

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

CRADLEPOINT, INC., HONEYWELL INTERNATIONAL, INC.,  
SIERRA WIRELESS, INC., TCL COMMUNICATION TECHNOLOGY  
HOLDINGS LIMITED, TCT MOBILE INTERNATIONAL LIMITED,  
TCT MOBILE, INC., TCT MOBILE (US) INC., TCT MOBILE (US)  
HOLDINGS INC., AND THALES DIS AIS DEUTSCHLAND GMBH,

Petitioner,

v.

SISVEL S.P.A.,

Patent Owner.

---

Patent No. 7,869,396

Issue Date: January 11, 2011

Title: DATA TRANSMISSION METHOD AND  
DATA RE-TRANSMISSION METHOD

---

*Inter Partes* Review No. IPR2021-00580

---

**PETITIONER'S REPLY UNDER 37 C.F.R. § 42.23**

**TABLE OF CONTENTS**

**EXHIBIT LIST ..... iii**

**TABLE OF ABBREVIATIONS AND CONVENTIONS .....vi**

**I. INTRODUCTION.....1**

**II. A POSITA WAS KNOWLEDGEABLE ABOUT DESIGNING WIRELESS  
RADIO TRANSMISSION/RETRANSMISSION SYSTEMS .....2**

**III. SACHS ANTICIPATES OR AT LEAST RENDERS OBVIOUS EVERY  
CLAIM OF THE ’396 PATENT.....3**

A. Petitioner Need Only Show Sachs Discloses Conditional  
Limitations 1[c] Or 1[d], Not Both, To Invalidate Claim 1 .....3

B. Sachs’ “Reordering” Is Not A Separate Step.....5

C. Sachs Discloses “Stopping The Timer ... In Order To Prevent  
A Triggering Of A Status Report” In The Same Way As The  
’396 Patent.....8

D. A POSITA Would Understand Sachs Figures 4 And 5 Describe  
Examples Of The *Same* RLC Entity Receiving Different PDU  
Sequences ..... 11

E. Sachs Also Anticipates, Or At Least Renders Obvious, The  
Dependent Claims ..... 12

1. *Sachs Discloses Each Method For Detecting A Missed  
Data Block (Dependent Claims 2 & 3)..... 13*

2. *Sachs Discloses “A Last In-Sequence Received Data  
Block,” Too (Dependent Claims 4 & 9) ..... 15*

3. *Sachs Discloses Stopping A Timer When The Missing  
Data Block Is Received (Dependent Claims 5 & 10) ..... 16*

<b>IV. GROUND II AND IV: PETITIONER PROVIDED SECTION 103 EVIDENCE FOR SACHS AND WEI</b> .....	<b>17</b>
<b>V. GROUND III, IV &amp; V: WEI ALSO RENDERS ALL CLAIMS INVALID</b> .....	<b>19</b>
A. Wei Discloses A Status Report Consistent With The '396 Patent Claims.....	19
1. <i>The '396 Patent Did Not Narrow “Status Report”</i> .....	19
2. <i>Wei Discloses A “Status Report” Consistent With The Plain And Ordinary Meaning Of The Term</i> .....	22
B. A POSITA Would Have Been Motivated To Apply Wei’s Method For Using A Timer To The Then-Prevailing TS 25.322 RLC Protocol Standard .....	24
<b>VI. CONCLUSION</b> .....	<b>25</b>

### **EXHIBIT LIST**

<b>Exhibit</b>	<b>Description</b>
Ex. 1001	U.S. Patent No. 7,869,396 to Sung Duck Chun et al. (“the ’396 patent”)
Ex. 1002	Declaration of Apostolos (Paul) Kakaes, Ph.D. in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,869,396 (“Kakaes”)
Ex. 1003	World Intellectual Property Organization (“WIPO”) Patent Application No. PCT/EP02/04621, filed Apr. 26, 2002, International Publication No. WO 02/091659 A2, published Nov. 14, 2002 to Joachim Sachs et al. (“Sachs”)
Ex. 1004	U.S. Patent No. 6,987,780 to Yongbin Wei et al., filed June 10, 2002, issued Jan. 17, 2006 (“Wei”)
Ex. 1005	3rd Generation Partnership Project (“3GPP”), Technical Specification Group Radio Access Network; Radio Link Control (RLC) protocol specification (Release 5); Technical Specification (“TS”) 25.322 V5.9.0 (2004-12), published Dec. 23, 2004 (“TS 25.322”)
Ex. 1006	Certified File History of U.S. Patent No. 7,869,396 (copies of prior art references and certified copies of foreign priority applications omitted)
Ex. 1007	Declaration of Craig Bishop in Support of Petition for <i>Inter Partes</i> Review of U.S. Patent No. 7,869,396
Ex. 1008	3GPP, “About 3GPP,” <i>available at</i> <a href="https://www.3gpp.org/about-3gpp">https://www.3gpp.org/about-3gpp</a> (accessed Mar. 3, 2021)
Ex. 1009	3rd Generation Partnership Project (“3GPP”), Technical Specification Group Radio Access Network; Radio Interface Protocol Architecture (Release 6); Technical Specification (“TS”) 25.301 V6.1.0 (2004-12), published Dec. 23, 2004 (“TS 25.301”)
Ex. 1010	European Patent No. 2,315,383 B1 to Sung-Duck Chun et al.
Ex. 1011	Notice of Opposition to European Patent No. 2,315,383 from Samsung Electronics GmbH (June 1, 2017)

Exhibit	Description
Ex. 1012	3GPP2 Press Release, "3GPP2 Decides on 1xEV-DV Technology & Prepares for Joint Meeting with 3GPP on Harmonization" (Oct. 26, 2001), <i>available at</i> <a href="https://www.3gpp2.org/Public_html/News/20011126_PressRelease.cfm">https://www.3gpp2.org/Public_html/News/20011126_PressRelease.cfm</a> (accessed Mar. 3, 2021)
Ex. 1013	Clifton J. Barber, "Summary of 3GPP/3GPP2 Harmonization Meeting" (Nov. 13-14, 2001), <i>available at</i> <a href="https://www.3gpp2.org/Public_html/Summaries/3GPP-3GPP2_Harmonization_MtgSum-0111.pdf">https://www.3gpp2.org/Public_html/Summaries/3GPP-3GPP2_Harmonization_MtgSum-0111.pdf</a> (accessed Mar. 3, 2021)
Ex. 1014	Asok Chatterjee, "The 3GPP vision" (May 2002), <i>available at</i> <a href="https://www.itu.int/osg/imt-project/docs/2.2_Chatterjee.pdf">https://www.itu.int/osg/imt-project/docs/2.2_Chatterjee.pdf</a> (accessed Mar. 3, 2021)
Ex. 1015	Pro Hac Vice Ineligibility Order Pursuant to Rule 1:28-2, Supreme Court of New Jersey, dated July 12, 2021
Ex. 1016	Pro Hac Vice Ineligibility Order Pursuant to Rule 1:28-2, Supreme Court of New Jersey, dated Sept. 29, 2020
Ex. 1017	Pro Hac Vice Ineligibility Order Pursuant to Rule 1:28-2, Supreme Court of New Jersey, dated Sept. 24, 2014
Ex. 1018	Declaration of Neil A. Benchell in Support of Pro Hac Vice Admission of Counsel, Doc. 28-3, <i>NASA Machine Tools, Inc. v. Fama Tech. Inc. et al.</i> , Case No. 2:18-cv-02872 (D. N.J.) (filed June 7, 2018)
Ex. 1019	Declaration of Neil A. Benchell, Esq. in Support of Application for Admission Pro Hac Vice, Doc. 53-1, <i>Bristol Myers Squibb Co. v. Apotex, Inc. et al.</i> , Case No. 3:10-cv-05810 (D. N.J.) (filed Apr. 5, 2012)
Ex. 1020	Order, Doc. 34, <i>NASA Machine Tools, Inc. v. Fama Tech. Inc. et al.</i> , Case No. 2:18-cv-02872 (D. N.J.) (filed June 27, 2018)
Ex. 1021	Order for Pro Hac Vice Admission of Neil A. Benchell, Esq., Doc. 56, <i>Bristol Myers Squibb Co. v. Apotex, Inc. et al.</i> , Case No. 3:10-cv-05810 (D. N.J.) (filed Apr. 19, 2012)

# 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.