### UNITED STATES PATENT AND TRADEMARK OFFICE

## BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUGHES NETWORK SYSTEMS, LLC, Petitioner,

 $\mathbf{v}_{\bullet}$ 

ELBIT SYSTEMS LAND AND C4I LTD., Patent Owner.

Case No. IPR2016-00135 Patent No. 7,245,874

PATENT OWNER PRELIMINARY RESPONSE PURSUANT TO 37 C.F.R. § 42.107



## LIST OF EXHIBITS

Exhibit	Description
Ex. 2001	Excerpt of Peterson & Davie, Computer Networks: A System
	Approach (2d ed. 2000) (page 412)



# **TABLE OF CONTENTS**

I.	INT	INTRODUCTION			
II.	OVE	OVERVIEW OF THE '874 PATENT			
III.	SUMMARY OF THE REFERENCES ASSERTED IN THE PETITION			9	
	A.	U.S.	Patent No. 6,459,708 to Cox	9	
	B.	PCT	Application No. WO 95/29576 to Arimilli	12	
	C.	U.S.	Patent No. 6,731,649 to Silverman	15	
IV.	THE	ELEVE	EL OF ORDINARY SKILL IN THE ART	16	
V.	CLAIM CONSTRUCTION			17	
	A.		nch of a Cellular Telephone Network Based on a First hronous Data Communication Protocol"	18	
	B.		chronous Data Communications Protocol" and rnchronous Data Communications Protocol"	20	
VI.	PETITIONER HAS NOT SHOWN A REASONABLE LIKELIHOOD THAT AT LEAST ONE CLAIM OF THE '874 PATENT IS UNPATENTABLE			20	
	A. The Petition Lacks Articulated Reasoning Supported by Evidence for Multiple Claim Limitations		21		
		1.	Grounds 1–5: Petitioner Fails to Show that Arimilli Discloses the Claimed "synchronous data protocol [that] allows non-data carrying time slots"	24	
		2.	Grounds 1–5: Petitioner Fails to Show that Arimilli Discloses "a non-data carrying time slot remover for removing said non-data carrying time slots during conversion into said asynchronous protocol"	33	
		3.	Ground 1: Petitioner Fails to Show that the Preamble of Claim 1 is Disclosed by the Combination of Cox and Arimilli	42	



		4.	Ground 2: Petitioner Fails to Show that Claim 1 is Unpatentable over Cox in View of Silverman Further in View of Arimilli	15
		5.	Ground 3: Petitioner Fails to Show that Claims 8, 11 and 12 are Unpatentable Over Cox in View of Silverman Further in View of Arimilli	
		6.	Ground 4: Petitioner Fails to Show that Claim 9 is Unpatentable Over Cox in View of Silverman Further in View of Arimilli Further in View of Henkel	53
		7.	Ground 5: Petitioner Fails to Show that Claim 10 is Unpatentable Over Cox in View of Silverman Further in View of Arimilli Further in View of Houde	55
	B.		nds 1–5: Petitioner Fails to Perform a Proper <i>Graham</i> 2 Analysis	57
VII	CON	CLUS	JON	60



# **TABLE OF AUTHORITIES**

	Page(s)
Cases and Board Decisions	
Cisco Sys., Inc. v. C-Cation Techs., LLC, IPR2014-00454, Paper 12 (PTAB Aug. 29, 2014)	21, 37
Corning Glass Works v. Sumitomo Elec. U.S.A., Inc., 868 F.2d 1251 (Fed. Cir. 1989)	18
Eaton Corp. v. Rockwell Int'l Corp., 323 F.3d 1332 (Fed. Cir. 2003)	19
Fidelity Nat'l Info. Servs., Inc. v. Datatreasury Corp., IPR2014-00489, Paper 9 (PTAB Aug. 13, 2014)	43
General Elec. Co. v. TAS Energy Inc., IPR2014-00163, Paper 11 (PTAB May 13, 2014)	4, 27, 42, 44
Genetics Inst., LLC v. Novartis Vaccines & Diagnostics, Inc., 655 F.3d 1291 (Fed. Cir. 2011)	23
Georgia-Pacific Corp. v. United States Gypsum Co., 195 F.3d 1322 (Fed. Cir. 1999)	19
Google Inc. v. EveryMD.com LLC, IPR2014-00347, Paper 9 (PTAB May 22, 2014)	22, 58, 59
Graham v. John Deere Co., 383 U.S. 1 (1966)	5, 21, 58
InTouch Techs., Inc. v. VGO Commc'ns, Inc., 751 F.3d 1327 (Fed. Cir. 2014)	24, 33, 39, 42
In re Cuozzo Speed Techs., LLC, 793 F.3d 1268 (Fed. Cir. 2015)	17
<i>In re Kahn</i> , 441 F.3d 977 (Fed. Cir. 2006)	22
<i>In re Translogic Tech., Inc.,</i> 504 F.3d 1249 (Fed. Cir. 2007)	17



# DOCKET A L A R M

# 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.

