Filed on behalf of Qualcomm Incorporated

By: Nathan Rees
Richard Zembek
Eric Hall
R. Ross Viguet
Norton Rose Fulbright US LLP
2200 Ross Avenue, Suite 3600
Dallas, Texas 75201-7932
Tel: (214) 855-7164
Fax: (214) 855-8200

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

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

Page

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

II. Grounds for Standing (37 C.F.R. § 42.104(a)) 2

III. Identification of Challenge (37 C.F.R. § 42.104(b)) 3

A. Statutory grounds for the challenge 3

B. Citation of Prior Art 3

IV. The '624 Patent 4

A. Overview of the '624 Patent 4

B. Level of Ordinary Skill in the Art 7

C. Claim Construction 7

D. Prosecution History of Related Patents 8

V. Grounds of Rejection 9

A. Ground 1: Gerten anticipates claims 1, 4, 13, 16, 25, 28, and 29. 9

1. Overview of Gerten 9

2. Gerten anticipates independent claim 1. 11

a. Gerten discloses "[a] communications device for use in a network of devices" [1P]. 11

b. Gerten discloses "a memory for storing instructions" [1A] and "a processor that is communicatively coupled to the memory, wherein the memory includes instructions which, when processed by the processor, causes" [1B] a set of actions to occur. 11

c. Gerten discloses "selecting, based upon performance of a plurality of communications channels at a first time, a first set of two or more communications channels from the plurality of communications channels"[1Bi]. 13

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

d. Gerten discloses "selecting, based upon performance of the plurality of communications channels at a second time that is later than the first time, a second set of two or more communications channels from the plurality of communications channels" [1Bii]. 14

e. Gerten discloses "a transceiver that is communicatively coupled to the memory and that is configured to transmit to and receive from another communications device" [1C]. 14

f. Gerten discloses "for a first period of time, the first set of two or more communications channels is used to transmit to and receive from the other communications device" [1Di] and "for a second period of time that is after the first period of time, the second set of two or more communications channels is used to transmit to and receive from the other communications device instead of the first set of two or more communications channels." [1Dii]. 15

g. Gerten discloses "wherein the communications device is a first communications device, the other communications device is a second communications device, a default set of two or more communications channels is associated with a hopping sequence and is not changed based on the performance of the plurality of communications channels" [1E]. 16

h. Gerten discloses "the transceiver is configured to transmit to and receive from a third communications device over the default set of two or more communications channels while transmitting to and receiving from the second communications device over the first set of two or more communications channels and while transmitting to and receiving from the second communications device over the second set of two or more communications channels" [1F]. 18

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

3. Gerten anticipates claim 4. 19

a. Gerten discloses "the memory further includes instructions, which when processed by the processor, causes: after selecting the first set of two or more communications channels, causing the first set of two or more communications channels to be loaded into a first register of the communications device and a second register of the other communications device" [4A]. 19

b. Gerten discloses "the memory further includes instructions, which when processed by the processor, causes . . . after selecting the second set of two or more communications channels, causing the second set of two or more communications channels to be loaded into the first register of the communications device and the second register of the other communications device" [4B]. 21

4. Gerten anticipates claims 13, 16, 25, 28 and 29. 22

B. Ground 2: The combination of Gerten and Cuffaro renders claims 2, 3, 14, 15, 26, and 27 obvious. 26

1. Gerten/Cuffaro renders claims 2, 14, and 26 obvious..... 26

a. Gerten/Cuffaro discloses the hopping sequence claim limitations of claims 2, 14, and 26. 26

b. Gerten/Cuffaro 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 2, 14, and 26. 28

c. A POSITA would have combined Gerten and Cuffaro. 30

2. Gerten/Cuffaro renders claims 3, 15, and 27 obvious..... 32

C. Ground 3: The combination of Gendel and Haartsen renders claims 1, 3, 4, 13, 15, 16, 25, 27, 28, and 29 obvious. 37

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

1. Overview of Gendel 37
2. The combination of Gendel and Haartsen renders claim 1 obvious. 39
   a. Gendel discloses "[a] communications device for use in a network of devices" [1P]. 39
   b. Gendel/Haartsen discloses "a memory for storing instructions" [1A] and "a processor that is communicatively coupled to the memory, wherein the memory includes instructions which, when processed by the processor, causes" [1B] a set of actions to occur. 39
   c. Gendel discloses "selecting, based upon performance of the plurality of communications channels at a first time, a first set of two or more communications channels from the plurality of communications channels" [1Bi]. 41
   d. Gendel discloses "selecting, based upon performance of the plurality of communications channels at a second time that is later than the first time, a second set of two or more communications channels from the plurality of communications channels" [1Bii]. 43
   e. Gendel discloses "a transceiver that is communicatively coupled to the memory and that is configured to transmit to and receive from another communications device" [1C]. 44
   f. Gendel discloses "for a first period of time, the first set of two or more communications channels is used to transmit to and receive from the other communications device" [1Di] and "for a second period of time that is after the first period of time, the second set of two or more communications channels is used to transmit to and receive from the other communications device instead of the first set of two or more communications channels." [1Dii]. 45

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.