

Filed on behalf of Cellular Communications Equipment LLC

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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

**MOTION FOR OBSERVATION OF CROSS-EXAMINATION OF
TIM A. WILLIAMS, PH.D.**

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

Patent Owner Cellular Communications Equipment LLC (“CCE”) hereby files this motion for observation of the testimony of Dr. Tim A. Williams obtained on September 19, 2017, during the cross-examination of his Second Declaration (Exhibit 1008). This motion includes one exhibit—the transcript of the testimony of Dr. Williams during his cross-examination on September 19, 2017 (Exhibit 2006).

Observation No. 1

In Exhibit 2006, on page 20, line 11 through page 22, line 21, the witness testified that the inventors of the ’676 patent described the problem they sought to solve using a reference to an “eNode-B” which the witness testified is specific nomenclature used in an LTE system. That testimony is relevant to Patent Owner’s argument on pages 14-15 of the Patent Owner Response (Paper 11). The testimony is relevant because Patent Owner has argued that the problem that the inventors sought to solve impacts the perspective of a person of skill in the art.

Observation No. 2

In Exhibit 2006, on page 24, line 9 through page 25, line 15, the witness testified that the inventors of the ’676 patent identified one of the problems they sought to solve as related to 3GPP’s inability to find satisfactory criteria for sending power control headroom reports to an eNode-B from a user terminal and that statement refers to the ongoing efforts for developing the LTE standard at the time of the invention. That testimony is relevant to Patent Owner’s argument on pages

14-15 of the Patent Owner Response (Paper 11). The testimony is relevant because Patent Owner has argued that the problem that the inventors sought to solve impacts the perspective of a person of skill in the art.

Observation No. 3

In Exhibit 2006, on page 30, lines 2-12, the witness testified that 3rd Generation WCDMA systems are derived from CDMA technology, whereas 4th Generation LTE Systems are not derived from CDMA technology. That testimony is relevant to Patent Owner's argument that WCDMA systems did not reflect the same needs for power headroom reporting as LTE systems on pages 14-15 of the Patent Owner Response (Paper 11). The testimony is relevant because the parties' positions differ as to the significance of the differences between the systems of the '676 patent and the Kwak reference.

Observation No. 4

In Exhibit 2006, on page 33, line 25 through page 34, line 18, the witness testified that there are differences in the power control implementations of 3G WCDMA systems and 4G LTE systems, but he did not consider them relevant to his analysis. That testimony is relevant to Patent Owner's argument that Kwak does not offer a solution analogous to the power headroom reporting criteria that hold specific benefit to an LTE implementation on pages 14-15 of the Patent Owner Response (Paper 11). The testimony is relevant because the witness holds an opinion that

differs from the opinion of Dr. Kesan regarding the significance of such differences in power control between WCDMA and LTE and the influence those differences would have had on a person of ordinary skill in the art at the time of the invention.

Observation No. 5

In Exhibit 2006, on page 41, line 1-15, the witness testified the portion of the '676 patent that refers to the parameter "k" being "configured via RRC signaling" would, in his opinion, be understood by one of ordinary skill in the art to imply the ability to adjust parameters at the UE. That testimony is relevant to Dr. Kesan's testimony that the same portion of the patent describing the parameters to be "configured" does *not* indicate that the parameters are adjustable, but instead indicates that the parameters are merely set, at Exhibit 1009, at page 133, line 21 through page 134, line 18. That testimony is also relevant to Patent Owner's argument that Kwak's disclosure of a parameter "notified to the UE" does not disclose or render obvious that the parameter (TPS Period) is adjustable at pages 16-19 of Patent Owner's Response (Paper 11). The testimony is relevant because the witness holds an opinion that differs from the opinion of Dr. Kesan regarding whether a person of ordinary skill in the art would understand "configuring a parameter by RRC" to imply "adjusting" the parameter.

Observation No. 5

In Exhibit 2006, on page 54, lines 1-12, the witness testified that, as used by

Kwak to describe the TPS period as a “predetermined fixed value,” he understands the term “predetermined” to mean “determined before the UE ever gets into the field or is ever provisioned on the network.” That testimony is relevant to Patent Owner’s argument that Kwak’s disclosure of a parameter “notified to the UE” does not disclose or render obvious that the parameter (TPS Period) is adjustable at pages 16-19 of Patent Owner’s Response (Paper 11). The testimony is relevant because Petitioner identifies the TPS Period as an adjustable threshold based on Kwak’s disclosure of the TPS Period as either a “predetermined fixed value” or “notified to the UE.”

Observation No. 6

In Exhibit 2006, on page 54, lines 16-19, the witness testified that, as used by Kwak to describe the TPS period as a “predetermined fixed value,” he understands the term “fixed” to mean “that the value cannot be changed.” That testimony is relevant to Patent Owner’s argument that the TPS Period of Kwak is not disclosed to be adjustable at pages 16-19 of Patent Owner’s Response (Paper 11). The testimony is relevant because Petitioner identifies the TPS Period as an adjustable threshold based on Kwak’s disclosure of the TPS Period as either a “predetermined fixed value” or “notified to the UE.”

Observation No. 7

In Exhibit 2006, on page 54, line 20 through page 55, line 2, the witness

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