#### UNITED STATES PATENT AND TRADEMARK OFFICE

#### BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) Inc.,

Petitioner

V.

Evolved Wireless LLC,

Patent Owner

## PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT NO. 8,218,481

Case No. IPR2016-01349

### **Mail Stop Patent Board**

Patent Trial and Appeal Board U.S. Patent and Trademark Office P.O. Box 1450 Alexandria, VA 22313-1450



## **TABLE OF CONTENTS**

Exhib	oits		iv	
I.	Mandatory Notices (37 C.F.R § 42.8(a)(1))			
	A.	Real Party-In-Interest (37 C.F.R. § 42.8(b)(1))	1	
	B.	Related Matters (37 C.F.R. § 42.8(b)(2))	1	
	C.	Lead And Back-Up Counsel And Service Information	2	
II.	Paym	ent of Fees (37 C.F.R. § 42.103)	2	
III.	Requ	irements For Inter Partes Review (37 C.F.R. § 42.104)	3	
	A.	Grounds for Standing (37 C.F.R. § 42.104(a))	3	
	B.	Challenge Under 37 C.F.R. § 42.104(b) and Relief Requested	3	
	C.	Claim Construction under 37 C.F.R. §§ 42.104(b)(3)	11	
		1. Preambles (claims 1 and 8)	11	
		2. "preamble generation unit" and "transmission unit" (claim 8)	16	
		3. "repeating a specific sequence, having a length (L), N times to generate a consecutive sequence having a length (N*L)" (claims 1 and 8)	17	
IV.	Sumr	Summary of the '481 Patent		
	A.	Brief Description	18	
	B.	Summary of the Prosecution History of the '481 Patent	20	
V.	Revie	ner Of Applying Cited Prior Art To Every Claim For Which An <i>Inter Partes</i> ew Is Requested, Thus Establishing A Reasonable Likelihood That At Least Claim Of The '481 Patent Is Unpatentable	20	
	A.	Ground 1A: IEEE802.16-2004 anticipates claims 1 and 15		
		1. IEEE802.16-2004 anticipates claim 1	26	
		2. IEEE802.16-2004 anticipates claim 15		
	B.	Ground 1B: IEEE802.16-2004 in view of Chou renders obvious claims 8 and 16		



	1.	IEEE802.16-2004 in view of Chou renders obvious claim 8	35	
	2.	IEEE802.16-2004 in view of Chou renders obvious claim 16	42	
C.	Ground 1C: IEEE802.16-2004 in view of Tan renders obvious claims 2-4 and 6			
	1.	IEEE802.16-2004 in view of Tan renders obvious claim 2	42	
	2.	IEEE802.16-2004 in view of Tan renders obvious claim 3	46	
	3.	IEEE802.16-2004 in view of Tan renders obvious claim 4	50	
	4.	IEEE802.16-2004 in view of Tan renders obvious claim 6	51	
D.	Ground 1D: IEEE802.16-2004 in view of Chou and Tan renders obvious claims 9-11 and 13			
	1.	IEEE802.16-2004 in view of Chou and Tan renders obvious claim 9	55	
	2.	IEEE802.16-2004 in view of Chou and Tan renders obvious claim 10	56	
	3.	IEEE802.16-2004 in view of Chou and Tan renders obvious claim 11	56	
	4.	IEEE802.16-2004 in view of Chou and Tan renders obvious claim 13	57	
E.		nd 2A: IEEE802.16e-2005 in view of IEEE802.16-2004 renders us claims 1 and 15	57	
	1.	IEEE802.16e-2005 in view of IEEE802.16-2004 renders obvious claim 1	58	
	2.	IEEE802.16e-2005 in view of IEEE802.16-2004 renders obvious claim 15	60	
F.	Ground 2B: IEEE802.16e-2005 in view of IEEE802.16-2004 and Chou renders obvious claims 8 and 16			
	1.	IEEE802.16e-2005 in view of IEEE802.16-2004 and Chou renders obvious claim 8	61	
	2.	IEEE802.16e-2005 in view of IEEE802.16-2004 and Chou renders obvious claim 16	63	



	G.	Ground 2C: IEEE802.16e-2005 in view of IEEE802.16-2004 and Tan renders obvious claims 2-4 and 6	63
	H.	Ground 2D: IEEE802.16e-2005 in view of IEEE802.16-2004, Chou and Tan renders obvious claims 9-11 and 13	64
VI.	Redui	ndancy	65
VII.	Concl	Conclusion	
CERT	TIFICA'	TION UNDER 37 C F R 8 42 24(d)	1



## **Exhibits**

1001	U.S. Patent No. 8,218,481 to Kwon, et al. ("the '481 patent")
1002	Excerpts from the Prosecution History of the '481 Patent ("the Prosecution History")
1003	Declaration of Jonathan Wells
1004	Curriculum Vitae of Jonathan Wells
1005	IEEE 802.16-2004 Standard, entitled "IEEE Standard for Local and Metropolitan Area Networks Part 16: Air Interface for Fixed Broadband Wireless Access Systems" ("IEEE802.16-2004")
1006	Declaration of Mr. David Ringle for IEEE802.16-2004
1007	Provisional Application No. 60/759,697 of U.S. Patent No. 8,000,305 to Tan et al. ("Tan Provisional")
1008	IEEE 802.16e-2005 Standard, entitled "802.16e-2005 and IEEE Std 802.16-2004/Cor1-2005 - IEEE Standard for Local and Metropolitan Area Networks Part 16: Air Interface for Fixed and Mobile Broadband Wireless Access Systems Amendment 2: Physical and Medium Access Control Layers for Combined Fixed and Mobile Operation in Licensed Bands and Corrigendum 1" ("IEEE802.16e-2005")
1009	Declaration of Mr. David Ringle for IEEE802.16e-2005
1010	U.S. Patent No. 8,977,258 to Chou ("Chou")
1011	U.S. Patent No. US 7,417,970 to Shaheen ("Shaheen")
1012	U.S. Patent No. US 6,944,453 to Faerber et al. ("Faerber")
1013	U.S. Patent No. US 7,599,327 to Zhuang et al. ("Zhuang")
1014	U.S. Patent Application Publication Number 2006/0274843 to Koo et al. ("Koo")
1015	U.S. Patent No. US 6,374,080 to Uchida ("Uchida")



# 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.

