

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA) Inc.,

Petitioner,

V.

Evolved Wireless LLC,

Patent Owner

Case IPR2016-01349

Patent 8,218,481

**PATENT OWNER'S PRELIMINARY RESPONSE TO
PETITIONERS' PETITION FOR INTER PARTES REVIEW OF UNITED
STATES PATENT NO. 8,218,481**

TABLE OF CONTENTS

	Page
I. INTRODUCTION	1
II. FACTUAL BACKGROUND.....	2
A. United States Patent No. 8,218,481	2
B. Challenged Claims	4
C. Prosecution History	6
D. Overview of Petition for <i>Inter Partes</i> Review	9
1. IEEE802.16-2004.....	10
2. IEEE802.16-2005.....	11
3. Chou	12
4. Tan.....	12
III. CLAIM CONSTRUCTION	13
IV. the petition is redundant	16
V. PETITIONER fails to establish a reasonable likelihood of success as to any challenged claim	17
A. Legal Standard.....	17
B. The Prior Art Structure Relied Upon by Petitioner Is Materially Identical to the Structure Before the Examiner During Prosecution	18
1. IEEE802.16-2004 Fails to Disclose “generating said preamble sequence by concatenating a single cyclic prefix (CP) to a front end of said consecutive sequence”	21
2. IEEE802.16-2004 Fails to Disclose “repeating a specific sequence, having a length (L), N times to generate a consecutive sequence having a length (N*L)”	24

C. The Same Argument Was Presented to the Office During
Prosecution28

VI. CONCLUSION.....29

TABLE OF AUTHORITIES

Page(s)

Cases

Apple, Inc. v. Evolved Wireless, LLC,
IPR2016-00981, Paper 2.....16

CFMT, Inc. v. Yieldup Intern. Corp.,
349 F.3d 1333 (Fed. Cir. 2003)17

*In re Cyclobenzaprine Hydrochloride Extended—Release Capsule
Patent Litig.*,
676 F.3d 1063 (Fed. Cir. 2012)18

Kinetic Concepts, Inc. v. Smith & Nephew, Inc.,
688 F.3d 1342 (Fed. Cir. 2012)17

Prism Pharma Co., Ltd. v. Choongwae Pharma Corp.,
IPR2014-00315, Paper 14 (May 20, 2014).....29

Procter & Gamble Co. v. Teva Pharm. USA, Inc.,
566 F.3d 989 (Fed. Cir. 2009)17

Sanofi-Synthelabo, Inc. v. Apotex, Inc.,
550 F 3d 1075 (Fed. Cir. 2008)17

Unified Patents, Inc. v. PersonalWeb Techs., LLC,
Case No. IPR2014-00702, Paper 13 (P.T.A.B. July 24, 2014)16

Statutes

35 U.S.C. § 314(a)18

35 U.S.C. § 325(d)1, 2, 16, 18, 29

35 U.S.C. § 3712

Other Authorities

37 C.F.R. § 42.100(b)13

37 C.F.R. § 42.20(c).....17

37 C.F.R. § 42.1071
37 C.F.R. § 42.108(c).....17

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.