DOCKET NO.: 0107131-00573US2
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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION
Petitioner

v.

QUALCOMM INCORPORATED
Patent Owner

Case IPR2019-00048
U.S. Patent No. 9,154,356

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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I. INTRODUCTION

In response to the clear evidence that the prior art renders each of the challenged claims obvious, Patent Owner adopts a bird-shot approach in its Patent Owner Response, variously arguing that the Board should adopt narrowing claim constructions, selectively read the prior art references, and apply the prior art in ways that would exclude disclosed embodiments. None of Patent Owner's arguments has merit.

II. PATENT OWNER'S PROPOSED CLAIM CONSTRUCTION OF "CARRIER AGGREGATION (POR 11-31) IS INCORRECT AND OVERLY NARROW

Patent Owner's first argument is that "carrier aggregation" should be construed to require "[1] simultaneous operation on multiple carriers [2] that are combined as a single virtual channel [3] to provide higher bandwidth." The Board should reject Patent Owner's proposed construction.

A. "Carrier Aggregation" Should be Construed in Accordance With its Broadest Reasonable Interpretation

As set forth in the Petition, "carrier aggregation" should be construed as "simultaneous operation on multiple carriers." This construction comes directly from the specification, which defines the term. See Ex. 1101, 1:32-33 ("A wireless device may support ***carrier aggregation, which is simultaneous operation on***

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multiple carriers.");[1] *id.*, 2:53-54, 2:54-55 ("Carrier aggregation may also be referred to as multi-carrier operation."). *See* Ex. 1102, ¶61. Given the clear guidance in the specification, "carrier aggregation" should be construed as "simultaneous operation on multiple carriers" under the broadest reasonable interpretation ("BRI") claim construction standard. *See Apple Inc. v. Immersion Corp.*, IPR2016-01372, 2017 WL 376909, at *2-3 (P.T.A.B. Jan. 11, 2017); *see also In re Imes*, 778 F.3d 1250, 1252-53 (Fed. Cir. 2015). This meaning is consistent with the understanding of the term by a POSITA. Ex. 1102, ¶62. Paper 3, Petition ("Pet."), 31. Ex. 1139, ¶¶14-15. *See also* Ex. 1136 (Inv. No. 337-ITA-1093, Order No. 38), 12, 17; *see also id.*, App'x A at 30.

B. Patent Owner's Proposed Construction of "Carrier Aggregation" is Far Narrower than the Broadest Reasonable Interpretation of that Term in Light of the Specification

Though the '356 patent expressly defines "carrier aggregation" as "simultaneous operation on multiple carriers," Patent Owner proposes a construction of carrier aggregation that is narrower than any disclosure in the '356 specification. Patent Owner's arguments in support of its narrowing construction each fail. ***First,*** mistakenly contending that its construction has support in the '356 written description, Patent Owner exclusively cites to column 2, lines 63-67 in

[1] Emphasis in quotations and annotations to figures added unless stated otherwise.

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