UNITED STATES PATENT AND TRADEMARK OFFICE

_____

BEFORE THE PATENT TRIAL AND APPEAL BOARD

_____

HTC Corporation and
HTC America, Inc.,
Petitioners

v.

INVT SPE LLC,
Patent Owner

_____

IPR Case No. IPR2018-01556
U.S. Patent No. 7,206,587

_____

PETITION FOR *INTER PARTES* REVIEW
UNDER 35 U.S.C. § 311 *ET SEQ.* AND 37 C.F.R. § 42.100 *ET SEQ.*
(CLAIMS 1 THROUGH 4 OF U.S. PATENT NO. 7,206,587)

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

Page

I. INTRODUCTION 1
II. MANDATORY NOTICES UNDER 37 C.F.R. § 42.8 1
A. Real Parties-In-Interest (§ 42.8 (b)(1)) 1
B. Related Matters (§ 42.8 (b)(2)) 1
C. Lead and Backup Counsel (§ 42.8 (b)(3)) 2
D. Service Information (§ 42.8 (b)(4)) 2
III. FEE FOR *IPR* (37 C.F.R. § 42.15(a) and § 42.103) 3
IV. REQUIREMENTS FOR *IPR* UNDER 37 C.F.R. § 42.104 3
A. Grounds for Standing (§ 42.104 (a)) 3
B. Identification of Challenged Claims (§ 42.104 (b)(1)) 3
C. Grounds of Challenge (§ 42.104 (b)(2)) 3
V. PROPOSED GROUNDS ARE NOT REDUNDANT 4
VI. RELEVANT INFORMATION CONCERNING THE '587 PATENT 4
A. State of the Art at the Time the '587 Patent was Filed 4
B. Person of Ordinary Skill in the Art ("POSITA") 7
C. Overview of the '587 Patent 8
1. The Purported Improvements of the '587 Patent 8
D. Effective Filing Date and Prosecution History of the '587 Patent 14
VII. CLAIM CONSTRUCTION—37 C.F.R. § 42.104 (b)(3) 15
A. "code word minimum distance" (Claim 1) 16
B. "is proportional to the degree of measured downlink channel quality" (Claim 1) 17
VIII. PRECISE REASONS FOR RELIEF REQUESTED 19
A. Padovani in View of Gils Invalidates Claims 1, 2, 3, and 4. 19
1. Overview of Padovani 19

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

2. Overview of Gils 23
3. Motivation to Combine 29
4. Padovani in View of Gils Renders Claim 4 Obvious. 36
5. Padovani in View of Gils Renders Claim 1 Obvious. 44
6. Padovani in View of Gils Renders Claim 2 Obvious. 58
7. Padovani in View of Gils Renders Claim 3 Obvious. 66
IX. CONCLUSION 73

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

EXHIBIT LIST

Exhibit No.	Description	Date	Identifier
1001	United States Patent No. 7,206,587 to Miyoshi et al.	December 18, 2002 (Filing Date)	'587 Patent
1002	File History for the '587 Patent	n/a	'587 Patent File History
1003	Complaint, *Inventergy, Inc. v. HTC Corporation, and HTC America, Inc.*, C.A. No.: 17-cv-200-VAC-CJB (D. Del. 2017)	February 27, 2017	Inventergy Complaint
1004	Inventergy's Voluntary Dismissal Without Prejudice	May 25, 2017	
1005	Complaint, *INVT SPE LLC v. HTC Corporation, and HTC America, Inc.*, 2:17-cv-03740-JMV-JBC (D.N.J. 2017)	May 25, 2017	INVT SPE Complaint
1006	HTC Corp. and HTC America, Inc.'s Motion To Transfer	March 9, 2018	
1007	INVT'S Opposition to HTC Corp. and HTC America, Inc.'s Motion to Transfer	March 23, 2018	
1008	HTC Corporation and HTC America, Inc.'s Reply Brief In Support Of Their Motion To Transfer	April 2, 2018	
1009	PCT Application No. PCT/US98/23428 to Padovani et al.	November 3, 1997 (Priority Date)	Padovani
1010	W. van Gils, "Design of error-control coding schemes for three problems of noisy information transmission, storage and processing," Ph.D., dissertation, Eindhoven Univ. of Technology, Eindhoven, the Netherlands, 1988.	January 1, 1988 (Publication date)	Gils

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Exhibit No.	Description	Date	Identifier
1011	European Patent No. 0083127 B1 to Driessen	December 14, 1982 (Filing Date)	Driessen
1012	B. Masnick and J. Wolf, "On Linear Unequal Error Protection Codes," IEEE Transactions on Information Theory, vol. IT 13, no. 4, pp. 600-607, July 1967.	October of 1967 (Publication Date)	Masnick
1013	United States Patent No. 7,245,594 to Esteves et al.	May 12, 2000 (Filing Date)	Esteves
1014	United States Patent No. 7,079,550 to Padovani et al.	Dec. 12, 2002 (Filing Date)	Padovani 550
1015	United States Patent No. 6,975,611 to Balachandran et al.	Mar. 3, 2000 (Filing Date)	Balachandran
1016	K. Balachandran, R. Ejzak, S. Nanda, S. Vitebskiy, S. Seth, "GPRS- 136: High-Rate Packet Data Service for North American TDMA Digital Cellular Systems," IEEE Personal Communications, vol. 6, pp. 34-47, June 1999.		Balachandran 136
1017	Declaration of Paul Min, Ph.D. and Curriculum Vitae	n/a	Min
1018	A.O. Mabogunje, P.G. Farrell, "Construction of Unequal Error Protection Codes," Lecture Notes in Computer Science, vol. 514, Eurocode '90, pp. 87-93, November 1990.	June of 1991 (Publication Date)	Mabogunje
1019	U.S. Patent No. 5,691,992 to Molnar et al	October 12, 1995 (Filing Date)	Molnar

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.