

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MARVELL SEMICONDUCTOR, INC.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

IPR2019-01350
PATENT 7,016,676

**PATENT OWNER RESPONSE TO PETITION
PURSUANT TO 37 C.F.R. §42.120**

Table of Contents

EXHIBITS..... V

I. INTRODUCTION 1

II. THE '676 PATENT 1

 A. Priority 7

III. RELATED PROCEEDINGS..... 10

IV. THE LEVEL OF ORDINARY SKILL IN THE ART 11

V. PETITIONER DOES NOT PROVE THAT ANY
CHALLENGED CLAIM IS UNPATENTABLE 12

 A. Claim Construction..... 13

 1. “Stations Which Operate In Accordance With A
 First Radio Interface Standard And/Or A Second
 Radio Interface Standard” 14

 2. “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” 14

 3. “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” 17

 4. The alleged steps within Claims 1, 3, 6 and 7..... 17

 B. The Petitioner fails to carry its burden of proving that
 Sherman renders Claim 3 obvious. (Ground 1)..... 18

 1. As the Board properly determined in the
 Institution Decision, Sherman fails to teach or
 suggest the recitation a control station that 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.	18
2.	By basing the Institution Decision on <i>Ex parte Schulhauser</i> , which was never raised by the Petitioner, the Board has taken on the role of an advocate and improperly instituted on a ground not advanced by the Petitioner.	23
3.	<i>Ex parte Schulhauser</i> is not applicable to Claim 1.	24
C.	The Petition does not establish that Sherman (Ex. 1004) teaches “wherein the control station terminates the use of the radio interface in accordance with the second radio interface standard by transmitting in accordance with the first radio interface standard, without taking account of resulting interference in stations working in accordance with the second radio interface standard” as recited in Claim 6. (Ground 1)	29
D.	The Petitioner has failed to carry its burden of proving that Sherman renders Claim 9 obvious (Ground 1).....	34
E.	The Petitioner has failed to carry its burden of proving that Sherman combined with Trompower renders Claim 8 obvious (Ground 2).....	36
F.	The Petitioner has failed to carry its burden of proving that Shellhammer renders Claim 3 obvious (Ground 3).....	39
G.	The Petitioner has failed to carry its burden of proving that Shellhammer renders Independent Claim 7 obvious (Ground 3).	49
H.	The Petitioner has failed to carry its burden of proving that Shellhammer renders Independent Claim 9 obvious (Ground 3).	55
I.	The Petition fails to carry its burden of showing that Shellhammer and Trompower render Claim 8 obvious (Ground 4).	55
J.	The Petition does not establish that Shellhammer (Ex. 1005) in view of Panasik (Ex. 1015) renders Claim 8	

obvious. (Ground 5)56

VI. APJS ARE UNCONSTITUTIONALLY APPOINTED
PRINCIPAL OFFICERS60

VII. CONCLUSION64

EXHIBITS

Exhibit 2001	International Patent Publication No. WO/02 13457 A2
--------------	--------------------------------------------------------

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.