UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE PATENT TRIAL AND APPEAL BOARD **QUALCOMM INC., Petitioner** \mathbf{v}_{\bullet} BANDSPEED, INC., **Patent Owner** Case IPR2015-00314¹ U.S. Patent 7,477,624 B2

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE UNDER 37 C.F.R. § 42.120

¹ Case IPR2015-01577 has been joined with this proceeding.



TABLE OF CONTENTS

			Page
I.	INTI	RODUCTION	1
II.	CLAIM CONSTRUCTION		
	A.	Level of Ordinary Skill	1
	B.	"Votes"	2
III.	GROUND 1: GERTEN ANTICIPATES CLAIMS 1, 4, 13, 16, 25, 28, AND 29		
	A.	Gerten Discloses Transmitting and Receiving on an Adapted Sequence While Transmitting and Receiving on a Default Sequence in Claims 1, 16, and 28	4
	B.	Gerten Anticipates Claims 4, 13, 25, and 29	8
IV.		OUND 2: GERTEN IN VIEW OF CUFFARO RENDERS AIMS 2, 3, 14, 15, 26, AND 27 OBVIOUS	9
	A.	The Combination of Gerten and Cuffaro Discloses or Suggests Transmitting Performance Data Over One or More Channels in Claims 2, 14, and 26	n
	В.	The Combination of Gerten and Cuffaro Discloses or Suggests Selecting a Channel Based on a Specified Number of Votes in Claims 3, 15, and 27	
	C.	Gerten and Cuffaro Are Analogous Art, and a POSA Would Combine Their Conceptual Teachings	13
V.	GROUND 3: GENDEL IN VIEW OF HAARTSEN RENDERS CLAIMS 1, 3, 4, 13, 15, 16, 25, AND 27-29 OBVIOUS		15
	A.	The Combination of Gendel and Haartsen Discloses Communicating Using an Adapted Sequence While Communicating Using a Default Sequence in Claims 1, 16, and 28	d 15
	B.	The Combination of Gendel and Haartsen Discloses Selecting Based on Performance in Claims 1, 13, and 25	17
	C.	The Combination of Gendel and Haartsen Render Claims 3, 4, 13, 15, 25, 27, and 29 Obvious	



		and Haartsen are analogous art, and a POSA would e their conceptual teachings	19
VI.	GROUND 4: GENDEL IN VIEW OF HAARTSEN AND SAGE RENDERS CLAIMS 2, 14, AND 26 OBVIOUS		
VII	THE INSTIT	UTED CLAIMS ARE INVALID	21



TABLE OF AUTHORITIES

	Page(s)
Cases	
Bandspeed, Inc. v. Qualcomm Inc. et al., No. 1:14-cv-00436 (W.D. Tex. Mar. 14, 2016), ECF No. 103 (Ex. 1018 at 6)	2
KSR Int'l Co. v. Teleflex Inc., 550 U.S. 398 (2007)	20
Medtronic Inc. v. Boston Sci. Corp., 695 F.3d 1266 (Fed. Cir. 2012)	3
<i>In re Mouttet</i> , 686 F.3d 1322 (Fed. Cir. 2012)	20

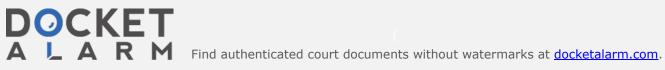
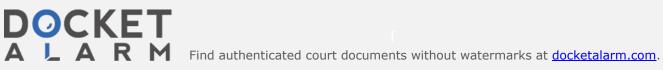


EXHIBIT LIST

Exhibit No.	Exhibit Description				
Petitioner Exhibits (Previously Filed)					
1001	U.S. Patent No. 7,477,624 to Gan et al., issued January 13, 2009 ("The '624 Patent")				
1002	Declaration of Dr. Zhi Ding in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,477,624, November 24, 2014 ("Ding Decl.")				
1003	U.S. Patent No. 6,760,319 to Gerten et al., issued July 6, 2004 ("Gerten")				
1004	U.S. Patent No. 6,418,317 to Cuffaro et al., issued July 9, 2002 ("Cuffaro")				
1005	U.S. Patent No. 6,115,407 to Gendel et al., issued September 5, 2000 ("Gendel")				
1006	U.S. Patent No. 7,280,580 to Haartsen, issued October 9, 2007 ("Haartsen")				
1007	U.S. Patent No. 5,781,582 to Sage et al., issued July 14, 1998 ("Sage")				
1008	Non-Final Office Action mailed January 12, 2012, <i>Inter Partes</i> Reexamination of U.S. Patent No. 7,027,418, Control No. 95/000648 ("Non-Final Office Action")				
1009	Patent Owner's Housekeeping Amendment, filed February 11, 2013 in <i>Inter Partes</i> Reexamination of U.S. Patent No. 7,027,418, Control No. 95/000648 ("Housekeeping Amendment")				
1010	Patent Owner's Comments after Action Closing Prosecution, filed December 3, 2013 in <i>Inter Partes</i> Reexamination of U.S. Patent No. 7,027,418, Control No. 95/000648 ("Comments After ACP")				



DOCKET A L A R M

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time** alerts and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

