UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BROADCOM CORPORATION

Petitioner

v.

TELEFONAKTIEBOLAGET L.M. ERICSSON

Patent Owner

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Case IPR2013-00636

U.S. Patent Nos. 6,424,625

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PATENT OWNER'S MOTION TO AMEND

U.S. PATENT NO. 6,424,625 UNDER 37 C.F.R. § 42.121

EXHIBIT NO.	EXHIBIT DESCRIPTION
Exhibit 1001	U.S. Patent No. 6,424,625 ("the '625 Patent")
Exhibit 1002	Garrabrant et al., U.S. Patent No. 5,610,595, entitled "Packet Radio Communication System Protocol" ("Garrabrant")
Exhibit 1005	Kemp, U.S. Patent No. 6,621,799, entitled "Semi-Reliable Data Transport" ("Kemp")
Exhibit 1007	Certified Translation of Hettich Thesis, entitled "Development and performance evaluation of a Selective Repeat – Automatic Repeat Request (SR-ARQ) protocol for transparent, mobile ATM access," (1996) ("Hettich")
Exhibit 1008	Certified Translation of Walke et. al., German Patent No. DE 19543280, entitled "Process and Cellular Mobile Communication System for Wireless Broadband Connection of Mobile Stations with ATM Interfaces to Error Protection of an ATM Network" ("Walke")
Exhibit 1012	Bertsekas, et al., DATA NETWORKS, Prentice-Hall, pp. 58-73 (1987) ("Bertsekas")
Exhibit 2022	Declaration of Robert Akl, D.Sc. in support of Motion to Amend
Exhibit 2023	Application No. 09/179,952 ("the '625 App.")
Exhibit 2024	Petras & Hettich, "Performance Evaluation of a Logical Link Control Protocol for an Air Interface," Int'l J. of Wireless Information Networks, Vol. 4, No. 4, 1997 ("Petras & Hettich")
Exhibit 2025	Petras, et al., "Candidate protocol stack (MAC + LLC) for a Wireless ATM air interface," ETSI EP BRAN, WG3 Temporary document wg3td78 (13 October 1997) ("Petras et al.")

	Vornefeld, "Simulative and analytical study of measures supporting the quality of service in a radio-based ATM network," April 1, 1997 ("Vornefeld")
Exhibit 2026	

I. INTRODUCTION

In the event that the challenged claims are found unpatentable, Patent Owner Telefonaktiebolaget L.M. Ericsson ("Ericsson") hereby moves pursuant to the Board's March 10, 2014 Order, Paper No. 25, and 37 C.F.R. § 42.121 to cancel claim 1 of U.S. Pat. No. 6,424,625 ("the '625 Patent") and submit proposed substitute claim 20 in its place.

II. LISTING OF PROPOSED SUBSTITUTE CLAIM

The following claim listing clearly identifies the changes to the '625 Patent so that the Board can easily and quickly identify the new limitations and deletions of limitations. *See* 37 C.F.R. § 42.121(b); *Nichia Corp. v. Emcore Corp.*, IPR2012-00005, Paper 68 at *50 (PTAB Feb. 11, 2014). Specifically, Petitioner has used underlining to indicate text inserted in the corresponding original claim, as suggested by the Board. *Toyota Motor Corp. v. Am. Vehicular Sciences LLC*, IPR2013-00419, Paper 32 at *2 (PTAB March 7, 2014).

Proposed Substitute Claim

20. (Proposed Substitute for Original Claim 1) A method for discarding packets in a data network employing a packet transfer protocol including an automatic repeat request scheme, comprising the steps of:

a transmitter in the data network commanding a receiver having a receiver window in the data network to

a) receive at least one packet having a sequence number that is not consecutive with a sequence number of a previously received packet, <u>wherein the sequence number of the at least one packet is outside of the receiver window</u> and

b) release any expectation of receiving outstanding packets having sequence numbers prior to the at least one packet; and the transmitter discarding all packets for which acknowledgment has not been received, and which have sequence numbers prior to the at least one packet.

III. STATEMENT OF SUBSTITUTION CONTINGENCIES

Consistent with 37 C.F.R. § 42.121(a)(3), this Motion includes one proposed substitute claim for the one challenged claim to be replaced. Further, under 37 C.F.R. § 42.121(a)(2), the amendment herein does not seek to enlarge the scope of claim 1 of the '625 Patent or introduce new subject matter. Proposed Substitute claim 20 merely adds features to claim 1 and does not remove any limitation therefrom. *See Synopsis, Inc. v. Mentor Graphics Corp.*, IPR2012-00042, Paper No. 60 at *43 (PTAB Feb. 19, 2014).

Proposed substitute claim 20 is a contingent substitute claim to replace original claim 1. Claim 20 adds two additional limitations to original claim 1. First, claim 20 explicitly recites a "a receiver <u>having a receiver window</u>." Second, the amendment recites the phrase "<u>wherein the sequence number of the at least one packet is outside of the receiver window</u>." As discussed further below, such a

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