

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
HTC CORPORATION AND HTC AMERICA, INC.,
ZTE (USA) INC.,
Petitioners

v.

INVT SPE LLC,
Patent Owner

Case No. 2018-01476
U.S. Patent No. 7,764,711

PATENT OWNER PRELIMINARY RESPONSE

TABLE OF CONTENTS

I. Introduction 1

II. Overview of the '711 Patent..... 2

III. Overview of Cited References..... 10

 A. U.S. Patent No. 6,067,209 to Paulraj et al. (“Paulraj”) (Ex. 1005)11

 B. “Achieving High Data Rates in CDMA Systems Using BLAST
 Techniques” by Howard Huang, Harish Viswanathan, and G.J. Foschini
 (“Huang”) (Ex. 1006)14

 C. U.S. Patent No. 7,095,709 to Walton et al. (“Walton”) (Ex. 1008)17

 D. U.S. Patent Application Publication No. 2002/0193146 to Wallace et al.
 (“Wallace”) (Ex. 1009)18

IV. Claim Construction..... 21

 A. “specific data item”21

 B. The Petition’s proposed construction for “user data requiring a better
 communication quality than other user data” improperly imports
 limitations from the specification into the claim.22

V. Ground 1 fails because the Petition’s asserted references fail to disclose every
element of the Challenged Claims and because the Petition fails to
demonstrate a proper motivation to combine..... 25

 A. Failure to Disclose Every Element of the Challenged Claims25

 1. Paulraj fails to disclose or suggest “maps the plurality of data items to
 the 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.”26

 2. Walton fails to disclose or suggest “maps the plurality of data items to
 the 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.”28

3. Huang fails to disclose or suggest “maps the plurality of data items to the 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.”30

B. Lack of Motivation to Combine31

1. Petitioners have not shown and cannot show a motivation to combine Walton with Paulraj.....31

2. The Petition has not shown and cannot show a motivation to combine Huang with either Paulraj or Walton.36

VI. Ground 2 fails based on an incorrect interpretation of the Challenged Claims. 40

VII. Conclusion 41

WORD COUNT CERTIFICATION..... 42

CERTIFICATE OF SERVICE..... 43

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Broadcom Corp. v. Emulex Corp.</i> , 732 F.3d 1325 (Fed. Cir. 2013)	32
<i>Douglas Dynamics, LLC v. Buyers Products Co.</i> , 717 F.3d 1336 (Fed. Cir. 2013)	23
<i>Helmsderfer v. Bobrick Washroom Equip., Inc.</i> , 527 F.3d 1379 (Fed. Cir. 2008)	23
<i>In re Katz Interactive Call Processing Patent Litig.</i> , 639 F.3d 1303 (Fed. Cir. 2011)	23
<i>Kinetic Concepts, Inc. v. Smith & Nephew, Inc.</i> , 688 F.3d 1342 (Fed. Cir. 2012)	33
<i>KSR Int’l Co. v. Teleflex Inc.</i> , 550 U.S. 398 (2007).....	39
<i>Nidec Motor Corp. v. Zhongshan Broad Ocean Motor Co. Ltd.</i> , 868 F.3d 1013 (Fed. Cir. 2017)	22
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>)	21, 23
<i>Trivascular, Inc. v. Samuels</i> , 812 F.3d 1056, (Fed. Cir. 2016)	36
<i>Wellman, Inc. v. Eastman Chem. Co.</i> , 642 F.3d 1355 (Fed. Cir. 2011)	25
Other Authorities	
37 C.F.R. § 42.65	34
37 C.F.R. § 42.100(b)	21

I. Introduction

Patent Owner INVT SPE LLC (“INVT” or “Patent Owner”) respectfully submits this Preliminary Response to the Petition Seeking *Inter Partes* Review (“IPR”) of U.S. Patent No. 7,764,711 (the “’711 Patent”).

The Board should deny institution because the Petition fails to establish a reasonable likelihood that any of claims 1–6 of the ’711 Patent (the “Challenged Claims”) are obvious in view of the Petition’s proposed combinations asserted in Ground 1: *Paulraj* in view of *Huang*, in further view of Walton (claims 1–6); and Ground 2: *Wallace* in view of Walton (claims 1–6).

The Challenged Claims describe a multiple antenna transmission scheme employing two methods of wireless transmission—spatial multiplexing and transmit diversity—at the same time. Specifically, the Challenged Claims implement transmit diversity with respect to a specific data substream, which is designated as having a higher priority than other data items (*see, e.g.*, Ex. 1001 (’711 Patent) at 9) while, at a same time, implementing spatial multiplexing (i.e., parallel transmission) with respect to the remaining data substreams.

Implementation of transmit diversity for a specific data item at a same time with spatial multiplexing of a data stream is missing from each of the references asserted in the Petition, and no combination of the asserted references discloses or

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