

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION

*Petitioner*

v.

IPR LICENSING, INC.

*Patent Owner*

U.S. Patent No.: 8,380,244

Filed: November 9, 2009

Issued: February 19, 2013

Title: Dual Mode Unit for Short Range, High Rate and Long Range, Lower Rate  
Data Communications

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**PETITION FOR *INTER PARTES* REVIEW  
OF U.S. PATENT NO. 8,380,244**

Case No.: \_\_\_\_\_

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Petition for *Inter Partes* Review of U.S. Patent No. 8,380,244

Pursuant to 35 U.S.C. § 311 *et seq.* and 37 C.F.R § 42.1 *et seq.*, Microsoft Corporation (“Microsoft” or “Petitioner”) hereby petitions for *Inter Partes* Review of U.S. Patent No. 8,380,244 (“244 patent”). On September 17, 2014, the Patent Trial and Appeal Board instituted an *Inter Partes* Review of the 244 patent in Case No. IPR2014-00525 (“ZTE IPR”). Pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. §§ 42.22 and 42.122(b), Petitioner submits concurrently herewith a request for joinder with the ZTE IPR. However, even if joinder is not granted, Petitioner respectfully request that a proceeding be instituted based on this petition alone.

This petition demonstrates a reasonable likelihood that at least one of Claims 1-8, 14-16, 19-29, 36-38, and 41-44 (“the challenged claims”) is obvious in view of the prior art discussed below. Indeed, the similar claims of related U.S. Patent No. 7,616,970 (“970 parent patent”), the parent of the 244 patent, have already been invalidated based on the same prior art. Applying the more demanding clear and convincing evidence standard, the International Trade Commission (“ITC”) held those claims invalid in its Final Determination in Investigation No. 337-TA-800 (“800 Investigation”). *In the Matter of Certain Wireless Devices with 3G Capability and Components Thereof*, USITC Inv. No. 337-TA-800, Comm’n Op. (Dec. 20, 2013). (Ex. 1011 at 293-382). As the claims of the 244 patent and the 970 parent patent are similar and for the reasons set forth below, an *inter partes* review should be instituted, and all of the challenged claims should be held

unpatentable.

**I. MANDATORY NOTICES (37 C.F.R. § 42.8)**

**A. Real Party-in-Interest (§ 42.8(b)(1))**

Microsoft Corporation is the real party-in-interest.

**B. Related Matters (§ 42.8(b)(2))**

The 244 patent is the subject of the following judicial or administrative matters, which may affect, or be affected by, a decision in this proceeding: (i) *InterDigital Commc'ns Inc. v. ZTE Corp.*, Case No. 13-cv-00009-RGA (D. Del.), filed January 2, 2013; (ii) *InterDigital Commc'ns Inc. v. Nokia Corp.*, Case No. 13-cv-00010-RGA (D. Del.), filed January 2, 2013; and (iii) *ZTE Corp. et al. v. IPR Licensing, Inc.*, Case No. IPR2014-00525. Patent Owner and several InterDigital entities (collectively “InterDigital”) were the named Plaintiffs in the two listed district court cases.

**C. Counsel and Service Information (§§ 42.8(b)(3)-(4))**

Microsoft designates the following counsel:

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