UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC,
Patent Owner

_____

Case IPR2015-01725
Patent 5,915,210

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**PATENT OWNER MOBILE TELECOMMUNICATIONS
TECHNOLOGIES, LLC'S PRELIMINARY RESPONSE**

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U.S. Patent and Trademark Office
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I. BACKGROUND

On August 13, 2015, Samsung Electronics Co., Ltd. filed a Petition for *Inter Partes* Review under 37 C.F.R. § 42.100, requesting *inter partes* review of claims 1, 7-8, 10, 15-17, and 19 of the '210 Patent. Petitioner asserts that claims 1, 7-8, 10, 15-17, and 19 of the '210 Patent are unpatentable over the following references under 35 U.S.C. § 103:

Ground 1 - Claims 1, 7-8, 10, 15-17, and 19 as obvious over *Witsaman* in view of *Bingham*.

The '210 Patent, entitled "Method and System for Providing Multicarrier Simulcast Transmission," was filed on July 24, 1997 and issued on June 22, 1999. The '210 Patent claims priority to U.S. Application No. 07/973,918, filed November 12, 1992, U.S. Patent No. 5,590,403 ("the '403 patent").

The '210 Patent describes and claims a method and system for providing multicarrier simulcast transmission.

II. INTRODUCTION

Patent Owner, Mobile Telecommunications Technologies, LLC, submits this Preliminary Response to the Petition for *Inter Partes* Review of claims 1, 7-8, 10, 15-17, and 19 of U.S. Patent No. 5,915,210 ("the '210 Patent"). 37 C.F.R. § 42.107.

Patent Owner respectfully requests that the Board deny the Petition on every ground alleged by Petitioner for, at least, the following reasons.

With regard to Ground 1, U.S. Patent No. 5,365,569 (Ex. 1012, "*Witsaman*") does not disclose "each of the first plurality of carrier signals representing a portion of the information signal substantially not represented by others of the first plurality of carrier signals," as recited in claims 1, 10, and 19 of the '210 Patent. John A. C. Bingham, Multicarrier Modulation for Data Transmission: An Idea Whose Time Has Come, 28 IEEE (Ex. 1015, "*Bingham*") does not cure *Witsaman's* defect and does not disclose or suggest these features. Thus, independent claims 1, 10, and 19 of the '210 Patent are not obvious over *Witsaman* in view of *Bingham*.

Dependent claims 7-8 and 15-17 are not obvious over *Witsaman* in view of *Bingham* because independent claims 1 and 10, from which they depend, respectively, are not obvious over *Witsaman* in view of *Bingham* and because of the additional features these claims recite.

It should be noted that a ground similar to the ground of this IPR was presented in both IPR2014-01036 ("the Apple IPR") and IPR2015-00015 ("the T-Mobile IPR"), and review was <u>not</u> instituted. For example, the Board found in the Apple IPR that "[f]or this additional ground, we exercise our discretion, and do not institute review regarding this alleged ground of unpatentability that claims 1, 10,

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