UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

U.S. Patent No.: 7,016,676
Issued: March 21, 2006
Application No.: 10/089,959
Filed: August 8, 2001

Title: METHOD, NETWORK AND CONTROL STATION FOR THE TWO-WAY ALTERNATE CONTROL OF RADIO SYSTEMS OF DIFFERENT STANDARDS IN THE SAME FREQUENCY BAND

DECLARATION OF PETER RYSAVY

MICROSOFT CORP.
EXHIBIT 1004

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

TABLE OF CONTENTS

Page(s)

I. INTRODUCTION AND ENGAGEMENT 1

II. BACKGROUND AND QUALIFICATIONS 1

III. MATERIALS CONSIDERED AND INFORMATION RELIED UPON REGARDING '676 PATENT 4

IV. SUMMARY OF CONCLUSIONS 6

V. LEGAL UNDERSTANDING 7

VI. BACKGROUND AND STATE OF THE ART 10

A. Applicant's Admitted Prior Art 10

1. Different Radio Interface Standards Operating In The Same Frequency Band Was Known 10

2. Using A Control Station To Moderate Network Traffic Was Known 13

3. "Switching" Frequency To Avoid Interference Was Known 14

VII. OVERVIEW OF THE '676 PATENT 15

A. The '676 Patent's Specification 15

B. The Challenged Claims 20

VIII. CLAIM CONSTRUCTION 21

A. Level Of Skill In The Art 21

B. Proposed Constructions 22

1. (Claim 1) "Stations Which Operate In Accordance With A First Radio Interface Standard And/Or A Second Radio Interface Standard" 22

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

2. (Claim 1) "Renders The Frequency Band Available For Access By The Stations Working In Accordance With The Second Radio Interface Standard If Stations Working In Accordance With The First Radio Interface Standard Do Not Request Access To The Frequency Band" 25

3. (Claim 2) "Respective Duration" In Which The Stations Working In Accordance With The Second Radio Interface Standard Are Allowed To Utilize The Frequency Band 28

4. (Claim 5) "The Control Station Also Carries Out Functions Which Cause Radio Systems In Accordance With The First Radio Interface Standard To Interpret The Radio Channel As Interfered And To Seize Another Radio Channel For Its Own Operation".....28

IX. CLAIMS 1, 2, AND 5 OF THE '676 PATENT ARE OBVIOUS.....33

A. CLAIMS 1 AND 2 ARE OBVIOUS OVER HOMERF 33

1. HomeRF 33

a) HomeRF Shows A Protocol Method For Alternate Use Of The Same Frequency Band By Two Different Radio Interface Standards.....34

b) HomeRF Shows A Control Station Controlling Use Of The Same Frequency Band By Stations Using Different Radio Interface Standards 35

c) HomeRF Shows The Control Channel Granting First Radio Interface Standard Devices "Priority" Over Second Radio Interface Standard Devices 39

d) HomeRF Shows Second Stations That Can Access The Same Frequency Band When First Stations Do Not "Request" It.....40

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

e) HomeRF Shows Stations Hopping To Another Frequency If Interference Is Detected 46

2. Claim 1 Is Obvious Over HomeRF 46

3. HomeRF Shows The Added Limitations Of Claim 2 54

B. CLAIMS 1 AND 2 ARE OBVIOUS OVER HOMERF IN VIEW OF HOMERF TUTORIAL 54

1. HomeRF Tutorial 55

a) HomeRF Tutorial Further Describes A Control Station Controlling Use Of The Same Frequency Band By Stations Using Different Radio Interface Standards 55

b) HomeRF Tutorial Further Clarifies Granting Second Stations Access To The Common Frequency Band When First Stations Do Not "Request" It 57

2. Motivation To Combine The HomeRF References 59

3. Claim 1 Is Obvious Over HomeRF In View Of HomeRF Tutorial 60

4. HomeRF In View Of HomeRF Tutorial Shows The Added Limitations Of Claim 2 63

C. CLAIMS 1 AND 2 ARE OBVIOUS OVER HOMERF IN VIEW OF HOMERF LIAISON REPORT 63

1. HomeRF Liaison Report 64

a) HomeRF Liaison Report Further Clarifies Granting Second Stations Access To The Common Frequency Band When First Stations Do Not "Request" It 64

2. Motivation To Combine HomeRF Liaison Report, HomeRF ..65

3. Claim 1 is Obvious Over HomeRF In View Of HomeRF Liaison Report 66

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

4. HomeRF In View Of HomeRF Liaison Report Shows The Added Limitations Of Claim 2 68

D. CLAIMS 1 AND 2 ARE OBVIOUS OVER LANSFORD 68

1. U.S. Patent No. 6,937,158 ("Lansford").....68

a) Lansford Shows A Protocol Method For Alternate Use Of The Same Frequency Band By Wireless Devices Using Different Wireless Communication Protocols.....69

b) Lansford Shows A Frequency Hopping "Controller" Transmission Device Controlling Use Of A Common Frequency Band By Additional Frequency Hopping Devices Using Different Communication Protocols.....69

c) Lansford Shows The Control Station Determining A Respective Duration For Stations To Utilize The Common Frequency Band 75

2. Claim 1 Is Obvious Over Lansford.....77

3. Lansford Shows The Added Limitations Of Claim 2.....81

E. CLAIM 5 IS OBVIOUS OVER HOMERF IN VIEW OF HOMERF SWAP SPEC. 1.3.....82

1. HomeRF SWAP Spec. 1.3 82

a) HomeRF SWAP Spec. 1.3 Shows Stations Hopping To Another Frequency If Interference Is Detected 84

2. Motivation To Combine HomeRF With HomeRF SWAP Spec. 1.3 85

3. HomeRF Teaches Or Suggests All Of The Limitations Of Claim 1, Incorporated Into Claim 5.....86

4. HomeRF In View Of HomeRF SWAP Spec. 1.3 Shows The Added Limitations Of Claim 5.....86

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.