

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARRIS GROUP, INC., ARUBA NETWORKS, INC.,
HEWLETT PACKARD ENTERPRISE COMPANY, and HP, INC.,
Petitioner,

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC
Patent Owner.

Case IPR2016-00768
Patent 5,659,891¹

Before MEREDITH C. PETRAVICK, SCOTT A. DANIELS, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

**PETITIONERS' CONSOLIDATED REPLY TO
PATENT OWNER'S RESPONSE**

¹ Case IPR2016-00766 has been joined with the instant proceeding.

TABLE OF CONTENTS

I. CLAIM CONSTRUCTION	1
A. “the band edge of the mask” (cls.1, 3, 5).....	1
B. “transmitting carriers from the same location” (cls.1, 3)	14
C. “single mask-defined, bandlimited channel” (cls.1, 3, 5).....	16
II. THE PRIOR ART.....	16
A. Petrovic discloses “frequency difference...between...the outer most...carriers and the band edge of the mask” (cls.1.C, 3.C, 5.D).....	16
B. Petrovic discloses “transmitting said carriers from the same location” (cls.1.B, 3.B).....	26
C. Petrovic discloses “adjacent carriers overlap” (cls.2, 4)	28
D. Petrovic in view of Raith and Alakija renders obvious “co-locating...such that...carriers can be emanated from the same transmission source” (cl.5.B)	36

LIST OF EXHIBITS

Exhibit	Description
Ex. 1001	U.S. Patent 5,659,891 to Hays et al., filed June 7, 1995
Ex. 1002	<i>Mobile Telecommunications Technologies, LLC v. Aruba Networks, Inc., et al.</i> , Case No. 2:16-cv-00012, Plaintiff Mobile Telecommunications Technologies, LLC's Original Complaint (Jan. 4, 2016)
Ex. 1003	Declaration of Apostolos (Paul) Kakaes
Ex. 1004	<i>Apple Inc. v. Mobile Telecommunications Technologies, LLC</i> , Case IPR2014-01035, Decision on Institution of Inter Partes Review (Jan. 22, 2015)
Ex. 1005	<i>Mobile Telecommunications Technologies, LLC v. T-Mobile USA, Inc., et al.</i> , Case No. 2:13-cv-00886-JRG-RSP, Claim Construction Memorandum and Order (Jan. 23, 2015)
Ex. 1006	<i>Mobile Telecommunications Technologies, LLC v. Sprint Nextel Corp., et al.</i> , Case No. 2:12-cv-00832-JRG-RSP, Claim Construction Memorandum and Order (May 2, 2014)
Ex. 1007	<i>Mobile Telecommunications Technologies, LLC v. Leap Wireless International, Inc., et al.</i> , Case No. 2:13-cv-00885-JRG-RSP, Claim Construction Memorandum and Order (May 12, 2015)
Ex. 1008	The American Heritage Dictionary of the English Language, 1902, (3rd ed. 1992)
Ex. 1009	Standards Coordinating Committee 10, Terms and Definitions, The IEEE Standard Dictionary of Electrical and Electronics Terms, 1140, (6th ed. 1996)
Ex. 1010	McGraw-Hill Dictionary of Scientific and Technical Terms, 1644, (5th ed. 1993)
Ex. 1011	<i>Mobile Telecommunications Technologies, LLC v. Clearwire Corp., et al.</i> , Case No. 2:12-cv-00308-JRG-RSP, Claim Construction Memorandum and Order (July 1, 2013)
Ex. 1012	Prosecution History of U.S. Patent 5,659,891 to Hays et al., filed June 7, 1995
Ex. 1013	Rade Petrovic, et al., Permutation Modulation for Advanced Radio Paging, IEEE Proceedings of Southeastcon '93 (Apr. 7, 1993)
Ex. 1014	International Patent WO 89/08355 to Raith et al., filed Feb. 8, 1989

Exhibit	Description
Ex. 1015	C. Alakija and S. P. Stapleton, A Mobile Base Station Phased Array Antenna, 1992 IEEE International Conference on Selected Topics in Wireless Communications 118 (Jun. 1992)
Ex. 1016	IPR2015-01726, Paper No. 9 (Institution Decision)
Ex. 1017	IPR2016-00768, Conference Call Hearing on Motions (Apr. 20, 2016)
Ex. 1018	Rebuttal Declaration of Dr. Apostolos K. Kakaes
Ex. 1019	U.S. Patent No. 5,590,403
Ex. 1020	Declaration of Marissa B. Golub

The Board correctly found at institution that Petitioners established a reasonable likelihood of prevailing in proving claims 1-5 (“Claims”) unpatentable. IPR2016-00768, Pap.13 (“Inst.”), 2. Because the Petition demonstrates unpatentability, Patent Owner’s (“PO”) Response (“POR,” Pap.28) improperly injects limitations into the Claims, and ignores the references’ plain disclosures. PO fails to rebut Petitioners’ evidence.^{2,3}

I. CLAIM CONSTRUCTION⁴

A. “the band edge of the mask” (cls.1, 3, 5)

For purposes of this proceeding, the Board correctly construed “the band edge of the mask” as “a band edge of the single mask-defined bandlimited channel.” Inst.12. The Board’s construction is consistent with the ‘891’s disclosure and a POSITA’s understanding. Ex.1001, cls.1, 3, 5, 1:57-61, 3:16-18,

² PO fails to cite and waives any arguments in Ex.2011¶¶1-8, 10-18, 39, 43, 45, 47, 59-60, 64, 70, 79-80, 86, 88-92, 97-98, 100-104, 107-108, 111, 113, 123-126, 129-134. Pap.14, 3; 37 C.F.R. §42.6(a)(3). Arguments in PO’s Preliminary Response not made in POR are waived. *Id.*

³ Emphasis added, internal quotations/citations omitted, unless noted.

⁴ Because the ‘891 has expired, terms are construed under *Phillips* (Inst.6). *Cf.* POR49.

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.