

Filed on behalf of Marvell Semiconductor, Inc., MediaTek Inc., and MediaTek USA, Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**PETITION FOR *INTER PARTES* REVIEW**

**OF U.S. PATENT NO. 7,477,624**

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Marvell Semiconductor, Inc., MediaTek Inc., and MediaTek USA, Inc. jointly petition for *inter partes* review of claims 5-8 and 17-20 of United States Patent No. 7,477,624 to Gan, *et al.*, titled “Approach for Managing the Use of Communications Channels Based on Performance” (hereinafter “the ‘624 patent”). The ‘624 patent is provided as Exhibit 1001.

**I. Mandatory Notices (37 C.F.R. § 42.8(a)(1))**

**REAL PARTY IN INTEREST:** The real parties-in-interest of Petitioners are Marvell Semiconductor, Inc., MediaTek Inc., and MediaTek USA, Inc.

**RELATED MATTERS:** The ‘624 Patent is involved in the following proceedings that may affect or be affected by a decision in this proceeding: *Bandspeed, Inc. v. STMicroelectronics NV, et al.*, 1:14-cv-00437, *Bandspeed, Inc. v. Broadcom Corporation*, 1:14-cv-00433, *Bandspeed, Inc. v. Texas Instruments Incorporated*, 1:14-cv-00438, *Bandspeed, Inc. v. Qualcomm Incorporated, et al.*, 1:14-cv-00436, *Bandspeed, Inc. v. Marvell Semiconductor, Inc.*, 1:14-cv-00434, and *Bandspeed, Inc. v. MediaTek, Inc., et al.*, 1:14-cv-00435, all in the Western District of Texas. Petitioners are also contemporaneously filing with this petition two other petitions for *inter partes* review of remaining claims of the ‘624 patent.

**LEAD AND BACKUP COUNSEL:** Pursuant to 37 C.F.R. § 42.8(b)(3) and 42.10(a), Petitioners appoint **Lori A. Gordon** (Reg. No. 50,633) as its lead counsel, **Robert E. Sokohl** (Reg. No. 36,013) as its back-up counsel, and **Jeffrey T.**

**Helvey** (Reg. No. 44,757) as its back-up counsel, all at the address: STERNE, KESSLER, GOLDSTEIN & FOX, 1100 New York Avenue, N.W., Washington, D.C., 20005, phone number (202) 371-2600 and facsimile (202) 371-2540.

SERVICE INFORMATION: Petitioners consent to electronic service by email at the email addresses: lgordon-PTAB@skgf.com, rsokohl-PTAB@skgf.com, and jhelvey-PTAB@skgf.com

## **II. Grounds for Standing (37 C.F.R. § 42.104(a))**

The undersigned, Marvell, MediaTek Inc., and MediaTek USA, Inc. certify that the '624 patent is available for *inter partes* review. Marvell, MediaTek Inc., and MediaTek USA, Inc. each certifies that it is not barred or estopped from requesting this *inter partes* review on the grounds identified herein.

## **III. Identification of Challenge (37 C.F.R. § 42.104(b))**

### **A. Statutory grounds for the challenge.**

Petitioners request review of claims 5-8 and 17-20 on four grounds: **GROUND 1:** Claims 5, 8, 17, and 20 are anticipated under 35 U.S.C. § 102(e) by Gerten. **GROUND 2:** Claims 6, 7, 18, and 19 are obvious over the combination of Gerten and Cuffaro. **GROUND 3:** Claims 5, 7, 8, 17, 19, and 20 are obvious over Gendel in view of Haartsen. **GROUND 4:** Claims 6 and 18 are obvious over Gendel in view of Haartsen and Sage.

### **B. Citation of Prior Art**

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