UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION, HTC AMERICA, INC., and APPLE INC.,
Petitioners

v.

INVT SPE LLC, Patent Owner

Case Nos. IPR2018-01555 and IPR2018-01581 U.S. Patent No. 7,848,439

PATENT OWNER INVT SPE LLC'S CONSOLIDATED SUR-REPLY



TABLE OF CONTENTS

TABI	LE OF	CONTENTSi	
LIST	OF PA	TENT OWNER'S PREVIOUSLY FILED EXHIBITSiv	
EXHI	BITS	FILED WITH PATENT OWNER'S SUR-REPLYv	
I.	Introduction		
II.		tioners Concede that No Single Reference Teaches the '439 Patented ention	
III.		oners Fail to Establish that Claims 1-7 Are Obvious Over <i>Li</i> , <i>Vijayan</i> , <i>ashem</i>	
	A.	Petitioners' Reply Misinterprets the Fundamental Purpose of <i>Li</i> 's Invention—to Select Subcarriers or Subbands Based on Performance for Modulation and Coding by the Base Station	
	B.	Petitioners' Purported Motivation to Combine <i>Li</i> with <i>Vijayan</i> Ignores the Teachings of Both References	
	C.	Petitioners' Reply Fails to Establish that a POSITA Would Combine <i>Li</i> or <i>Vijayan</i> with <i>Hashem</i>	
IV.	Petitioners Fail to establish that Claim 8 is Obvious Over <i>Li</i> , <i>Vijayan</i> , <i>Hashem</i> , and <i>Cioffi</i>		
	A.	Petitioners Cannot Remedy <i>Cioffi</i> 's Failure to Teach "Assigning a Weight Per <i>Subband Group</i> " by Invoking Hindsight Bias22	
	B.	The Reply Presents Irrelevant Arguments Instead of a Motivation to Make the <i>Cioffi</i> Combination	
V.	Concl	usion27	
Word	Count	Certification	
Certif	icate o	f Service30	

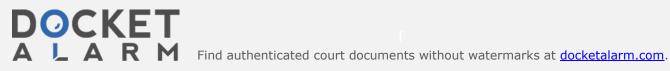


TABLE OF AUTHORITIES

Page(s)
Cases
Abbott Labs. v. Sandoz, Inc., 544 F.3d 1341 (Fed. Cir. 2008)
Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064 (Fed. Cir. 2015)26
Depuy Spine, Inc. v. Medtronic Sofamor Danek, Inc., 567 F.3d 1314 (Fed. Cir. 2009)
In re Fulton, 391 F. 3d 1195 (Fed. Cir. 2004)9
In re Magnum Oil Int'l, Ltd., 829 F.3d 1364 (Fed. Cir. 2016)
InTouch Techs., Inc. v. VGO Commc'ns, Inc., 751 F.3d 1327 (Fed. Cir. 2014)
Kinetic Concepts, Inc. v. Smith & Nephew, Inc., 688 F.3d 1342 (Fed. Cir. 2012)26
Nikon Corp. v. ASML Netherlands B.V., Case No. IPR2018-00227, Paper 11 (PTAB Sep. 10, 2018)3
Personal Web Techs., LLC v. Apple, Inc., 848 F.3d 987 (Fed. Cir. 2017)26
Plas-Pak Indus. Inc. v. Sulzer Mixpac AG, 600 F. App'x 755 (Fed. Cir. 2015)10
<i>Trivascular, Inc. v. Samuels</i> , 812 F.3d 1056 (Fed. Cir. 2016)
W.L. Gore & Assoc., Inc. v. Garlock, Inc., 721 F.2d 1540 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984)18



IPR2018-01555 and IPR2018-01581 Patent 7,848,439	
William Wesley Carnes, Sr., Inc. v. Seaboard Int'l Inc., IPR2019-00133, Paper 10 (May 8, 2019)	25, 26
Other Authorities	
2019 Trial Practice Guide Undate	11



LIST OF PATENT OWNER'S PREVIOUSLY FILED EXHIBITS

Exhibit No.	Description
2001	Expert Declaration of Dr. Branimir Vojcic
2002	Curriculum Vitae of Dr. Branimir Vojcic
2003	Procedural Schedule in the International Trade Commission proceeding captioned <i>In the Matter of Certain LTE- AND 3G-Compliant Cellular Communications Devices</i> , Inv. No. 337-TA-1138
2004	Respondents' Notice of Prior Art in the International Trade Commission proceeding captioned <i>In the Matter of Certain LTE-AND 3G-Compliant Cellular Communications Devices</i> , Inv. No. 337-TA-1138
2005-2100	Numbers intentionally not used.
2101	Expert Declaration of Dr. Branimir Vojcic in Support of Patent Owner's Response
2102	Curriculum Vitae of Dr. Branimir Vojcic



DOCKET

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.

