

Filed on behalf of Cellular Communications Equipment LLC

By: Terry A. Saad (tsaad@bcpc-law.com)  
Jeffrey R. Bragalone (jbragalone@bcpc-law.com)  
Daniel F. Olejko (dolejko@bcpc-law.com)  
Nicholas C. Kliewer (nkliewer@bcpc-law.com)  
Bragalone Conroy PC  
2200 Ross Ave.  
Suite 4500 – West  
Dallas, TX 75201  
Tel: 214.785.6670  
Fax: 214.786.6680

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

HTC CORPORATION and HTC AMERICA, INC.,  
Petitioners,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,  
Patent Owner.

---

Case IPR2016-01501  
U.S. Patent No. 8,457,676

---

**PATENT OWNER'S RESPONSE TO PETITION FOR INTER PARTES  
REVIEW OF U.S. PATENT NO. 8,457,676**

Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**TABLE OF CONTENTS**

I. INTRODUCTION ..... 1

II. OVERVIEW OF THE TECHNOLOGY OF THE '676 PATENT ..... 2

III. CLAIM CONSTRUCTION ..... 12

IV. ARGUMENT..... 14

    A. The '676 Patent Solves Problems Directed to 4<sup>th</sup> Generation LTE Systems, But Kwak Is Directed to a 3<sup>rd</sup> Generation WCDMA System. .... 14

    B. Petitioners Have Failed to Show by A Preponderance of Evidence That Kwak Renders Claims 1, 19, and/or 33 Obvious..... 15

        1. Kwak does not disclose the limitation “wherein said at least one threshold is adjustable via a signal to the user equipment.” ..... 16

        2. Kwak does not disclose the limitation “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, wherein k is an integer.” ..... 19

        3. Kwak does not disclose the limitation “wherein said at least one threshold adjustable via the signal comprises adjusting the threshold integer k.” ..... 25

V. CONCLUSION ..... 26

**PATENT OWNER'S EXHIBIT LIST**

<b>Exhibit No.</b>	<b>Description</b>
2001	Excerpts from <i>LTE - The UMTS Long Term Evolution: From Theory to Practice</i> , Stefania Sesia, Issam Toufik, Matthew Baker, John Wiley & Sons, 2011
2002	Excerpts from <i>UMTS Networks: Architecture, Mobility and Services</i> , Heikki Kaaranen, John Wiley & Sons, 2005
2003	Excerpts from <i>Fundamentals of LTE</i> , Arunabha Ghosh, Jun Zhang, Jeffrey G. Andrews, Rias Muhamed, Prentice Hall, 2010
2004	Williams Deposition Transcript
2005	Declaration of Dr. Jay P Kesan

## I. INTRODUCTION

Patent Owner Cellular Communications Equipment LLC (“CCE” or “Patent Owner”) hereby files this response (“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 IPR2016-01501 filed by HTC Corporation and HTC America, Inc. (collectively “HTC” or “Petitioners”) on the grounds instituted for trial by the Decision (Paper 7) of the Patent Trial and Appeal Board.

“In an *inter partes* review instituted under this chapter, the petitioner shall have the burden of proving a proposition of unpatentability by a preponderance of the evidence.” 35 U.S.C. § 316(e). Petitioner has failed to carry that burden for the reasons outlined below.

In its Institution Decision, the Board instituted trial on Petitioner’s challenges to claims 1, 19, and 33 based on a single ground of unpatentability:

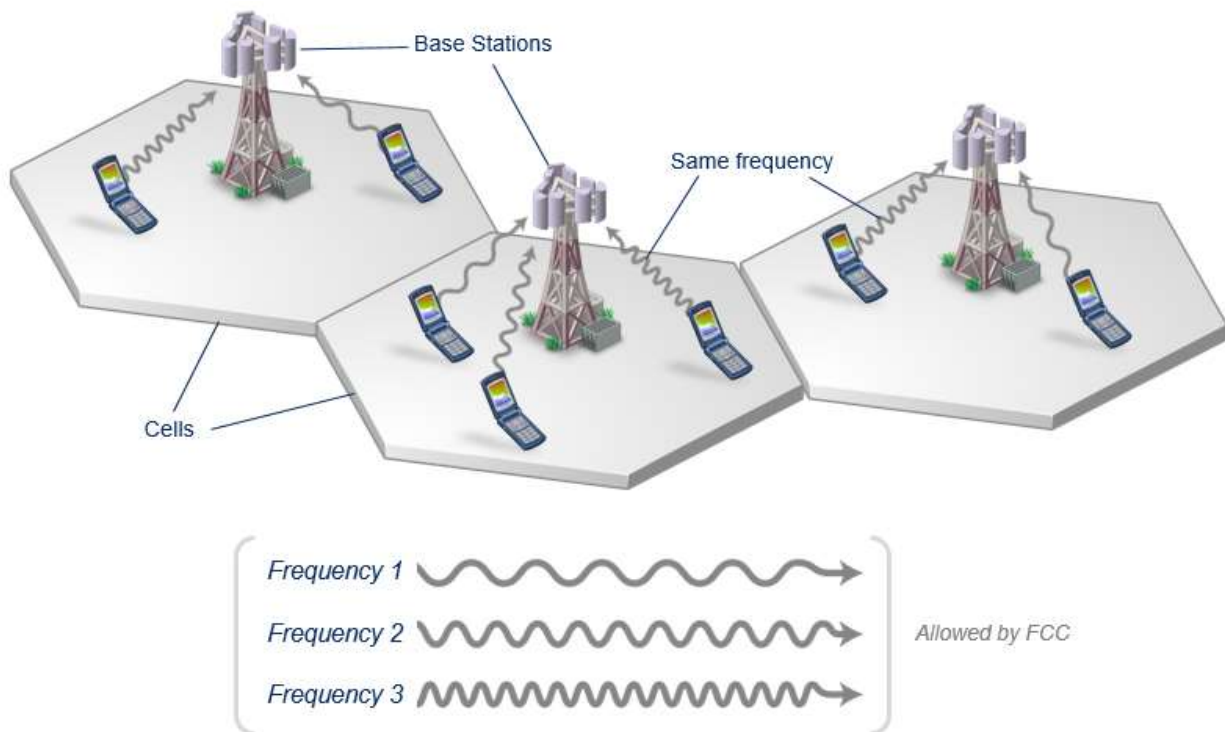
- Obviousness under 35 U.S.C. 103(a) of claims 1, 19, and 33 of the ’676 patent in view of U.S. Patent App. Pub. No. 2006/0140154 A1 (“*Kwak*”).

However, the Petitioners’ challenge to the ’676 Patent claims should be rejected because U.S. Patent App. Pub. No. 2006/0140154 A1 (“*Kwak*”) fails to teach or suggest one or more material limitations of each of the challenged claims. Petitioner’s reliance on the testimony of Dr. Williams as evidence fails to result in a

showing by a preponderance of evidence that claims 1, 19, and/or 33 are obvious in view of Kwak.

## II. OVERVIEW OF THE TECHNOLOGY OF THE '676 PATENT

The following 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 using certain electromagnetic radio frequencies known as the wireless spectrum.

# 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.