#### UNITED STATES PATENT AND TRADEMARK OFFICE

## **BEFORE THE PATENT TRIAL AND APPEAL BOARD**

### ZTE (USA), INC.

#### Petitioner,

v.

FRACTUS, S.A.,

Patent Owner.

**IPR No. IPR2018-01461** U.S. Patent No. 9,054,421 Issue Date: June 9, 2015

## DECLARATION OF CHRIS G. BARTONE, Ph.D., P.E. **IN SUPPORT OF** PETITION FOR INTER PARTES REVIEW OF U.S. PATENT NO. 9,054,421

Δ

## TABLE OF CONTENTS

I.	INTRODUCTION								
	A.	Engagement	1						
	B.	Background and Qualifications	1						
	C.	Compensation	5						
	D.	Information Considered	5						
II.	STA	STATEMENT OF LEGAL PRINCIPLES							
III.	OVE	OVERVIEW OF ANTENNA CHARACTERISTICS1							
IV.	OVE	ERVIEW AND BACKGROUND OF THE '421 PATENT	18						
	A.	The '421 Patent Family	18						
	В.	Overview of the '421 Patent	19						
	C.	Prosecution History of the '421 Patent with Respect to the References Relied Upon	23						
	D.	Person Having Ordinary Skill in the Art ("PHOSITA")	23						
V.	CLA	AIM INTERPRETATION	24						
	A.	"antenna element having a multi-band behavior" in all challenged claims and "multilevel structure" in claim 22	26						
	B.	"geometric elements" in all challenged claims	30						
	C.	"a fraction of a total perimeter or a total area" in challenged claim 5	30						
	D.	"frequency band" in all challenged claims	31						
	E.	"substantially similar impedance level and radiation pattern" in all challenged claims	32						
	F.	"not a fractal type antenna" in all challenged claims	40						
	G.	"number of sides" in all challenged claims	40						
	H.	"majority of the geometric elements" in challenged claim 5	41						
VI.	DESCRIPTION OF PRIOR ART THAT FORMS THE BASIS FOR UNPATENTABILITY41								

	A.	Misrc	ı I (Ex	. 1003)	41
	B.	Misrc	a II (Ez	x. 1004)	56
	C.	Gran	geat (l	Ex. 1005)	70
VII.	GRO	UNDS	FOR	UNPATENTABILITY	85
	А.			Claims 1-2, 4-12, and 21-22 are Obvious in <i>angeat</i>	85
		1.		n 1	
			a.	[1.1] "An apparatus comprising: an antenna element having a multi-band behavior and configured to operate in at least first and second non-overlapping frequency bands and"	86
			b.	[1.2] "comprising a plurality of geometric elements arranged to define empty spaces in the antenna element to provide at least first and second winding current paths through the antenna element, the at least first and second winding current paths circumventing the empty spaces and respectively corresponding to the at least first and second non-overlapping frequency bands to provide the antenna element with the multi-band behavior; and"	
			b.	[1.3] "a ground plane, the antenna element being electrically coupled to the ground plane;"	92
			c.	[1.4] "wherein the antenna element provides a substantially similar impedance level and radiation pattern in the at least first and second non-overlapping frequency bands;"	92
			e.	[1.5] "wherein the geometric elements are arranged such that the antenna element does not comprise a group of single band antennas that respectively operate in the at	

DOCKET

		least first and second non-overlapping frequency bands; and"94
	f.	[1.6] "wherein the antenna element is not a fractal type antenna element."
2.	Clain	m 296
	a.	[2.1] "The apparatus of claim 1, wherein the antenna element does not incorporate a reactive element to achieve a multi-band behavior."
3. Claim 4		m 497
	a.	[4.1] "The apparatus of claim 1, wherein each of the geometric element has the same number of sides;"
	b.	[4.2] "each of the geometric elements is electromagnetically coupled to at least one other of the geometric elements either directly through at least one point of contact or through a small separation providing coupling;"
	C.	[4.3] "for at least 75% of the geometric elements, the region or area of contact between the geometric elements is less than 50% of the perimeter or area of the geometric elements;"
	d.	[4.4] "not all geometric elements have the same size; and the perimeter of the antenna element has a different number of sides than the geometric elements that compose the antenna element."
4.	Clain	m 5100
	a.	[5.1] "The apparatus of claim 1, wherein the geometric elements are electromagnetically coupled;"

	b.	[5.2] "each of the geometric elements has the same number of sides, the antenna element having a different number of sides than each of the geometric elements;"	
	c.	[5.3] "at least one of either a perimeter of contact or an area of overlap between the geometric elements is only a fraction of a total perimeter or a total area of the geometric elements, respectively, for a majority of the geometric elements; and"	
	d.	[5.4] "the perimeter of contact or the area of overlap between the geometric elements is different among at least some of the geometric elements."	101
5.	Claim	102	
	a.	[6.1] "The apparatus of claim 5, wherein two or more of the geometric elements are traversed by the first and second winding current paths."	
6.	Claim	n 7	103
	a.	[7.1] "The apparatus of claim 6, wherein the antenna element comprises at least four geometric elements, and wherein each of the geometric elements has four sides."	
7.	Claim	n 8	
	a.	[8.1] "The apparatus of claim 7, wherein at least one of the four sides of at least one of the geometric elements is curved."	
8.	Claim	ı 9	105
	a.	[9.1] "The apparatus of claim 7, wherein the antenna element is concealed within the apparatus."	
9.	Claim	n 10	

DOCKET

## DOCKET A L A R M



# 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.