

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

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PETITION FOR *INTER PARTES* REVIEW

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

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5. The combination of Gendel and Haartsen renders claims 11 and 23 obvious.....50

D. Ground 4: The combination of Gendel, Haartsen, and Sage renders claims 10 and 22 obvious.....53

1. The combination of Gendel, Haartsen, and Sage discloses the hopping sequence claim limitations of claims 10 and 22.....53

2. The combination of Gendel, Haartsen, and Sage discloses “the performance of the plurality of communications channels is based on channel performance data that is transmitted over one or more of the plurality of communications channels based on the hopping sequence according to the frequency hopping protocol” of claims 10 and 2255

VI. Conclusion58

Marvell Semiconductor, Inc., MediaTek Inc., and MediaTek USA, Inc. jointly petition for *inter partes* review of claims 9-12 and 21-24 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 the 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 9-12 and 21-24 on four grounds: **GROUND 1**: Claims 9, 12, 21, and 24 are anticipated under 35 U.S.C. § 102(e) by Gerten. **GROUND 2**: Claims 10, 11, 22, and 23 are obvious over the combination of Gerten and Cuffaro. **GROUND 3**: Claims 9, 11, 12, 21, 23, and 24 are obvious over Gendel in view of Haartsen. **GROUND 4**: Claims 10 and 22 are obvious over Gendel in view of Haartsen and Sage.

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