

Filed on behalf of Cellular Communications Equipment LLC

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,  
Patent Owner.

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Case IPR2016-01493  
U.S. Patent No. 8,457,676

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**PATENT OWNER'S PRELIMINARY RESPONSE**

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## Table of Contents

I.	INTRODUCTION.....	1
A.	Grounds in the Petition .....	2
B.	Introduction to the Technology of the '676 Patent.....	3
II.	CLAIM CONSTRUCTION .....	13
A.	“power control headroom report” (Claims 1, 19).....	14
B.	“absolute difference” (Claims 3, 21). .....	16
C.	“memory including software, where the at least one memory and the software are configured, with the at least one processor, to cause the apparatus to at least: determine that a set of at least one triggering criterion is met” (Claim 19). .....	16
III.	ARGUMENT .....	17
A.	The Combination of Fong and Ericsson does not Disclose “wherein the set of at least one triggering criterion comprises a criterion being met based on reaching a threshold of the at least one threshold of k transmission time intervals following a previous power control headroom report” as Recited in the Independent Claims. ....	17
B.	Petitioner Fails to Show Fong, Ericsson, and Bark Disclose “triggering criterion such that an absolute difference between current and most recent path-loss measurements has reached a threshold of difference” and also fails to demonstrate a motivation to combine these references.....	23
IV.	CONCLUSION .....	27

## I. INTRODUCTION

Patent Owner Cellular Communications Equipment LLC (“CCE” or “Patent Owner”) hereby files this preliminary response (“Preliminary Response”) to the Petition (Paper 1) (the “Petition”) for *Inter Partes* Review of U.S. Patent No. 8,457,676 (Ex. 1001) (the “’676 Patent”) in IPR2016-01493 filed by Apple Inc. (“Apple” or “Petitioner”).

The Petitioner’s challenge to the ’676 Patent claims should be rejected because (1) U.S. Patent Pub. No. 2004/0223455 (Ex. 1003) (“*Fong*”) and a Standards discussion group meeting “contribution” document provided by Ericsson titled “Filtering for UE Power Headroom Measurement,” R2-052744 (Ex. 1004) (“*Ericsson*”), the sole basis of Petitioner’s obviousness ground against independent claims 1, and 19 of the ’676 Patent, fail to disclose, both separately and in combination, at least one material limitation of each claim; and (2) U.S. Patent No. 6,445,917 (Ex. 1005) (“*Bark*”) does not disclose the limitation for which it is offered and Petitioner has additionally failed to show a motivation to combine *Fong*, *Ericsson*, and *Bark* — the combination of art that forms the basis of Petitioner’s obviousness claim asserted against dependent claims 3 and 21 of the ’676 Patent.

This Response is timely under 35 U.S.C. § 313 and 37 C.F.R. §§ 1.7, 42.107(b), as it is filed on the next business day following three months from the August 12, 2016 mailing date of the Notice of Filing Date Accorded to Petition and

Time for Filing Patent Owner Preliminary Response. Paper 3. For purposes of this Preliminary Response, Patent Owner has limited its identification of deficiencies in the Petition and does not intend to waive any arguments not addressed in this Preliminary Response.

***A. Grounds in the Petition***

The Petition includes two grounds of alleged invalidity; all of the grounds rely on the combination of *Fong* and *Ericsson* for allegedly rendering obvious independent claims 1 and 19 of the '676 Patent under 35 U.S.C. § 103. Ground 2 addresses only dependent claims 3 and 21 and relies upon an additional reference as shown below.

<b>Ground</b>	<b>References Combined</b>	<b>Independent Claims</b>	<b>Dependent Claims</b>
1	<i>Fong</i> and <i>Ericsson</i>	1, 19	
2	<i>Fong</i> , <i>Ericsson</i> , and <i>Bark</i>		3, 21

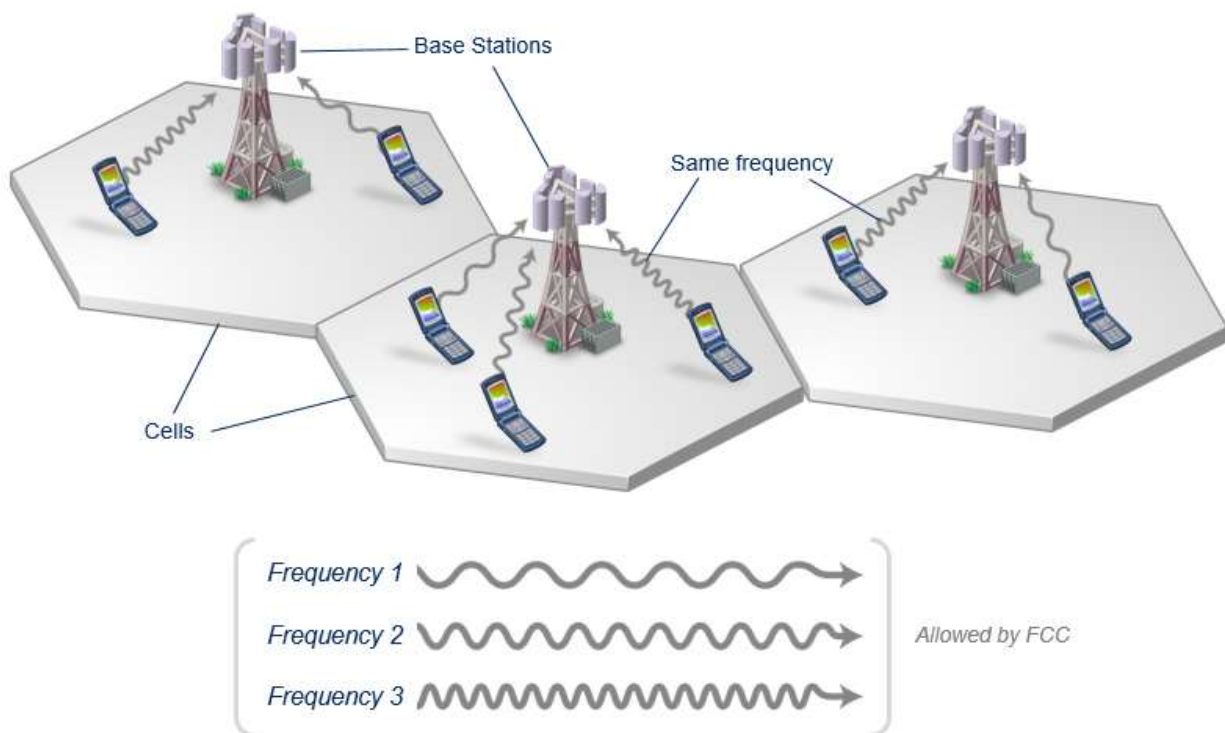
Pet. at 7-8.

As discussed in detail below, Petitioner fails to show that *Fong* and *Ericsson* disclose, either separately or in combination, all limitations in the independent claims, including, for example, “wherein the set of at least one triggering criterion comprises a criterion being met based on reaching a threshold of the at least one threshold of k transmission time intervals following a previous power control headroom report.” Further, Petitioner fails to meet its burden to prove that any of the challenged claims would be obvious because Petitioner has not shown sufficient

reasons to combine the various embodiments and references. Thus, the Petition **does not** demonstrate a reasonable likelihood that any of the proposed grounds of unpatentability will succeed for any claim of the '676 patent.

### ***B. Introduction to the Technology of the '676 Patent***

The following section provides an introduction to the network technologies related to the '676 Patent.



Cellular networks are built on the principle of “cells.” They provide coverage over large areas by implementing an array of smaller cells that house equipment, known as base stations, supporting a relatively smaller service area. A large number of these “cells” are aggregated to provide coverage across a wide area. Base stations enable mobile devices such as cell phones to communicate with them wirelessly

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