

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the Reexamination of:)
)
Puente Baliarda, Carles et al.)
)
U.S. Patent No.: 7,123,208)
Filed: April 8, 2005)
Issue Date: October 17, 2006)
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For: MULTILEVEL ANTENNAE)
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)
Real Parties in Interest: HTC Corporation)
HTC America, Inc.)
Original Assignee: Fractus, S.A.)

REQUEST FOR *INTER PARTES* REEXAMINATION
OF U.S. PATENT NO. 7,123,208
UNDER 35 U.S.C. §§ 311-318 AND 37 C.F.R. § 1.902 *et seq.*

Mail Stop *Inter Partes* Reexam
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TABLE OF CONTENTS

	<u>Page</u>
I. Statement of Substantial New Questions of Patentability	1
II. Relevant Ongoing Litigation and Request for Priority Over Other Examinations.....	3
III. Overview of the ‘208 Patent and Claim Interpretation.....	3
A. General Overview of the ‘208 Patent.....	3
B. The ‘208 Patent Application Prosecution History	6
C. Overview of the Claims	8
D. Claim Construction	12
IV. Substantial New Questions of Patentability Under 37 C.F.R. § 1.915(B).....	19
A. <i>Rutkowski</i> Raises an SNQ With Respect to Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 of the ‘208 Patent.	19
B. <i>Korisch</i> Raises an SNQ with Respect to Claims 1, 7, 10-12, 14, 15, 21, 24-26, 28, 29, 40, 43-48, 54, 57-59 and 61 of the ‘208 Patent.	29
C. <i>Ying I</i> Raises an SNQ with Respect to Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 of the ‘208 Patent.....	34
D. <i>Ying II</i> Raises an SNQ with Respect to Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24- 26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 of the ‘208 Patent.....	40
E. <i>Kitchener</i> Raises an SNQ with Respect to Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 of the ‘208 Patent.	46
F. <i>Puente</i> Raises an SNQ with Respect to Claims 1, 7, 10-12, 14, 15, 21, 24-26, 28, 29, 40, 43-48, 54, 57-59 and 61 of the ‘208 Patent.	51
G. <i>Navarro</i> Raises an SNQ with Respect to Claims 1, 7, 10-12, 14, 15, 21, 24-26, 28, 29, 40, 43-48, 54, 57-59 and 61 of the ‘208 Patent.	59
V. Proposed Rejections Under 37 C.F.R. § 1.915(B)(3)	65

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VI.	Manner of Applying the Claims as Required by 37 C.F.R. § 1.915(B).....	65
A.	Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 are Anticipated by <i>Rutkowski</i> Under 35 U.S.C. § 102	66
B.	Claims 1, 7, 10-12, 14, 15, 21, 24-26, 28, 29, 40, 43-48, 54, 57-59 and 61 are Anticipated by <i>Korisch</i> Under 35 U.S.C. § 102	105
C.	Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 are Anticipated by <i>Ying I</i> Under 35 U.S.C. § 102.....	132
D.	Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 are Anticipated by <i>Ying II</i> Under 35 U.S.C. § 102	167
E.	Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 are Anticipated by <i>Kitchener</i> Under 35 U.S.C. § 102.....	203
F.	Claims 1, 7, 10-12, 14, 15, 21, 24-26, 28, 29, 40, 43-48, 54, 57-59 and 61 are Anticipated by <i>Puente</i> Under 35 U.S.C. § 102.....	234
G.	Claims 1, 7, 10-12, 14, 15, 21, 24-26, 28, 29, 40, 43-48, 54, 57-59 and 61 are Anticipated by <i>Navarro</i> Under 35 U.S.C. § 102.....	303
VII.	Conclusion	397

INDEX OF APPENDICES

Appendix	Description
Appendix A1	The '208 Patent
Appendix A2	Order Granting Reexamination of the '208 Patent
Appendix B1	Fractus Complaint
Appendix B2	Infringement Contentions—HTC Touch Pro
Appendix B3	Infringement Contentions—HTC Diamond
Appendix B4	Infringement Contentions—HTC G1
Appendix B5	Preliminary Markman Order
Appendix C1	Claim Chart Applying <i>Rutkowski</i> to the '208 Patent
Appendix C2	Claim Chart Applying <i>Korisch</i> to the '208 Patent
Appendix C3	Claim Chart Applying <i>Ying I</i> to the '208 Patent
Appendix C4	Claim Chart Applying <i>Ying II</i> to the '208 Patent
Appendix C5	Claim Chart Applying <i>Kitchener</i> to the '208 Patent
Appendix C6	Claim Chart Applying <i>Puente</i> to the '208 Patent
Appendix C7	Claim Chart Applying <i>Navarro</i> to the '208 Patent

Sir:

Pursuant to 37 C.F.R. § 1.915(b)(8), the Real Parties in Interest, HTC Corporation and HTC America, Inc. (the “Requester”) hereby respectfully request reexamination pursuant to 35 U.S.C. §§ 311 et seq. and 37 C.F.R. § 1.902 et seq., of original Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61 of United States Patent Number 7,123,208 to Baliarda et al. (“the ‘208 Patent”) filed April 8, 2005 and issued October 17, 2006. *See* Appendix A1.

I. STATEMENT OF SUBSTANTIAL NEW QUESTIONS OF PATENTABILITY

Requester respectfully submits that substantial new questions of patentability are presented in this Request. The ‘208 Patent has 117 claims with eight independent claims. Twenty-nine of those claims, including four independent claims, are the subject of this Request (Claims 1, 5, 7, 10-12, 14, 15, 18, 21, 24-26, 28, 29, 33, 37, 40, 43-48, 54, 57-59 and 61) These claims do not disclose anything new or nonobvious, and are therefore invalid.

The ‘208 Patent describes two supposed “advantages” of its claimed antennas: (1) “the antennas may operate simultaneously in several frequencies,” and (2) “[their] size can be substantially reduced.” ‘208 Patent at Abstract. The ‘208 Patent states that prior art “fractal or multifractal type antennae . . . presented a multifrequency behavior and in certain cases a small size.” ‘208 Patent at col. 1, ll. 42-45. The ‘208 Patent goes on to suggest that the problems with these antennas were “of a practical nature which limit the behavior of said antennas and reduce their applicability in real environments.” *Id.* at ll. 50-53. The ‘208 Patent also discloses “[m]ultitriangular structures” operable in multiple frequency bands. *Id.* at col. 2, ll. 16-20. The problem with these antennas, according to the Patent Owner, is that they “did not provide the flexibility and versatility required to deal with other antennae designs for other environments.” *Id.* at ll. 20-23. However, the Patent Owner has shown no way in which the alleged invention is novel over the antennas of the prior art. In fact, the Patent Owner has attempted to broadly claim these prior art antennas, thus removing them from the public domain. Furthermore, the broad claims of the ‘208 Patent also cover several other types of prior art antenna, as discussed below.

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