

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ERICSSON INC.

Petitioner

v.

UNILOC 2017 LLC

Patent Owner

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IPR2020-00376

PATENT 7,016,676

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**PATENT OWNER PRELIMINARY RESPONSE TO PETITION**

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## I. INTRODUCTION

Uniloc 2017 LLC (“Uniloc” or “Patent Owner”) submits this Preliminary Response to Petition IPR2020-00376 for *Inter Partes* Review (“Pet.” or “Petition”) of United States Patent No. 7,016,676 (“the ’676 Patent” or “EX1001”) filed by Ericsson Inc. (“Petitioner”). Petitioner has failed to carry its burden of showing a reasonable likelihood of prevailing as to any challenged claim of the ’676 for at least the reasons set forth herein. Thus, this Petition should not be instituted or joined to IPR2019-01116 (the “Microsoft IPR”).

## II. THE ’676 PATENT

The ’676 patent is titled “Method, network and control station for the two-way alternate control of radio systems of different standards in the same frequency band.” The ’676 patent issued March 21, 2006, from U.S. Patent Application No. 10/089,959 filed April 4, 2002, which was a National Stage Entry of PCT No. PCT/EP01/09258 filed August 8, 2001 and published as W002/13457, which in turn claims priority to German Application No. DE10039532.5 filed August 8, 2000.

The inventors of the ’676 patent observed that at the time of the invention, a radio system for wireless transmission of information was allowed to use transmission power only in accordance with standards by the national regulation authority. The national regulation authority determined on what frequencies with what transmission power and in accordance with what radio interface standard a radio system is allowed to transmit. There was also provided so-called ISM frequency bands (Industrial Scientific Medical) where radio systems transmitted in

the same frequency band but in accordance with different radio interface standards. EX1001, 1:10-23. And in the event of interference, methods were standardized for an active switching to another frequency within the permitted frequency band, for controlling transmission power and for the adaptive coding and modulation to reduce interference. The '676 Patent notes that radio systems operating according to “the radio interface standards ETSI BRAN HiperLAN/2 and IEEE 802.11a use the same radio transmission method, a 64-carrier OFDM method,” and about the same modulation and coding methods. EX1001, 1:28-33.

The '676 Patent observes that, despite operating in the same frequency band, different radio interface standards have different Medium Access Controls (MAC). For the ETSI BRAN HiperLAN/2 radio interface standard, a centrally controlled reservation-based medium access control method is employed, in which a radio station takes over the role of a central instance coordinating the radio resources. EX1001, 1:34-38. For the IEEE 802.11a radio interface standard, a different medium access control method, namely CSMA/CA (Carrier Sense Multiple Access/Collision Avoidance) is provided, in which all the radio stations listen in on the medium and assume that the channel is unused for a minimum duration before 802.11a-MAC frames; thus user data packets are transmitted if necessary. EX1001, 1:43-49.

Wideband LANs in accordance with the HiperLAN/2 and 802.11a radio interface standards will operate in the same frequency band. EX1001, 1:63-65. Despite the utilization of methods such as Transmitter Power Control (TPC) and Dynamic Frequency Selection (DFS), those methods did not make optimum use of

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