

Filed on behalf of Intellectual Ventures I LLC

By: Peter J. McAndrews
Andrew B. Karp
McAndrews, Held & Malloy, Ltd.
500 W. Madison St., 34th Floor
Chicago, IL 60661
Tel: 312-775-8000
Fax: 312-775-8100
E-mail: pmcandrews@mcandrews-ip.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. AND TELEFONAKTIEBOLAGET LM ERICSSON
Petitioners

v.

INTELLECTUAL VENTURES I LLC
Patent Owner

Case No. IPR2018-00727
Patent No. 6,628,629

PATENT OWNER RESPONSE UNDER 37 CFR § 42.120

TABLE OF CONTENTS

LIST OF EXHIBITS..... 1

I. INTRODUCTION3

II. THE PRIORITY DATE OF THE CHALLENGED CLAIMS4

III. THE '629 PATENT.....4

IV. BACKGROUND OF THE TECHNOLOGY.....6

 A. Circuit-Switched Networks6

 B. Packets and Packet-Switched Networks7

 C. ATM “Cells” Are Not “Packets” In The Context Of The '629 Patent.....9

 D. The '629 Patent Defines Packet-Centric Networks To Exclude Circuit-Centric Networks (Including ATM Networks) 13

 E. Related Prosecution History Defines Packet-Centric Networks To Exclude Circuit-Centric Networks (Including ATM Networks) 14

 F. Petitioners Wrongly Allege That ATM Is Packet-Centric..... 16

 G. ATM Does Not Perform Packet Switching.....22

V. CLAIM CONSTRUCTION24

 A. “Isochronous”24

 B. “Periodic Variation”26

 C. “No Periodic Variation”27

 D. “Packet”29

VI. OVERVIEW OF ASSERTED REFERENCES34

 A. Dyson.....34

| | | |
|-------|---|----|
| 1. | Technical Overview Of Dyson | 34 |
| 2. | Petitioners Have Not Proven That Dyson Is Prior Art | 35 |
| B. | Raychaudhuri..... | 38 |
| VII. | PETITIONERS HAVE NOT PROVEN UNPATENTABILITY FOR ANY CLAIMS OF THE '629 PATENT | 39 |
| A. | Petitioners Have Not Met Their Burden To Show By A Preponderance Of The Evidence That Claims 1, 3, And 4 Are Obvious Over Dyson And Raychaudhuri (Ground 1) | 39 |
| 1. | Dyson Discloses Only ATM Techniques And Not “Packets” Or A “Packet-Switched Network” | 40 |
| 2. | Raychaudhuri Discloses ATM Techniques And Not “Packets” Or A “Packet-Switched Network” | 43 |
| 3. | A Person Having Ordinary Skill In The Art Would Not Have Combined Dyson With Raychaudhuri As Hypothesized By Petitioners’ Expert..... | 46 |
| B. | Petitioners Have Not Met Their Burden To Show A Reasonable Likelihood That Claim 2 Is Obvious Over Dyson, Raychaudhuri, And Chennakeshu (Ground 2)..... | 52 |
| C. | Petitioners Have Not Met Their Burden To Show A Reasonable Likelihood That Claim 4 Is Obvious Over Dyson, Raychaudhuri, Goodman, And Yang (Ground 3)..... | 52 |
| VIII. | CONCLUSION..... | 52 |

TABLE OF AUTHORITIES

Cases

Bicon, Inc. v. Straumann Co.,
441 F.3d 945 (Fed. Cir. 2006) 33

C.R. Bard, Inc. v. Angiodynamics, Inc.,
No. 2017-1851, 2018 WL 4677441 (Fed. Cir. Sept. 28, 2018) 36

Enzo Biochem, Inc. v. Applera Corp.,
780 F.3d 1149 (Fed. Cir. 2015) 33, 45

Homeland Housewares, LLC v. Whirlpool Corp.,
865 F.3d 1372 (Fed. Cir. 2017) 31

In re Abbott Diabetes Care Inc.,
696 F.3d 1142 (Fed. Cir. 2012) 31

In re Cronyn,
890 F.2d 1158 (Fed. Cir. 1989) 37

In re Gordon,
733 F.2d 900 (Fed. Cir. 1984) 51

In re Lister,
583 F.3d 1307 (Fed. Cir. 2009) 36, 37

Intellectual Ventures I LLC v. T-Mobile USA, Inc. et al.,
Case No. 2:17-cv-00577-JRG (E.D. Tex.) 25

InTouch Techs., Inc. v. VGO Commc'ns, Inc.,
751 F.3d 1327 (Fed. Cir. 2014) 40

Invitrogen Corp. v. Biocrest Mfg., L.P.,
327 F.3d 1364 (Fed. Cir. 2003) 29

Kearns v. Chrysler Corp.,
32 F.3d 1541 (Fed. Cir. 1994) 42

McGinley v. Franklin Sports, Inc.,
262 F.3d 1339 (Fed. Cir. 2001) 51

Oak Tech., Inc. v. ITC,
248 F.3d 1316 (Fed. Cir. 2001) 33

Oatey Co. v. IPS Corp.,
514 F.3d 1271 (Fed. Cir. 2008) 29

| | |
|---|------------|
| <i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005)..... | 24, 25, 31 |
| <i>SightSound Tech., LLC. V. Apple Inc.</i> , 809 F.3d 1307 (Fed. Cir. 2015)..... | 32 |
| <i>Tec Air, Inc. v. Denso Mfg. Mich., Inc.</i> , 192 F.3d 1353 (Fed. Cir. 1999)..... | 51 |
| <i>Texas Instruments Inc. v. United States Int'l Trade Comm'n</i> , 988 F.2d 1165 (Fed. Cir. 1993)..... | 33 |
| <i>Trustees of Columbia University in City of New York v. Symantec Corp.</i> , 811 F.3d 1359 (Fed. Cir. 2016)..... | 31 |
| <i>TRW Automotive US. LLC v. Magna Elecs. Inc.</i> , IPR2014-01348, 2016 WL 212791 (P.T.A.B. Jan. 15, 2016)..... | 36 |
| <i>Verizon Servs. Corp. v. Vonage Holdings Corp.</i> , 503 F.3d 1295 (Fed. Cir. 2007)..... | 29 |
| <i>Vitronics Corp. v. Conceptronics, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996)..... | 29, 42 |
| <i>Wellman, Inc. v. Eastman Chem. Co.</i> , 642 F.3d 1355 (Fed. Cir. 2011)..... | 26, 27, 29 |
| Statutes | |
| 35 U.S.C. § 102(b)..... | 35, 36 |
| 35 U.S.C. § 103(a)..... | 3 |
| Rules | |
| 37 C.F.R. § 42.24..... | 53 |
| 37 CFR § 42.120 | 3 |
| Fed. R. Evid. 401 | 42 |
| Fed. R. Evid. 402..... | 42 |

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.