

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

PATENT OWNER'S PRELIMINARY RESPONSE

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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 IPR2016-01501 filed by HTC Corporation and HTC America, Inc. (collectively “HTC” or “Petitioners”).

The Petitioners’ challenge to the ’676 Patent claims should be rejected because (1) the two references asserted against the independent claims, U.S. Patent Pub. No. 2004/0223455 (Ex. 1003) (“*Fong*”) and U.S. Patent App. Pub. No. 2006/0140154 A1 (“*Kwak*”), each fail to teach or suggest one or more material limitations of each independent claim; and (2) the combination of WIPO Int’l Pub. No. WO1996/031009 (“*Otten*”) does not disclose the limitation for which it is offered and Petitioners have additionally failed to show a motivation to combine *Otten* and *Kwak* with *Fong* or *Zeir* —the combination of references that form the basis of Petitioners’ obviousness claims asserted against dependent claims 3, 21, and 34 of the ’676 Patent.

This Response is timely under 35 U.S.C. § 313 and 37 C.F.R. § 42.107(b), as it is filed within three months of the August 16, 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 four grounds of alleged invalidity; Grounds 1 and 2 rely on *Fong* and *Kwak*, respectively, for allegedly rendering obvious independent claims 1, 19, and 33 of the '676 Patent under 35 U.S.C. § 103. Grounds 3 and 4 address only dependent claims 3, 21, and 34 and rely upon adding the combination of *Otten* and *Zeira* to Grounds 1 and 2.

Ground	References Combined	Independent Claims	Dependent Claims
1	<i>Fong</i>	1, 19, 33	
2	<i>Kwak</i> ,	1, 19, 33	
3	<i>Fong</i> , <i>Otten</i> , and <i>Zeira</i>		3, 21, 34
4	<i>Kwak</i> , <i>Otten</i> , and <i>Zeira</i>		3, 21, 34

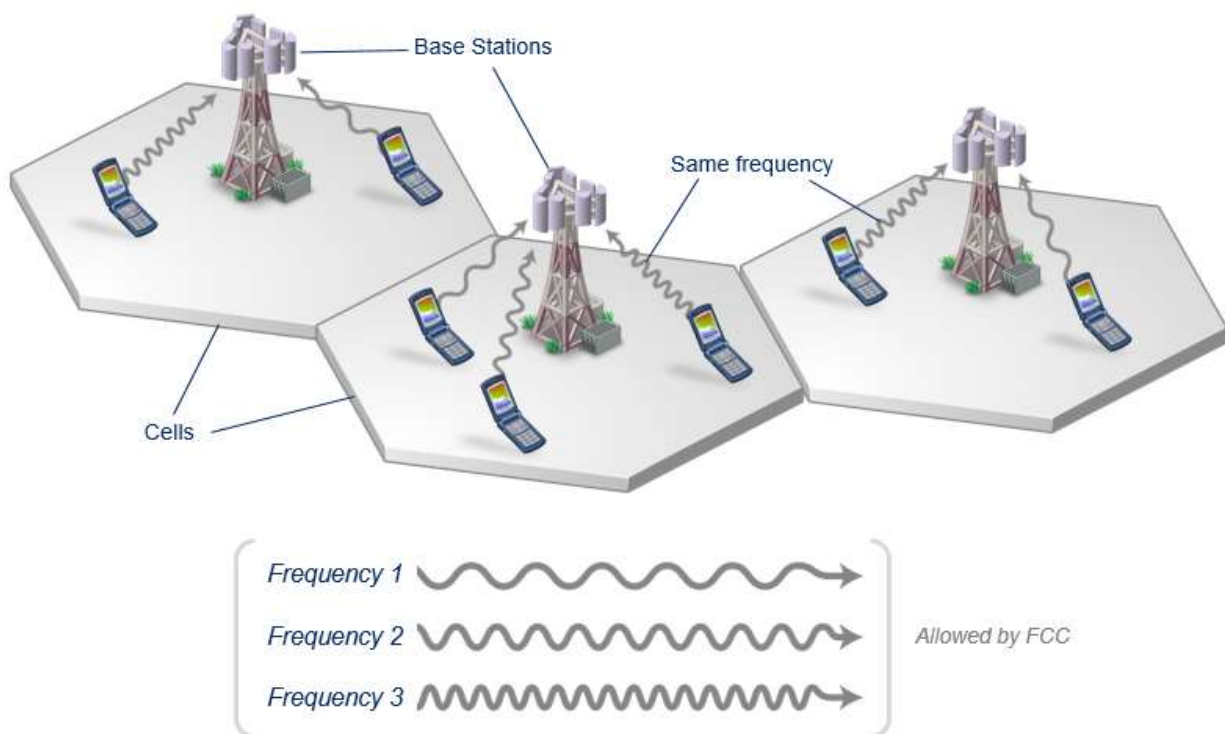
Pet. at 5.

As discussed in detail below, Petitioners fail to show that either *Fong* or *Kwak* disclose 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.” Additionally, Petitioners fail to show that *Otten* and *Zeira*, either separately or in combination, disclose the dependent limitation “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” as claimed. Further, Petitioners fail to demonstrate a motivation to combine these 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 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

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