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UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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ZTE (USA) INC., HTC CORPORATION, HTC AMERICA, INC., SAMSUNG ELECTRONICS CO., LTD., AND SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

EVOLVED WIRELESS LLC,
Patent Owner.

_____

Case IPR2016-00757[1]
Patent 7,881,236 B2
_____

PATENT OWNER'S REPLY IN SUPPORT OF ITS REQUEST FOR

REHEARING PURSUANT TO 37 C.F.R. § 42.71(d)

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[1]IPR2016-01345 has been consolidated with this proceeding.

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Cases

I.   The Board overlooked Patent Owner's argument that Petitioners had not demonstrated that the proposed combination would transmit the stored Msg 3 buffer data only when the claim limitations were true.

The Board overlooked Patent Owner's argument that Petitioners failed to show that the proposed combination would satisfy the claim limitation of transmitting in all circumstances the stored Msg 3 buffer data *only when* the two limitations were true. Petitioners encourage the Board to continue to overlook this argument because the only conclusion that can reach upon consideration of this argument is that the challenged claims are patentable.

The Board correctly determined that the term "if" in limitations 1(e) and 7(e) in the challenged claims means "only when." FWD at 15. As Patent Owner argued, Petitioners were then required to show that the prior art disclosed that in *all circumstances* the stored Msg 3 buffer data would be transmitted *only when* the two claim limitations were true. *See, e.g.* Res. at 9-24, 29-32, 35-47. However, the Petition and supplemental briefing rely on disclosures that allegedly show transmission of stored Msg 3 buffer data in only one scenario, but, importantly, do not demonstrate that such transmission will occur "only when" the claim limitations are met because they do not address the scenario below. Pet. at 31-32, Opp. at 1-2.

Indeed, the below scenario demonstrates that Petitioners have not shown the proposed combination discloses the "only when" limitation because it proves that

in the proposed combination stored Msg 3 buffer data would be sent in response to

the UL Grant on the PDCCH.

Figure 7 (Ex. 1002 at 48, Figure 10.1.5.1-1, annotated)
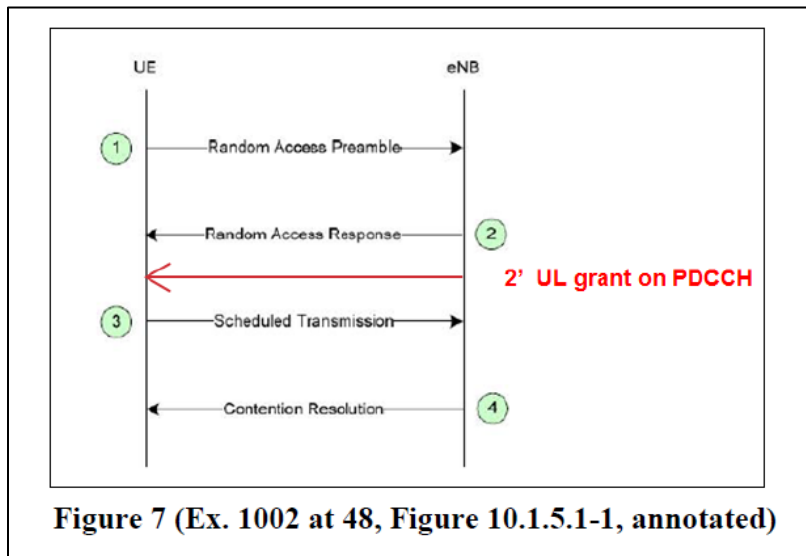
As argued by Patent Owner, Sec. 5.4.2.1 of 36.321 states that stored Msg 3

buffer data will be sent if there is an (1) on-going random access procedure and (2)

stored Msg 3 data. Res. at 42-46; Ex. 1003 at 18. In Fig. 7 above, these two

conditions in 5.4.2.1 would be true such that stored Msg 3 buffer data would be

sent in response to receiving UL Grant on the PDCCH. The UL Grant on the

PDCCH may include a C-RNTI. Ex. 1008 at 10. 36.321 states "[i]f the UE

receives both a grant for its RA-RNTI [random access response] and a grant for its

C-RNTI [PDCCH] [like in Fig. 7], the UE may *choose to continue* with either the

grant for its RA-RNTI or the grant for its C-RNTI." Ex. 1008 at 18 (emphasis

added). Thus, the proposed combination, when faced with the scenario in Fig. 7,

could *choose* to continue with the UL Grant on the PDCCH and transmit stored

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