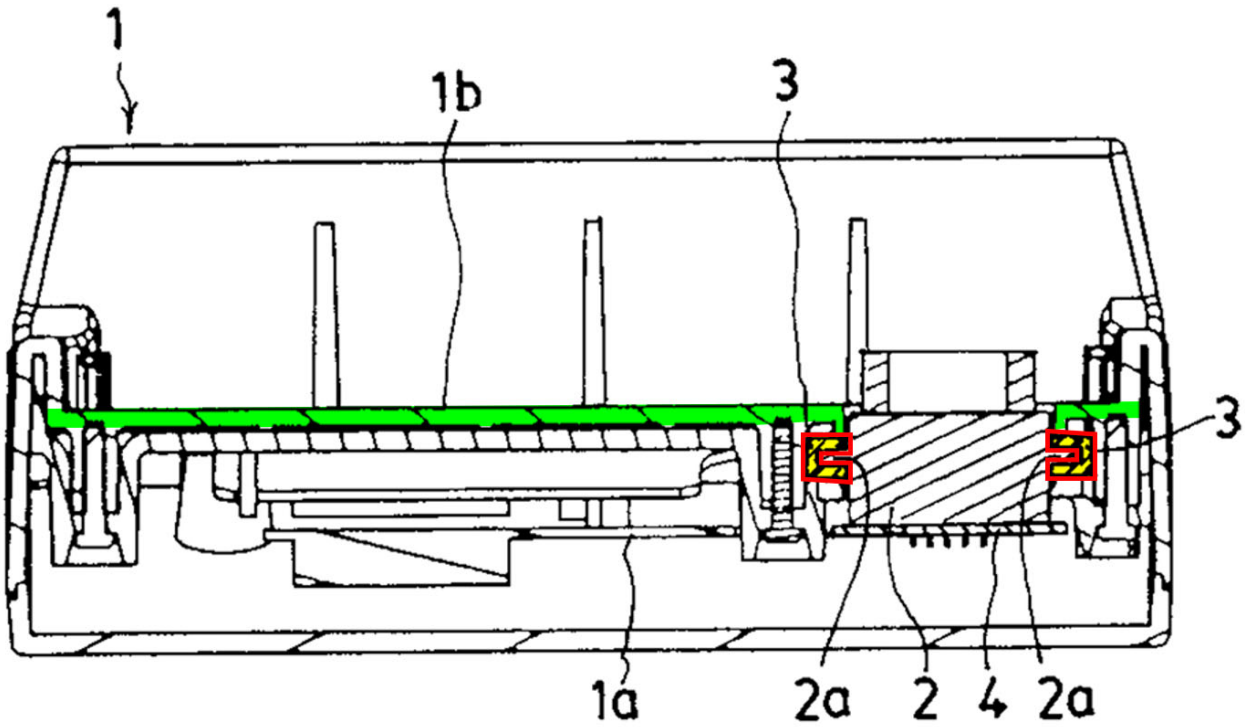



(Tsutsui, Fig. 1 (highlighting added); Michalson, ¶75.)

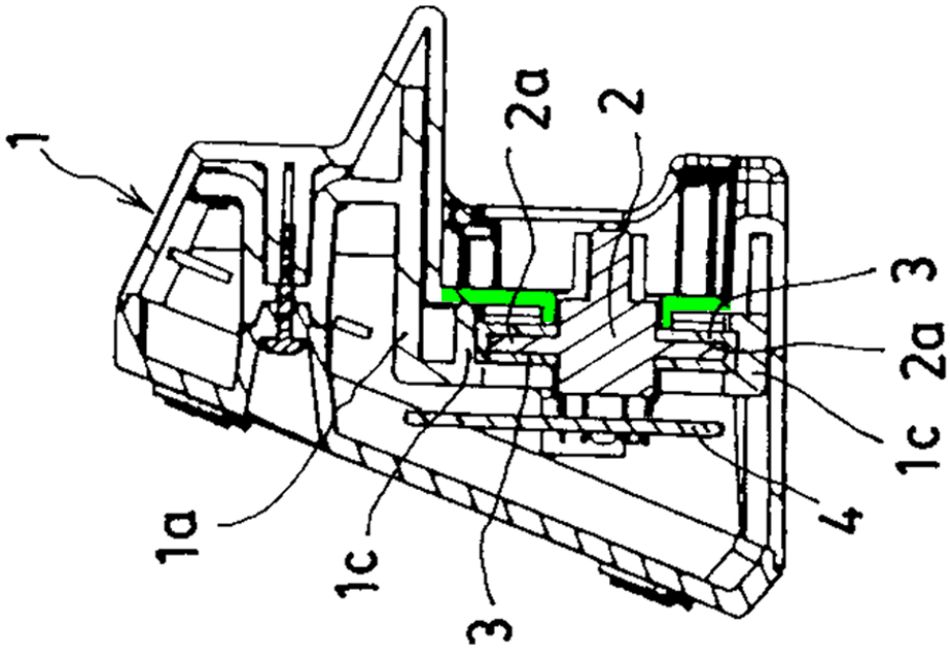
Tsutsui explains that "cradle 1 is provided with a mounting platform 1b for mounting an electronic device such as a digital camera," and that "the connector 2 is attached at a predetermined position on the mounting platform 1b[.]" (Tsutsui, [0022].) "The connector 2 has the function of a plug, and the electronic device mounted on the mounting platform 1b is provided with a socket portion (connection portion) into which the connector 2 fits." (*Id.*) Tsutsui therefore discloses a "**support tray**" that includes mounting platform **1b**, which provides physical support for (among other things) the portable electronic device when it is mounted in the cradle. (Michalson, ¶76.)

Tsutsui further confirms that the elastically deformable material of the

cushioning member **3** ("**the spring component**") is "**received in a support tray**," as claimed. (Michalson, ¶77.) For example, Figure 2 is below:

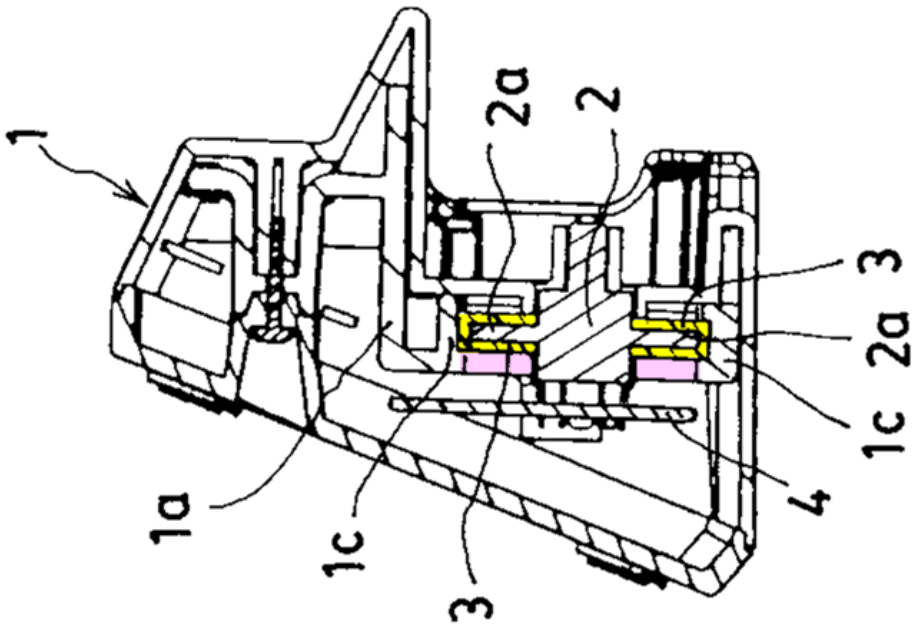



(Tsutsui, Fig. 2 (annotation added); Michalson, ¶77.) Figure 2 shows cushioning member **3** (in yellow, with red outlining) being received in mounting platform **1b** ("support tray," shown in green). (*Id.*) Mounting platform **1b**, includes a lip that descends downward abutting cushioning member **3**. (*Id.*) Mounting platform **1b** and its lip, although not labeled, are also shown in Figure 3:




(Tsutsui, Fig. 3 (rotated 90 degrees) (highlighting added); Michalson, ¶77.) Figure 2 (farther above) shows flange portion **2a** that is covered with cushioning member **3**, which is fixed to the cradle body by a resin mold. (Tsutsui, [0022]; Michalson, ¶77.) Because mounting platform **1b** abuts cushioning member **3** and includes an aperture that accommodates cushioning member **3**, cushioning member **3** is received in mounting platform **1b**, thus meeting the claim. (Michalson, ¶77.) Tsutsui teaches a dock "**wherein the support includes a spring component received in a support tray, the spring component being elastically deformable**." (*Id*.)

Alternatively, under the second mapping of Tsutsui where the claimed "**support**" comprises both cushioning member **3** and the support-portion of cradle **1a**, the "**support tray**" simply corresponds to the support-portion of cradle **1a**, as highlighted in pink below:



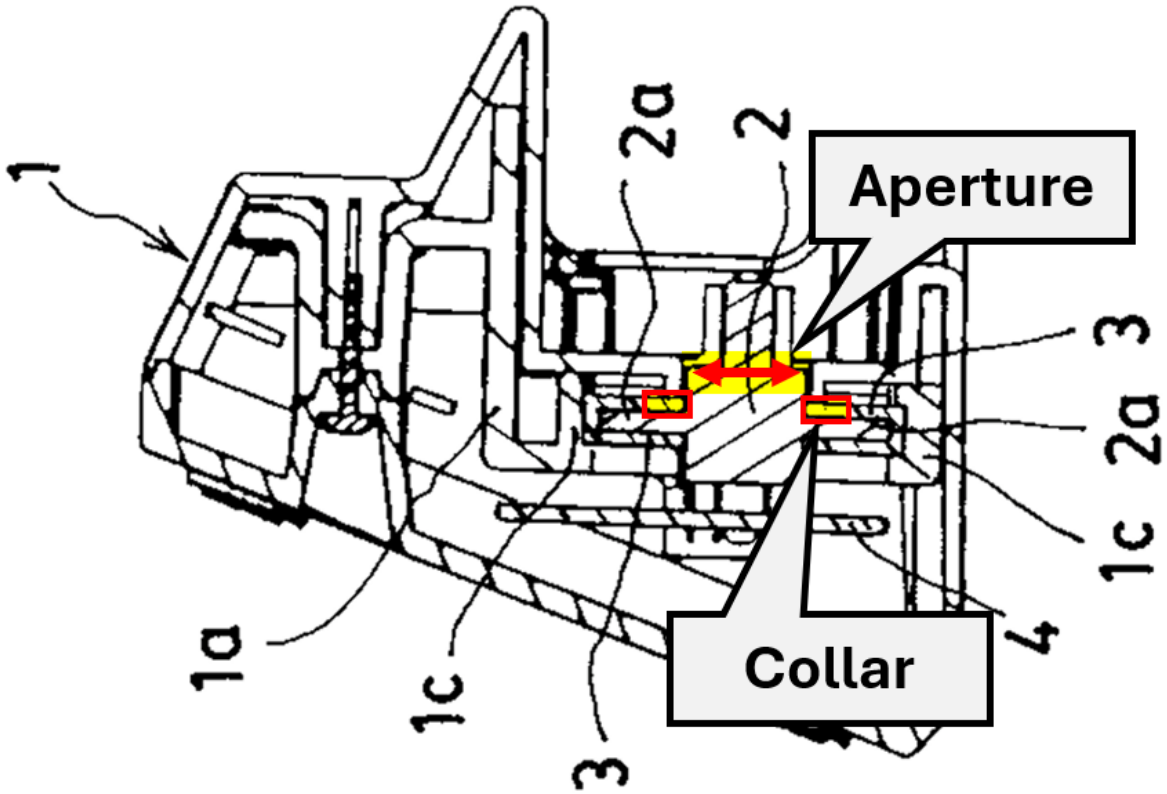

(Tsutsui, Fig. 3 (rotated 90 degrees) (annotations added); Michalson, ¶78.) This support-portion of cradle **1a** discloses a "**support tray**" because it provides physical support for connector **2** and for the portable electronic device when the device is mounted in the cradle. (Michalson, ¶78.) And under this alternative mapping, Tsutsui's support includes a spring component "**received in a support tray**" because the elastically deformable material of the cushioning member 3 ("**the spring component**") is received in the space provided and enclosed by the support-portion of cradle **1a**. (*Id.*)

**3. Claim 6: "A dock as claimed in claim 1, wherein the collar surrounds the connector at a location adjacent the aperture."**

Claim 6 is disclosed by or obvious over Tsutsui.

As explained for claim 1**[d]** above, the claimed "**collar**" in Tsutsui abuts connector **2** within the housing. (Michalson, ¶¶79, 68-71.) The collar also

"**surrounds the connector**" because cushioning member **3** surrounds the flange portion **2a** of connector **2**. (Tsutsui, [0022] ("[A] flange portion 2a is formed on the outer periphery of the connector 2, and the entire flange portion 2a is covered with a cushioning member 3, with only the peripheral portion of the cushioning member 3 fixed to the cradle body 1a by a resin mold…."), [0024] ("[T]he cushioning member 3 is made of a rubber-based material or a urethane-based material, and has a groove 3a formed on the inner peripheral portion into which the flange portion 2a of the connector 2 is fitted, and is pre-formed as an annular member shaped to surround the flange portion 2a."); Michalson, ¶79.) The collar, as shown below, therefore also surrounds the connector "**at a location adjacent** [to] **the aperture**" because cushioning member **3** also surrounds the aperture.




('247, Fig. 3 (rotated 90 degrees) (annotation added); Michalson, ¶79.)

**4. Claim 11: "A dock as claimed in claim 1, wherein the connector is a charging connector."**

Claim 11 is disclosed by or obvious over Tsutsui.

As explained for claim 1, Tsutsui confirms that the connector could be a charging connector. (Tsutsui, [0002] ("Conventionally, cradles are known on which are mounted electronic devices such as a digital camera, which serve as stands for the electronic devices, and which are provided with a connector to establish an electrical connection with the electronic device mounted thereon, enabling charging of the electronic device and data exchange with a computer, etc."); Michalson, ¶80.)

### 5. Claim 13: "A dock for receiving a portable electronic device, comprising:" (13[pre])

Because the preamble of claim 13 is identical to the preamble of claim 1, it is disclosed and rendered obvious by Tsutsui for the same reasons described above. (Michalson, ¶¶81, 50-52.)

**(a) "a housing comprising an aperture;" (13[a])**

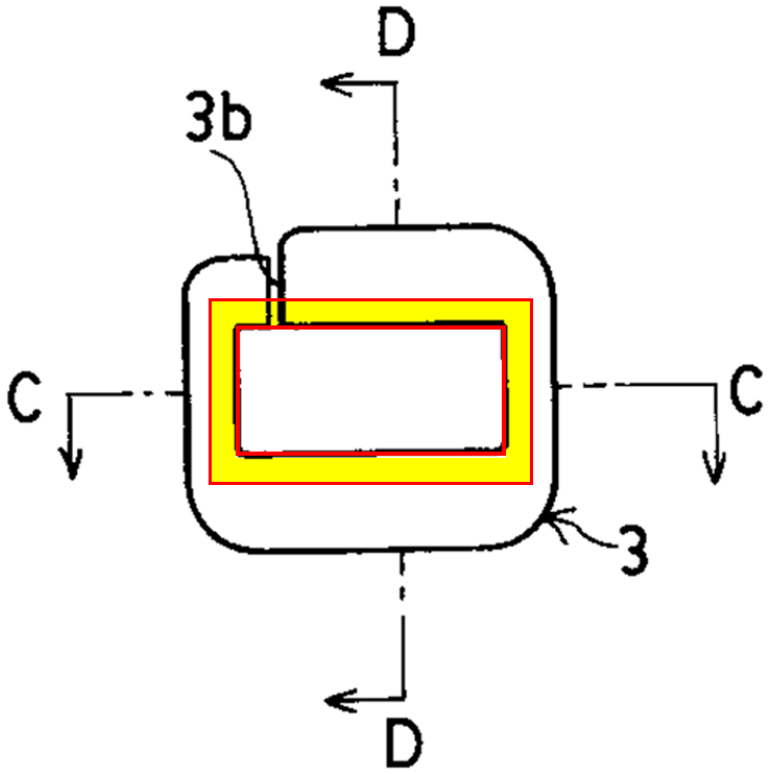
**(b) "a support coupled to an inner wall of the housing, a portion of the support being elastically deformable;" (13[b])**

Claims 13**[a]** and 13**[b]** are identical to claim 1**[a]** and 1**[b]**, respectively, and therefore disclosed and rendered obvious by Tsutsui for the same reasons. (Michalson, ¶¶82-83, 53-64.)

**(c) "a pad disposed in the support and elastically deformable in response to axial movement of the connector; and" (13[c])**

Claim 13[c] is disclosed by or obvious over Tsutsui.

Tsutsui discloses a "**pad**" in the form of the inner elastic portion of cushioning member **3** ("**the support**") that borders the connector. (Michalson, ¶84.) Figure 7 shows a top view of the cushioning member **3** with an opening through which connector **2** extends:

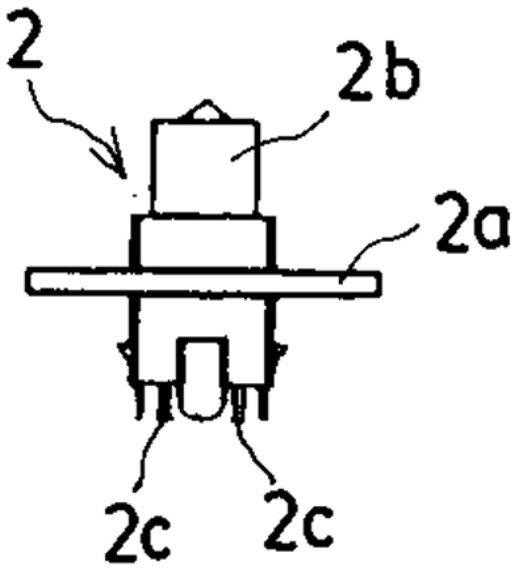



(Tsutsui, Fig. 7 (highlighting added), [0023]; Michalson, ¶84.) Tsutsui therefore discloses "**a pad disposed in the support**," as claimed, in the form of the inner portion of cushioning member **3** that borders connector **2**. (*Id*.)

Tsutsui also discloses and renders obvious that the pad is "**elastically deformable in response to axial movement of the connector**," as claimed. (Michalson, ¶85.) As explained above, cushioning member **3** is elastically deformable. (Tsutsui, *e.g.*. [0009], [0017], [0027]; Michalson, ¶85.) The pad is also elastically deformable in response to "**axial movement of the connector**," which as the '247 patent indicates, includes downward movement against the connector. ('247, 7:59-60 ("downward, or axial, force on the connector **806**, **808**"); Michalson,

¶85.)

It would have been apparent and obvious that the cushioning member **3** in Tsutsui would have been elastically deformable in response to at least downward (axial) movement on the connector. (Michalson, ¶86.) Figure 6 shows one embodiment of connector **2**:

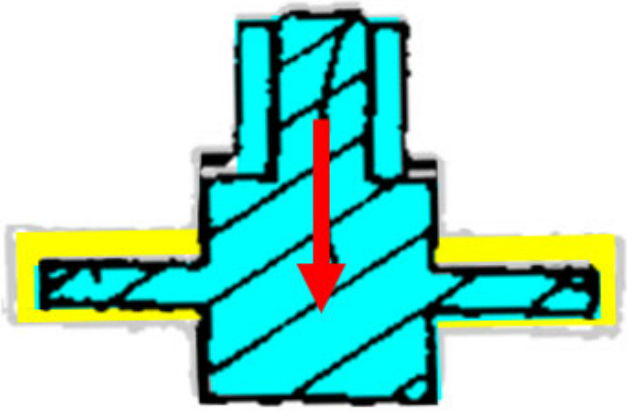



(Tsutsui, Fig. 6; Michalson, ¶86.) Connector **2** above includes a flange portion **2a** which is covered by cushioning member **3**. (Tsutsui, [0022] ("Specifically, a flange portion 2a is formed on the outer periphery of the connector 2, and the entire flange portion 2a is covered with a cushioning member 3, with only the peripheral portion of the cushioning member 3 fixed to the cradle body 1a…."); Michalson, ¶¶86-87.) Tsutsui explains that the flange portion **2a** fits into a groove on cushioning member **3**. (Tsutsui, [0024] ("[T]he cushioning member 3 is made of a rubber-based material

or a urethane-based material, and has a groove 3a formed on the inner peripheral portion into which the flange portion 2a of the connector 2 is fitted, and is pre-formed as an annular member shaped to surround the flange portion 2a."); Michalson, ¶87.) Tsutsui further states that "[t]he square annular cushioning member 3 is attached to the flange portion 2a by fitting the flange portion 2a into the groove 3a while in an open state from the cut 3b, wrapping around the entire circumference of the flange portion 2a." (Tsutsui, [0024]; Michalson, ¶87.)

When there is downward movement against connector **2** ("**axial movement of the connector**"), for example when the portable device is being inserted into the cradle for connection to connector **2**, this axial force applied to connector **2** would cause the cushioning member **3** ("**pad**") to elastically deform in response to that movement. (Michalson, ¶88.) This is because the flange 2a on the connector 2 is entirely wrapped with cushioning member **3**, this allowing cushioning member **3** to elastically deform when axial force is applied to the connector. (*Id*.)

Below is a diagram using Figure 3 to illustrate how an axial force applied to the connector would compress the portion of cushioning member **3** beneath the connector's flange:



(Tsutsui, Fig. 3 (excerpt; annotation added); Michalson, ¶88.)

**(d) "a connector received in the support and extending through the aperture for electrically communicating with the portable electronic device, wiring of the connector for transferring data from the portable electronic device;" (13[d])**

**(e) "wherein the portion of the support elastically deforms in response to non-axial movement of at least a portion of the connector." (13[e])**

Claims 13**[d]** and 13**[e]** are identical to claim 1**[c]** and 1**[e]**, respectively, and therefore are disclosed and rendered obvious by Tsutsui for the same reasons. (Michalson, ¶¶89-90, 65-67, 72-73.)

**6. Claim 15: "A connector assembly for a dock, the connector assembly comprising:" (15[pre])**

Claim 15[pre] is disclosed by or obvious over Tsutsui.

Claim 15 is similar to claim 1 but recites "[a] **connector assembly**" instead of "[a] **dock**," and then otherwise recites similar limitations. (Michalson, ¶91.) Tsutsui discloses a connector assembly that includes connector **2** and cushioning member **3**, for cradle **1** ("**a dock**"), described in more detail below. (*Id*.)

**(a) "a support for coupling to an inner wall the dock, the support comprising a collar, a portion of the support being elastically deformable; and" (15[a])**

Claim 15[a] is disclosed by or obvious over Tsutsui.

This limitation is substantially similar to claim 1**[b]**, except that it recites a support for coupling to an inner wall of "**the dock**," whereas claim 1**[b]** recites that the support is coupled to an inner wall "**of the housing**." (Michalson, ¶¶92, 55-64.) This does not present a material difference, because as explained above for claim 1**[b]**, Tsutsui discloses cushioning member **3** (alone or in combination with support-portion of cradle **1a** as explained for claim 1**[b]**) ("**a support**… **comprising a collar**") for coupling to an inner wall of cradle ("**the dock**"). (*Id*., ¶92.) Tsutsui thus discloses and renders obvious this limitation for the same reasons as claim 1**[b]**. (*Id*.)

**(b) "a connector received in the support for electrically communicating with a portable electronic device received by the dock, wiring of the connector for transferring data from the portable electronic device;" (15[b])**

Claim 15[b] is disclosed by or obvious over Tsutsui.

This limitation is substantially similar to claim 1**[c]**, except that claim 1**[c]** recites that the connector is received in the support "**and extending through the aperture**," whereas claim 15**[b]** does not recite any aperture. (Michalson, ¶¶93, 65-67.)

As explained for claim 1**[c]**, Tsutsui discloses connector **2** ("**a connector**"), that is received in cushioning member **3** ("**received in the support**"), that communicates with an electronic device such as a digital camera inserted in the cradle ("**a portable electronic device received by the dock**"). (Michalson, ¶¶93, 65-67.) As further explained for claim 1**[c]**, Tsutsui discloses and renders obvious wiring of connector **2** to wiring board **4** for transferring data from the portable electronic device. (*Id*.)

**(c) "wherein the portion of the support elastically deforms in response to non-axial translation and pivoting relative to the collar of at least a portion of the connector." (15[c])**

Claim 15[c] is disclosed by or obvious over Tsutsui.

As explained for claim 1 above, including the analysis for claims 1**[d]** and 1**[e]**, in response to non-axial translation and pivoting of connector **2** relative to the collar (such as shifting or rotating of connector **2** within cushioning member 3**),** cushioning member **3** in Tsutsui elastically deforms in response to that movement. (Michalson, ¶¶94, 68-73.)

**7. Claim 16: "A connector assembly as claimed in claim 15, wherein the support includes a spring component received in a support tray, the spring component being elastically deformable."**

Claim 16 is substantially similar to claim 2, differing only in its claim dependencies, and is disclosed and rendered obvious by Tsutsui for the same

reasons. (Michalson, ¶¶95, 74-78.)

**8. Claim 19: "A connector assembly as claimed in claim 15, comprising a collar abutting the connector within the housing to limit translation of the connector."**

Claim 19 is substantially similar to claim 1**[d]**. (Michalson, ¶96.) As explained for claim 1**[d]**, the connector assembly in Tsutsui includes a collar abutting the connector. (*Id*., ¶¶96, 68-71.)

As explained for claim 1**[a]**, Tsutsui discloses cradle body **1a** ("**housing**"), and the collar in Tsutsui abuts connector **2** within cradle body **1a**. (Michalson, ¶¶96, 53-54.) The collar in Tsutsui also serves "**to limit translation of the connector**." (*Id*., ¶¶97, 68-71.) As explained above, this is because cushioning member **3** is elastically deformable and resists force that is applied to the connector **2**, including axial and non-axial movement of the connector, to which it responds by attempting to return connector **2** to a position based on the original shape of cushioning member **3**. (*Id*., ¶¶97, 55-57, 64, 72-74, 77.)

## VII. NO SECONDARY CONSIDERATIONS OF NONOBVIOUSNESS

PO has not identified any alleged objective evidence of non-obviousness, nor is Petitioner aware of any.

## VIII. CONCLUSION

Petitioner respectfully requests institution of review on the challenged claims.

Dated: October 8, 2025

Respectfully submitted,

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## CERTIFICATE OF COMPLIANCE WITH WORD COUNT

Pursuant to 37 C.F.R. § 42.24(d), I certify that this petition complies with the type-volume limits of 37 C.F.R. § 42.24(a)(1)(i) because it contains 7,443 words, according to the word-processing system used to prepare this petition, excluding the parts of this petition that are exempted by 37 C.F.R. § 42.24(a) (including the table of contents, a table of authorities, mandatory notices, a certificate of service or this certificate word count, appendix of exhibits, and claim listings).

DATED: October 8, 2025

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## CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Sections 42.6 and 42.105, that a complete copy of the attached **PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 8,545,247 B2,** including all exhibits (**EX1001-1009**) and related documents, are being served via Federal Express on October 8, 2025, the same day as the filing of the above-identified document in the United States Patent and Trademark Office/Patent Trial and Appeal Board, upon Patent Owner by serving the correspondence address of record with the USPTO as follows:

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And via Federal Express upon the following counsel for Patent Owner in *Malikie Innovations Ltd. v. Nintendo Co.* in the United States District Court, Western District of Washington, Case No. 2:24-cv-01490-JLR as follows:

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