Filed on behalf of: INTERDIGITAL TECHNOLOGY CORPORATION
Paper No. 9

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE CORPORATION AND ZTE (USA) INC.
Petitioner

V.

INTERDIGITAL TECHNOLOGY CORPORATION
Patent Owner

Case IPR2014-00275
Patent 7,941,151

Mailed: April 17, 2014

Before PATRICK E. BAKER, *Trial Paralegal*

PATENT OWNER'S PRELIMINARY RESPONSE TO ZTE'S PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 7,941,151

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TABLE OF CONTENTS

Page

I. Introduction....1

II. Summary of Preliminary Response....3

III. Overview of 151 Patent....3

IV. Claim construction....4

A. "same physical downlink control channel"....4

B. "channel assignment information"....7

C. "shared channel"....8

D. "based on WTRU identity (ID)-masked cyclic redundancy check (CRC) parity bits"....11

V. 151 patent is valid over Cited Prior art....11

A. Ground 1 Fails: Siemens 004 Does Not Anticipate Or Render Obvious Any Of The Claims....12

1. Overview of Siemens 004 and HS-SCCH....12

2. Siemens 004 does not disclose the preamble of claim 1: "A method for utilizing channel assignment information for an uplink shared channel or a downlink shared channel, the method comprising:"....15

3. Siemens 004 Does Not Disclose An "Uplink Shared Channel" (Claim 1)....16

4. Siemens 004 does not disclose "determining whether the channel assignment information is for assigning radio resources for the uplink shared channel or the downlink shared channel" (Claim 1)....18

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5. Siemens 004 does not disclose the order of the two determinations required by "and if so" (Claim 1) 19

6. Siemens 004 does not anticipate dependent claims 2-6 and 8 20

7. Siemens 004 does not anticipate claim 9 20

8. Siemens 004 does not anticipate Claim 16 21

9. Siemens 004 does not anticipate dependent claims 17-21 and 23-24.....21

10. Siemens 004, alone, does not render the claims obvious, and any obviousness argument would be redundant 21

B. Ground 2 Is Redundant And Fails: Siemens 004 And The Admitted Prior Art Do Not Render Claims 1-6 and 16-21 Obvious 23

C. Ground 3 is Redundant And Fails: Siemens 004 Combined With 3GPP TS 25.212 Does Not Render Claims 1-6 and 16-21 Obvious 27

D. Ground 4 is Redundant And Fails: Siemens 004 Combined With InterDigital 810 Does Not Render Claims 1-2 and 16-17 Obvious 29

E. Ground 5 Is Redundant And Fails: Siemens 004 Combined With Motorola 683 Does Not Render Claims 8 and 23 Obvious 32

F. Ground 6 Is Redundant And: Siemens 004 and Siemens 010 Do Not Render Claims 8 and 23 Obvious.....35

VI. Conclusion 38

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TABLE OF AUTHORITIES

Page

CASES

Creston Elecs. v. Norman IP Holdings, LLC,
IPR2013-00278 (Paper. No. 11) (PTAB Nov. 15, 2003) 26

Heart Failure Techs., LLC v. CardioKinetix, Inc.,
IPR2013-00183 (Paper No. 12) (PTAB July 21, 2013).....26

Helifix Ltd. v. Blok-Lok, Ltd.,
208 F.3d 1339 (Fed. Cir. 2000).....25

In re Kubin,
561 F.3d 1351 (Fed. Cir. 2009)..... 31, 35, 38

In re O'Farrell,
853 F.2d 894 (Fed. Cir. 1988)..... 31, 35, 38

Innogentics, N.V. v. Abbott Labs.,
512 F.3d 1363 (Fed. Cir. 2008).....26

Kinetic Concepts, Inc. v. Smith & Nephew, Inc.,
688 F.3d 1342 (Fed. Cir. 2012).....26

KSR Int'l Co. v. Teleflex, Inc.,
550 U.S. 398 (2007).....26

Liberty Mutual Ins. Co. v. Progressive Casualty Ins. Co.,
CBM2012-00003 (Paper No. 7) (PTAB Oct. 25, 2012)..... passim

Oracle Corp. v. Clouding IP, LLC,
IPR2013-00088 (Paper No. 13) (PTAB June 13, 2013)..... passim

OTHER AUTHORITIES

35 U.S.C. § 102.....2, 3

35 U.S.C. § 103.....2, 3

37 C.F.R § 1.111.....8

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37 C.F.R. § 42.8 1

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