Paper No. 20

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HTC CORPORATION and HTC AMERICA, INC.,

Petitioners,

v.

CELLULAR COMMUNICATIONS EQUIPMENT LLC,

Patent Owner.

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Case IPR2016-01501

Patent 8,457,676

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PETITIONER'S RESPONSE TO PATENT OWNER'S MOTION FOR OBSERVATION ON CROSS EXAMINATION

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I. INTRODUCTION

In accordance with: (i) the Scheduling Order (Paper No. 8) dated February 13, 2017, Petitioners HTC Corporation and HTC America, Inc. ("Petitioner") hereby submit the instant Response to Patent Owner's Motion for Observations on Cross Examination, filed by Patent Owner on October 4, 2017 (Paper No. 16).

II. RESPONSE TO PATENT OWNER OBSERVATIONS 1-16

A. Response to Observation 1

Patent Owner suggests that Dr. Williams's testimony that the inventors made reference to an "eNode-B" somehow supports its argument that the problem the inventors sought to solve is limited to LTE systems. Patent Owner's observation is irrelevant. As Dr. Williams explained, the problem to be solved was not limited to LTE systems, and the inventors expressly stated that their purported solution was not limited to an LTE environment but rather is applicable to other current and future wireless telecommunication systems and access technologies, including WCDMA. *E.g.*, Ex. 2006, 22:19-24:8; *see also id.* 25:16-26:25, 29:4-30:18; Ex. 1008 ¶¶ 14-16.

B. Response to Observation 2

Patent Owner suggests that Dr. Williams's testimony about the efforts to develop the LTE standard somehow supports its argument that the problem the inventors sought to solve is limited to LTE systems. Patent Owner's observation is irrelevant. As Dr. Williams explained, the problem to be solved was not limited to LTE systems, and the inventors expressly stated that their purported solution was

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not limited to an LTE environment but rather is applicable to other current and future wireless telecommunication systems and access technologies, including WCDMA. *E.g.,* Ex. 2006, 25:16-26:25; *see also id.* 22:19-24:8, 29:4-30:18; Ex. 1008 ¶¶ 14-16.

C. Response to Observation 3

Patent Owner suggests that Dr. Williams's testimony about the technology from which WCDMA and LTE systems are derived somehow supports its argument that there are meaningful differences between the '676 patent and the Kwak reference. Patent Owner's observation is irrelevant. As Dr. Williams explained, the differences between LTE and WCDMA are primarily related to the PHY layer, not the MAC layer, and the differences between those systems are not relevant to the claimed invention of the '676 patent. *E.g.,* Ex. 2006, 30:6-18, 33:6-34:18, 37:11-38:22; *see also id.* 22:19-24:8, 25:16-26:25, 29:4-30:18; Ex. 1008 ¶¶ 14-16.

D. Response to Observation 4

Patent Owner suggests that Dr. Williams's testimony about the differences in power control implementation between WCDMA and LTE systems are somehow supports its argument that there are meaningful differences between the '676 patent and the Kwak reference. Patent Owner's observation is irrelevant. As Dr. Williams explained, the differences between LTE and WCDMA are primarily related to the PHY layer, not the MAC layer, and the differences between those systems are not relevant to the claimed invention of the '676 patent. *E.g.,* Ex. 2006, 30:6-18, 33:6-

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34:18, 37:11-38:22; *see also id.* 22:19-24:8, 25:16-26:25, 29:4-30:18; Ex. 1008 ¶¶ 14-16.

E. Response to Observation 5

Patent Owner points to Dr. Williams's testimony that Kwak teaches adjusting the TPS period by way of RRC signaling in an attempt to inject testimony by its own expert witness that purportedly disagrees with that conclusion. Patent Owner's observation is irrelevant. As Dr. Williams testified, one of skill in the art understands reference to values being "notified" or "configured" by way of RRC signaling to involve adjusting those values, which Dr. Williams noted was supported by Dr. Kesan's testimony on cross examination. Ex. 2006, 41:16-42:22, 44:17-45:11, 48:19-49:21; Ex. 1008 ¶¶ 21-23; Ex. 1009, 47:10-16, 50:5-23, 129:24-130:13, 130:22-131:3.

F. Response to Observation 6

Patent Owner points to Dr. Williams's testimony about Kwak's reference to optionally using a "predetermined fixed value" as somehow relevant to Patent Owner's position that Kwak does not disclose an adjustable TPS period. Patent Owner's observation is not relevant. As Dr. Williams testified, Kwak's disclosure and contrasting of two options—a "fixed" value and a value that is "notified" to the UE by upper layer signaling such as RRC—would be understood by one of skill in

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the art as a disclosure that the value can be modified, i.e., it is adjustable. *E.g,*. Ex. 2006, 53:8-25, 54:20-57:11, 58:24-60:10; Ex. 1008 ¶¶ 20-23.

G. Response to Observation 7

Patent Owner points to Dr. Williams's testimony about Kwak's reference to optionally using a value that is "notified to the UE" as somehow relevant to Patent Owner's position that Kwak does not disclose an adjustable TPS period. Patent Owner's observation is not relevant. As Dr. Williams testified, Kwak's disclosure and contrasting of two options—a "fixed" value and a value that is "notified" to the UE by upper layer signaling such as RRC—would be understood by one of skill in the art as a disclosure that the value can be modified, i.e., it is adjustable. *E.g,*. Ex. 2006, 53:8-25, 54:20-57:11, 58:24-60:10; Ex. 1008 ¶¶ 20-23.

H. Response to Observation 8

Patent Owner points to Dr. Williams's testimony about how one of ordinary skill in the art would understand of Kwak's use of the word "notified" in context and improperly characterizes that testimony as somehow not reflecting the word's plain meaning. Patent Owner's observation is not relevant. As Dr. Williams testified, he is reading Kwak's disclosure in the context of how one of ordinary skill in the art would read it, and in that context, it would be understood by one of skill in the art as a disclosure that the value can be modified, i.e., it is adjustable. *E.g,*. Ex. 2006, 53:8-25, 54:20-57:11, 58:24-60:10; Ex. 1008 ¶¶ 20-23.

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