

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Hays *et al.*

U.S. Patent No.: 5,659,891

Attorney Docket No.: 39521-0004IP1

Issue Date: Aug. 19, 1997

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Filing Date: Jun. 7, 1995

Title: MULTICARRIER TECHNIQUES IN BANDLIMITED CHANNELS

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PETITION FOR *INTER PARTES* REVIEW OF UNITED STATES PATENT NO. 5,659,891
PURSUANT TO 35 U.S.C. §§ 311-319, 37 C.F.R. § 42

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EXHIBITS

- APPLE-1001 U.S. Patent No. 5,659,891 to Hays *et al.* (“the ‘891 patent”)
- APPLE-1002 Excerpts from the Prosecution History of the ‘891 Patent (“the Prosecution History”)
- APPLE-1003 Docket for *Mobile Telecommunications Technologies, LLC v. Apple Inc.*, Case No. 2:13-CV-258 (E.D. Tex.)
- APPLE-1004 Declaration of Dr. Apostolous Kakaes (“Kakaes Declaration”)
- APPLE-1005 Plaintiff’s Opening Brief on Issues of Claim Construction from *Mobile Telecommunications Technologies, LLC v. Apple Inc.*, Civil Action No. 2:13-cv-258-JRG-RSP (E.D. Tex.)
- APPLE-1006 Claim Construction Order from *Mobile Telecommunications Technologies, LLC v. Apple Inc.*, Civil Action No. 2:13-cv-258-JRG-RSP (E.D. Tex.)
- APPLE-1007 Claim Construction Order from *Mobile Telecommunications Technologies, LLC v. Clearwire Corp.*, Civil Action No. 2:12-cv-308-JRG-RSP (E.D. Tex.)
- APPLE-1008 Dr. Rade Petrovic *et al.*, *Permutation Modulation for Advanced Radio Paging*, IEEE Proceedings of Southeastcon '93 (7 Apr 1993) (“Petrovic”)
- APPLE-1009 Leonard J. Cimini, *Analysis and Simulation of a Digital Mobile Channel Using Orthogonal Frequency Division Multiplexing*, 33 IEEE Transactions on Communications 665 (Jul. 1985) (“Cimini”)
- APPLE-1010 WIPO Publication No. 1989/008355 to Raith *et al.* (“Raith”)
- APPLE-1011 C. Alakija and S. P. Stapleton, *A Mobile Base Station Phased Array Antenna*, 1992 IEEE International Conference on Selected Topics in Wireless Communications at 118 (Jun. 1992) (“Alakija”)

APPLE-1012

U.S. Patent No. 5,590,403 to Cameron *et al.* (the '403 Patent)

Apple Inc. (“Petitioner” or “Apple”) petitions for *Inter Partes* Review (“IPR”) under 35 U.S.C. §§ 311–319 and 37 C.F.R. § 42 of claims 1-5 (“the Challenged Claims”) of U.S. Patent No. 5,659,891 (“the ‘891 patent”), of assignee Mobile Telecommunications Technologies, LLC (“Patentee” or “MTel”). As explained in this petition, there exists a reasonable likelihood that Apple will prevail with respect to at least one of the Challenged Claims.

I. MANDATORY NOTICES UNDER 37 C.F.R § 42.8(a)(1)

A. Real Party-In-Interest Under 37 C.F.R. § 42.8(b)(1)

Petitioner, Apple Inc., is the real party-in-interest.

B. Related Matters Under 37 C.F.R. § 42.8(b)(2)

Apple is not aware of any terminal disclaimers for the ‘891 Patent. The ‘891 Patent is involved in three pending litigations (the Litigations), one naming Apple as a defendant: *Mobile Telecommunications Technologies, LLC v. Apple Inc.*, Case No. 2:13-CV-258 (E.D. Tex.) (hereinafter “the Apple litigation”); *Mobile Telecommunications Technologies, LLC v. Leap Wireless International, Inc.*, Case No. 2-13-CV-885 (E.D. Tex.); and *Mobile Telecommunications Technologies, LLC v. T-Mobile USA, Inc.*, Case No. 2-13-CV-886 (E.D. Tex.).

C. Counsel Under 37 C.F.R. § 42.8(b)(3) and Service Information

Apple designates W. Karl Renner, Reg. No. 41,265, as Lead Counsel and Thomas A. Rozyłowicz, Reg. No. 50,620, as Backup Counsel, both available at 3200 RBC Plaza, 60 South Sixth Street, Minneapolis, MN 55402 (T: 202-783-5070, F: 202-783-2331). Please address all correspondence and service to counsel at the address provided in this section.

Apple also consents to electronic service by email at IPR39521-0004IP1@fr.com.

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