

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

<i>In re</i> patent of Michel, <i>et al.</i>	§	Petition for <i>Inter Partes</i> Review
	§	
U.S. Patent No. 8,457,676	§	Attorney Docket No.: 52959.20
	§	Customer No.: 27683
Issued: June 4, 2013	§	
	§	Real Party in Interest:
Title: Power Headroom Reporting Method	§	Apple Inc.
	§	
	§	

Supplemental Declaration of Zygmunt J. Haas, Ph.D.
Under 37 C.F.R. § 1.68

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I. INTRODUCTION

1. My qualifications and experience, the level of ordinary skill in the art, and legal standards, are detailed in ¶¶ 7-21 in my previous declaration submitted as exhibit APPL-1006 (“Haas Decl.”) in this IPR, i.e., IPR2016-01493.

2. In the preparation of this declaration, I have studied the Declaration of Dr. Jay P. Kesan, Ex. 2007 (“Kesan Decl.”), and the exhibits cited in Dr. Kesan’s declaration where necessary, including the Bark reference (APPL-1005) and including Dr. Kesan’s newly submitted Exs. 2001-2006.

3. In forming the opinions expressed below, I have considered:

- (1) The documents listed above, and
- (2) My own knowledge and experience based upon my work in the field of wireless communications.

4. I have been asked by Petitioner to respond to some particular points raised by Patent Owner, which are addressed in my analysis below.

II. CLAIMS 3 AND 21 ARE OBVIOUS

5. Claim 3 of the ’676 patent includes an “absolute difference” and is recited below for reference.

3. The method of claim 1, wherein the set of at least one triggering criterion comprises a triggering criterion such that an absolute difference between current and most recent path loss measurements has reached a threshold of difference.

APPL-1001, 6:44-47. Claim 21 is similar. Further, I previously construed “absolute difference” to be “absolute value of a difference,” APPL-1006, ¶ 46, and my understanding is that this is uncontested.

6. As shown below, I previously explained that Bark teaches “a threshold value for the measured change” of a parameter is provided to the mobile station, and the “measured parameter value can be path loss”:

Third, Bark teaches that one of its trigger events is defined by how quickly a measured parameter value changes (*i.e.*, how large is the absolute difference between two consecutive measurements of the parameter value—as indicated by the slope of a plot of the measured parameter value). A threshold value for the measured parameter change is provided to the mobile station:

“Another example event is now described in conjunction with FIG. 12. Here *the event is defined based on how quickly the measured parameter value for a channel changes. . . . The threshold value for the parameter change or slope is provided to the mobile station in the measurement control message.*” *Id.*, 11:11-20.

APPL-1006, p. 56.

Fourth, Bark teaches that its measured parameter value can be path loss:

“Qualitative and/or quantitative parameters may be specified and measured. Non-limiting example parameters include measured signal strength, signal power, bit error rate, signal-to-interference ratio, path loss, traffic volume, timing/synchronization offsets, etc.” APPL-1005, 7:59-63.

7. In reference to Figure 12 of Bark, I previously explained that “it would have been well known to a POSITA that the way signals were typically measured is in discrete time, not continuous time.” APPL-1006, p. 55. I also explained that samples of path loss would have been uniformly spaced (corresponding to periodic sampling). *Id.* at 56. Thus, POSITA would have understood that parameters, such as path loss, would have been periodically measured, resulting in uniformly spaced samples. I previously cropped and annotated Fig. 12 from Bark with “x” marks used to represent such “uniformly spaced samples.” APPL-1006, pp. 56-57. Below is one such an example.

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