

*Inter Partes Re*  
U.S. Patent No. 7,764

Oral Argument, January 14

Apple Inc., HTC Corporation, HTC America, Inc., ZTE (USA) Inc. v. INVT S  
Case No. IPR2018-01476

# Grounds

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## 1. Ground 1: Claims 1-6

- ▶ Paulraj (Ex. 1005) in view of Haung (Ex. 1006) in view of Walton (Ex. 1008)

## 2. Ground 2: Claims 1-6

- ▶ Wallace (Ex. 1009) in view of Walton (Ex. 1008)

## Primary Claim Construction Dispute: Simultaneous Transmit Modes

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- ▶ PO contends claims “require that spatial multiplexing [SM] and transmit diversity [TD] be implemented **at the same time, or simultaneously**” (POR, 7)
  - ▶ TD = transmitting item and its replica at same time
  - ▶ SM = transmitting different items in parallel (Id.)
- ▶ 1) Claims require TD and SM, but not at same time
- ▶ 2) Even if simultaneous TD and SM were required, Ground 1 teaches it

# Claims Do Not Require Simultaneous S

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Spatial  
Multiplexing

1. A transmitting apparatus employing a M (input/multi-output) scheme of transmitting a plurality of data items for a same receiving apparatus using a plurality of antennas in parallel, the transmitting apparatus comprising: a mapping section that maps the plurality of data items to at least one of the plurality of antennas; and a transmitting section that transmits the plurality of data items using the at least one of the plurality of antennas to the receiving apparatus,

Transmit  
Diversity

wherein the mapping section generates a replica of a specific data item of the plurality of data items, and maps the plurality of data items to at least one of the plurality of antennas such that the specific data item and the replica data item are transmitted from different antennas at a same time.

- ▶ Claims do not require simultaneous transmission of
    - ▶ (1) a specific data item, (2) its replica – **for TD**
    - ▶ **and** (3) at least one *additional* data item – **for SM**
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## Petitioners' Position Has Not Changed

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- ▶ PO argued, “Petitioners expressly represented that **the invention claimed** in the '711 Patent **require** ‘simultaneous’ [TD] and SM (Sur-Reply, 2-3)
- ▶ Petitioners never advocated a simultaneity interpretation—excerpts PO identified characterizes the specification, not claim

Thus, the lower priority data items are transmitted according to spatial multiplexing while the high priority ‘specific data’ is *simultaneous* transmitted from multiple antennas according to transmit diversity techniques.

Petition at 4 (summary of '711 Patent)

The '711 Patent specification characterizes the alleged invention as the *simultaneous* implementation of spatial multiplexing (transmitting different data streams from different antennas) and transmit diversity (transmitting the same data from different antennas).

Petition at 44

- ▶ Ground 2 presented specifically to capture an interpretation that does not require simultaneous TD and SM. (Pet., 44)
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