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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT: 6,772,215

INVENTOR: Bela Rathonyi et al.

FILED: March 29, 2000

ISSUED: August 3, 2004

TITLE: Method for Minimizing
Feedback Responses in ARQ Protocols

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**PETITION FOR *INTER PARTES REVIEW* OF U.S. PATENT NO. 6,772,215
UNDER 35 U.S.C. § 312 AND 37 C.F.R. § 42.104**

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I. MANDATORY NOTICES

A. Real Parties-in-Interest

Broadcom Corporation (“Petitioner”) is the real party-in-interest and submits this *inter partes* review Petition (“Petition”) for review of certain claims of U.S. Patent No. 6,772,215 (“the ‘215 patent”) (Ex. 1001).

B. Related Matters

International Trade Commission

The ‘215 patent is currently the subject of an International Trade Commission hearing that started September 17, 2013 (Investigation No. 337-TA-862). There has already been fact discovery and expert discovery with expert reports being exchanged. Petitioner understands that the ITC Staff Attorney has recommended that the asserted claims of the ‘215 patent be found invalid under either Seo (Ex. 1002) or Gong (Ex. 1003), the two references cited in this Petition.

District Court

In September 2010, Ericsson Inc. *et al.* (the “Patent Owner”) filed suit in the Eastern District of Texas against D-Link Systems, Inc., Netgear, Inc., Belkin International, Inc., Dell, Inc., Toshiba Corporation, Acer Inc., and Gateway Inc. (the “Defendants”) alleging infringement of several U.S. patents, including the ‘215 patent. (*See Ericsson Inc., et al. v. D-LINK Corp., et al.*, Civil Action No.

6:10-CV-473 (LED/KGF) (“Texas Litigation”).¹ The Patent Owner’s infringement allegations were based in part on Defendants’ use of Petitioner’s Wi-Fi compliant products, such as the BCM4313 and BCM4321. The Patent Owner did not allege that Petitioner infringed any patent asserted in the Texas Litigation, and Petitioner was not a party to the Texas Litigation.

Following an eight-day trial, the jury found claim 1 of the ‘215 patent infringed. The Defendants, who were allowed only 15 hours to present their case for the five (5) patents², damages and certain equitable issues, did not address the invalidity of the ‘215 patent at trial.

C. Counsel

Lead Counsel: Dominic E. Massa (Registration No. 44,905)

Backup Counsel: Michael A. Diener (Registration No. 37,122)

¹ On November 19, 2011, Intel Corporation filed a Motion to Intervene in the Texas Litigation, which the court granted on May 4, 2012.

² Ericsson also asserted the following additional patents at trial in the Texas Litigation: U.S. Patent No. 6,330,435 (the “435 patent”), U.S. Patent No. 6,519,223 (the “223 patent”), U.S. Patent No. 6,424,625 (the “625 patent”), and U.S. Patent No. 6,466,568 (the “568 patent”).

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