UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., MICROSOFT CORPORATION, MICROSOFT MOBILE OY,
AND MICROSOFT MOBILE INC. (F/K/A/ NOKIA INC.),

Petitioner

v.

EVOLVED WIRELESS LLC,
Patent Owner.

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Case IPR2016-01229
Patent 7,881,236

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PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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EXHIBIT LIST

APPLE-1001   U.S. Patent No. 7,881,236 to Park, et al. ("the '236 patent")

APPLE-1002   Prosecution History of the '236 Patent ("the Prosecution History")

APPLE-1003   Declaration of Jonathan Wells

APPLE-1004   Curriculum Vitae of Jonathan Wells

APPLE-1005   U.S. Patent No. 8,180,058 ("Kitazoe")

APPLE-1006   Reserved

APPLE-1007   3rd Generation Partnership Project; Technical Specification Group Radio Access Network; Evolved Universal Terrestrial Radio Access (E-UTRA) Medium Access Control (MAC) protocol specification (Release 8), 3GPP TS-36.321 V8.1.0, (March 2008) ("3GPP TS-36.321")

APPLE-1008   U.S. Patent No. 6,634,020 ("Bates")

APPLE-1009   U.S. Publication No. 20090163211 ("Kitazoe-II")

APPLE-1010   U.S. Publication 20080059658 ("Williams")

APPLE-1011   Van den Brand et al., Streaming consistency: a model for efficient MPSoC design, 10th Euromicro Conference on Digital System Design Architectures, Methods and Tools (2007) ("Van den Brand")

APPLE-1012   U.S. Patent No. 6,161,160 ("Niu")

APPLE-1013   U.S. Provisional No. 60/955,867 ("Kitazoe Provisional")

APPLE-1014   U.S. Patent No. 6,772,417 ("Ko")

APPLE-1015   U.S. Patent No. 7,675,905 ("Delaney")

APPLE-1016   U.S. Provisional No. 61/015,159 ("Kitazoe-II Provisional")

APPLE-1017   Joint Claim Construction Statement from Case Nos. 15-542-SLR-SRF, 15-543-SLR-SRF, 15-544-SLR-SRF, 15-545-SLR-SRF, 15-546-SLR-SRF, 15-547-SLR-SRF filed in N.D. Del. On May 17, 2016 ("Joint Claim Construction Statement")

APPLE-1018   "3GPP FAQs," available at http://www.3gpp.org/about-3gpp/3gpp-faqs (retrieved June 20, 2016)

APPLE-1019   "3GPP specification: 36.321," available at http://www.3gpp.org/DynaReport/36321.htm (retrieved June 20, 2016)

APPLE-1020   "3GPP specification: 36.321," archived by the Internet Archive Wayback Machine on May 5, 2008, available at https://web.archive.org/web/20080505041953/http://www.3gpp.org/ftp/Specs/htmlinfo/36321.htm (retrieved June 20, 2016)

APPLE-1021   Declaration of Anne Koch Baland

APPLE-1022   U.S. Patent No. 6,986,122 to Garvey ("Garvey")

I.   Introduction

Petitioners submit this Reply to Patent Owner's Response (Paper 14, hereinafter the "POR"). The POR largely rehashes arguments previously presented in Patent Owner's Preliminary Response and found unpersuasive by the Board at institution. In repeating these arguments, Patent Owner continues its attempt to rewrite the plain language of the claims to replace the claim term "if" with the narrower term "only if" in an effort avoid the prior art.

Patent Owner also fails to provide any credible evidence to support its rehashed arguments. Patent Owner repeatedly cites to Exhibit 2009, styled as a "declaration," for support. But Exhibit 2009 does not include the required warnings regarding the penalties for perjury or a statement by the declarant regarding the truth of the statements therein. Thus, the exhibit falls short of the requirements for declarations in IPR proceedings, and is entitled to no weight. *See* 37 CFR § 1.68; *Fedex v. Katz*, CBM2015-00053, Paper 9 at 7-8 (PTAB June 29, 2015); *Bumble Bee Foods v. Kowalski*, Case IPR2014-00224, Paper 18 at pp. 14-15 (PTAB June 5, 2014).

Nothing in the Patent Owner Response justifies a change in the preliminary conclusions set forth in the Institution Decision. Thus, the Board should maintain conclusions set forth in its Institution Decision and find the Challenged Claims obvious.

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