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Filed on behalf of Qualcomm Incorporated

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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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A. Ground 1: Gerten anticipates claims 9, 12, 21, and 24 10

1. Overview of Gerten 10

2. Gerten anticipates independent claim 9. 13

a. Gerten discloses "[a] computer-readable medium carrying instructions for managing the use of communications channels for a communications system, wherein processing of the instructions by one or more processors causes" [9P] a set of actions to occur. 13

b. 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" [9A]. 15

c. Gerten discloses "the first set of two or more communications channels to be used for communications between a pair of participants" [9B] 16

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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" [9C]..... 16

e. Gerten discloses "the second set of two or more communications channels to be used for communications between the pair of participants instead of the first set of two or more communications channels" [9D]..... 17

f. Gerten discloses "wherein the pair of participants includes a first participant and a second participant, wherein 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" [9E]..... 18

g. Gerten discloses "the computer-readable medium further comprising instructions, which when processed by the one or more processors, cause: the first participant communicating with a third participant over the default set of two or more communications channels while communicating with the second participant over the first set of two or more communications channels and while communicating with the second participant over the second set of two or more communications channels" [9F]..... 19

3. Gerten anticipates claim 12..... 20

a. Gerten discloses "[the] computer-readable medium . . . further comprising instructions, which when processed by the one or more processors, 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 register of each participant of the pair of participants" [12A]..... 20

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b. Gerten discloses "[the] computer-readable medium . . . further comprising instructions, which when processed by the one or more processors, 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 register of each participant of the pair of participants" [12B]. 22

4. Gerten anticipates independent claim 21 and dependent claim 24. 23

B. Ground 2: The combination of Gerten and Cuffaro renders claims 10, 11, 22, and 23 obvious. 25

1. The combination of Gerten and Cuffaro renders claims 10 and 22 obvious 25

a. The combination of Gerten and Cuffaro discloses the hopping sequence claim limitations of claims 10 and 22. 25

b. The combination of Gerten and 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 10 and 22 28

c. A person of ordinary skill in the art would have combined Gerten and Cuffaro. 30

2. The combination of Gerten and Cuffaro renders claims 11 and 23 obvious 31

A. Ground 3: The combination of Gendel and Haartsen renders claims 9, 11, 12, 21, 23, and 24 obvious. 37

1. Overview of Gendel 37

3. The combination of Gendel and Haartsen renders claim 9 obvious. 38

a. The combination of Gendel and Haartsen discloses "[a] computer-readable medium carrying

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instructions for managing the use of communications channels for a communications system, wherein processing of the instructions by one or more processors causes" [9P] a set of actions to occur. 38

b. Gendel discloses "the first set of two or more communications channels to be used for communications between a pair of participants" [9B]..... 43

c. 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" [9C]..... 44

d. Gendel discloses "the second set of two or more communications channels to be used for communications between the pair of participants instead of the first set of two or more communications channels" [9D]..... 45

e. Gendel discloses "wherein the pair of participants includes a first participant and a second participant, wherein 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" [9E]..... 45

f. Gendel discloses "the computer-readable medium further comprising instructions, which when processed by the one or more processors, cause: the first participant communicating with a third participant over the default set of two or more communications channels while communicating with the second participant over the first set of two or more communications channels and while communicating with the second participant over the second set of two or more communications channels" [9F]..... 46

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