
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROADCOM CORPORATION
Petitioner

v.

TELEFONAKTIEBOLAGET LM ERICSSON (PUBL)
Patent Owner

Case IPR2013-00601
Patent 6,772,215

Title: Method for Minimizing Feedback Responses in ARQ Protocols

**PATENT OWNER'S RESPONSE
BY ERICSSON UNDER 37 C.F.R. § 42.120**

TABLE OF CONTENTS

I.	Statement of Precise Relief Requested	2
II.	Statement of Facts	2
III.	The Petition is Barred by 35 U.S.C. §315(b)	8
	A. Broadcom is in Privity with the D-Link Defendants	8
	B. The D-Link Defendants are Real Parties-in-Interest.....	12
IV.	The '215 Patent is Valid.....	15
	A. Overview of the '215 Patent	15
	B. Broadest Reasonable Interpretation	22
	1. “responsive to the receiving step, constructing a message field for a second data unit, said message field including a type identifier field”	25
	2. “means for receiving”	31
	3. “for minimizing feedback responses in an ARQ protocol”	31
	4. “means for sending”	32
	C. The Challenged Independent Claims Are Not Anticipated by Seo.....	32
	1. The Seo NAK_TYPE field does not “identif[y] the message type of the feedback response from a number of different message types”	37

2.	The Seo NAK_TYPE field does not teach or disclose a “message field including a type identifier field”	39
3.	Seo does not disclose a “length field” as required by independent claim 15.....	40
D.	The Challenged Dependent Claims Are Not Anticipated by Seo.....	41
V.	Conclusion.....	42

TABLE OF AUTHORITIES

Cases

<i>AstraZeneca LP v. Apotex, Inc.</i> , 633 F.3d 1042, 1064 (Fed. Cir. 2010)	29
<i>Cal. Physicians’ Serv. v. Aoki Diabetes Research Inst.</i> , 163 Cal. App. 4th 1506 (Cal. App. 2008)	9, 10
<i>Ericsson Inc. v. D-Link Corp.</i> , No. 6:10-CV-473 (LED/KGF)	2
<i>Illumina, Inc. v. The Trustee of Columbia University</i> , IPR2012-00006, 2013 WL 2023631 at *3 (PTAB, March 12, 2013)	22
<i>In re Abbott Diabetes Care Inc.</i> 696 F.3d 1142, 1149 (Fed. Cir. 2012).....	22
<i>In re Edward S. Lowry</i> , 32 F.3d 1579 (Fed. Cir. 1994).....	30, 31
<i>In re Guan Inter Partes Reexamination Proceeding</i> , Control No. 95/001,045 (Aug. 25, 2008)	12, 13
<i>In re Max A. Gulack</i> , 703 F.2d 1381, 1386 (Fed. Cir. 1983).....	30
<i>In re Miller</i> , 418 F.2d 1392, 1396 (CCPA 1969)	27
<i>King Pharm. Inc. v. Eon Labs, Inc.</i> , 616 F.3d 1267, 1279 (Fed. Cir. 2010)	27, 28
<i>Speedtrack, Inc. v. Office Depot, Inc.</i> , No. C 07-3602 PJH, 2014, WL 1813292, at *5-6 (N.D. Cal. May 6, 2014).....	10
<i>Taylor v. Sturgell</i> , 553 U.S. 880 (2008).....	10, 11

Statutes

35 U.S.C. § 102	1, 2
35 U.S.C. § 312(a)(2).....	8, 14
35 U.S.C. § 315(b)	<i>passim</i>
35 U.S.C. § 316.....	2

Regulations

37 C.F.R. § 42.23	1
37 C.F.R. § 42.100(b)	22
37 C.F.R. § 42.120	2
Office Patent Trial Practice Guide, 77 Fed. Reg. 48,759 (Aug. 14, 2012)....	9, 12

Legislative History

154 Cong. Rec. S9987 (daily ed. Sept. 27, 2008) (statement of Sen. Kyl)	9
157 Cong. Rec. S1376 (daily ed. March 8, 2011) (statement of Sen. Kyl)	9

Secondary Sources

2 Restatement of Judgments § 62, Comment <i>a</i>	10
18A Wright & Miller § 4449	11

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.