UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

ARUBA NETWORKS, INC., HEWLETT PACKARD ENTERPRISE COMPANY; HP INC., ARRIS GROUP, INC., JUNIPER NETWORKS, INC., BROCADE COMMUNICATIONS SYS., INC., AND RUCKUS WIRELESS, INC.
Petitioner

v.

MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC
Patent Owner

_____

Case IPR2017-00637
Patent 5,915,210

_____

PATENT OWNER MOBILE TELECOMMUNICATIONS TECHNOLOGIES, LLC'S PRELIMINARY RESPONSE

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

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

Page

I. BACKGROUND 1

II. INTRODUCTION 2

III. PROPER CLAIM CONSTRUCTION 4

A. Rules Governing Claim Construction – The *Phillips* Standard Governs. 4

1. A person of ordinary skill in the art would have the following qualifications. 5

2. The '210 Patent has expired so the *Phillips* standard governs. 5

i. When construing claim terms look to claims themselves and then the specification. 6

ii. Limitations from the specification can be read into the claims. 6

iii. Extrinsic evidence can be relied upon. 7

3. Samsung IPR Construction of "Substantially" 8

B. Construction of Independent Claim Terms 11

1. Claims 1, 10, and 19 – The term "representing substantially the same information as" means "the first plurality of carrier signals and the second plurality of carrier signals substantially represent the same information." 11

2. Claims 1, 10, and 19 – The term "transmit[] [the] second plurality of carrier signals in simulcast with the first plurality of carrier signals" means "transmitting at the same time the first plurality of carrier signals from the first transmitter and the second plurality of carrier signals from the second transmitter." 13

3. Claims 1, 10, and 19 – The term "each of the first plurality of carrier signals representing a portion of the information signal substantially not represented by others of the first plurality of carrier signals" means "there is no

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

redundancy among the information represented by each of the carriers of the first plurality of carrier signals." 14

i. This limitation is called the "No Redundancy Limitation." 14

ii. The term "substantially" should be interpreted according to a standard derived from information in the patent regarding the purpose of the invention, which one of ordinary skill in the art can measure. 16

iii. Petitioner's assertion is at odds with the Board in the ARRIS IPR and the Aruba IPR and also with the decision in *Ex parte Lazzara*. 21

IV. REFERENCES RELIED UPON BY PETITIONER 22

A. *Rault* is directed to a coded orthogonal frequency division multiplexing (COFDM) system designed within the framework of the DAB (Digital Audio Broadcasting) project. 22

B. *Mojoli* is directed to a data transmission system in which subcarriers are transmitted and received. 22

C. *Nakamura* is directed to a method to achieve good performance of a 256 QAM modem with 400 Mbit/s transmission capacity. 23

D. *Saalfrank* is directed to a COFDM system designed within the framework of the DAB project also. 23

V. GROUND 1 – CLAIMS 1, 7-8, 10, 15-17, AND 19 ARE NOT OBVIOUS OVER RAULT IN VIEW OF A POSA 24

A. A patent claim is obvious *only if* all of its limitations are taught or suggested by prior art and combined in a manner that contains articulated reasoning and a rational underpinning. 24

B. *Rault* does not teach or suggest all the claim limitations of Claims 1, 10, and 19. 25

1. *Rault* does not teach or suggest limitation [1a] because it does not teach or suggest the No Redundancy Limitation. 25

i. Petitioner's arguments are redundant with regard to the arguments made in the ARRIS IPR and the

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

Aruba IPR with respect to *Saalfrank* and should be denied under 35 U.S.C § 325(d). 27

ii. Petitioner's three arguments regarding *Rault* are incorrect for the same reasons *Saalfrank* did not teach or suggest the No Redundancy Limitation. 30

C. Dependent Claims 7-8 and 15-17 are not obvious over Rault in view of a POSA. 41

VI. GROUND 2 – CLAIMS 7-8, 15, AND 19 ARE NOT OBVIOUS OVER *RAULT* IN VIEW OF *MOJOLI*. 42

A. A patent claim is obvious *only if* all of its limitations are taught or suggested by prior art and combined in a manner that contains articulated reasoning and a rational underpinning. 42

B. *Mojoli* does not teach or suggest the No Redundancy Limitation of limitations [1a], [10a], and [19a] of independent Claims 1, 10, and 19. 42

C. Dependent Claims 7-8 and 15 are not obvious over *Rault* in view of *Mojoli*. 43

VII. GROUND 3 – CLAIMS 1, 7-8, 10, 16, AND 19 ARE NOT OBVIOUS OVER *NAKAMURA* IN VIEW OF *SAALFRANK*. 43

A. Patent Owner respectfully requests that the Board deny this Petition under 35 U.S.C § 325(d) with regard to *Nakamura* and *Saalfrank*, because this prior art has been presented to the Board in five previous IPRs, including by current Petitioners. 43

B. A patent claim is obvious *only if* all of its limitations are taught or suggested by prior art and combined in a manner that contains articulated reasoning and a rational underpinning. 46

C. *Nakamura* in view of *Saalfrank* does not teach or suggest all the claim limitations of Claims 1, 10, and 19. 47

1. *Nakamura* does not teach or suggest the No Redundancy Limitation of limitation [1a] of Claim 1. 47

2. *Saalfrank* does not cure the defect of *Nakamura*, therefore, Claims 1, 10, and 19 are not obvious over *Nakamura* in view of *Saalfrank*. 51

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

3. Dependent Claims 7-8 and 15-17 are not obvious over *Nakamura* in view of *Saalfrank*. 51

4. Petitioner's motivation for combining *Nakamura* and *Saalfrank* is based on conclusory statements and, therefore, cannot be sustained. 51

VIII. CONCLUSION 54

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.