

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,

Petitioner,

v.

KONINKLIJKE KPN N.V.,

Patent Owner.

Case No. IPR2022-00068

Patent 9,549,426 C1

**DECLARATION OF DR. JAMES OLIVIER
IN SUPPORT OF PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 9,549,426 C1**

TABLE OF CONTENTS

	Page
LIST OF EXHIBITS AND APPENDICES	iv
I. INTRODUCTION	1
II. SUMMARY OF OPINIONS.....	2
III. QUALIFICATIONS AND EXPERIENCE.....	4
A. Education and Work Experience.....	4
B. Compensation.....	8
C. Documents and Other Materials Relied Upon	8
IV. STATEMENT OF LEGAL PRINCIPLES	8
A. Claim Construction.....	8
B. Anticipation.....	9
C. Obviousness.....	10
V. LEVEL OF ORDINARY SKILL IN THE ART	12
VI. TECHNOLOGY BACKGROUND OF THE '426 Patent	15
A. A Brief History of the Evolution of Global System for Mobile Communications ("GSM").....	16
B. The 3rd Generation Partnership Project.....	22
C. Mobility Management.....	27
D. Authentication Procedures	28
E. Hardware of Network Elements.....	29
VII. OVERVIEW OF THE '426 PATENT	30
A. Background and Description of the Technology in the '426 Patent.....	30
1. The '426 Patent Claims.....	37
B. Prosecution History	42
1. Original Prosecution	42
2. Reexamination	43

TABLE OF CONTENTS
(continued)

	Page
3. Certificate of Correction	58
C. Priority Date	58
D. Claim Construction.....	59
1. Claims 1, 8, 9, and 10:“enabling establishing a communication session between the user equipment and the telecommunications system”	60
2. Claim 14: “if the telecommunications system is a Long Term Evolution (LTE) telecommunications system, removing a default bearer for the user equipment”	61
VIII. IDENTIFICATION OF THE PRIOR ART AND SUMMARY OF OPINIONS.....	62
A. Summary of European Patent Application Publication EP 1065904 A1 (“ <i>Aerts</i> ”)	62
B. Summary of GSM – Architecture, Protocols and Services Third Edition by Eberspächer, Vogel, Bettstetter (“ <i>Eberspächer</i> ”)	63
C. Summary of Chinese Publication No. CN 1328925C to Feng et al. (“ <i>Feng</i> ”).....	64
D. Summary of U.S. Patent Pub. No. 2012/0269167 A1 to Velev et al. (“ <i>Velev</i> ”).....	64
IX. A POSITA’s Reasons to Combine the identified prior art.....	65
A. <i>Aerts</i> and <i>Eberspächer</i>	65
B. <i>Aerts</i> , <i>Eberspächer</i> and <i>Feng</i>	71
C. <i>Aerts</i> , <i>Eberspächer</i> , <i>Feng</i> , and <i>Velev</i>	74
X. UNPATENTABILITY OF THE ’426 PATENT CLAIMS	77
A. Ground 1: Claim 1 is Unpatentable as Anticipated by <i>Aerts</i>	77
1. Independent Claim 1	77
B. Ground 2: <i>Aerts</i> in view of <i>Eberspächer</i> renders obvious Claims 1, 8-10, and 18.	109
1. Claim 1	109

TABLE OF CONTENTS
(continued)

	Page
2. Claim 8.....	115
3. Claim 9.....	129
4. Claim 10.....	133
5. Claim 18.....	136
C. Ground 3: <i>Aerts</i> in view of <i>Eberspächer</i> and <i>Feng</i> render obvious Claim 6.....	137
1. Claim 6: “The method according to claim 1, further comprising deleting from the combination of the first set of subscription data and the second set of subscription data the second set of subscription data at the attach control node after a precondition has been fulfilled.”	137
D. Ground 4: <i>Aerts</i> in view of <i>Eberspächer</i> , <i>Feng</i> , and <i>Velev</i> render obvious Claim 14	139
2. Claim 14: “The telecommunications node according to claim 10, wherein the operations further include deleting from the combination of the first set of subscription data and the second set of subscription data the second set of subscription data at the telecommunications node after a precondition has been fulfilled and, if the telecommunications system is a Long Term Evolution (LTE) telecommunications system, removing a default bearer for the user equipment.”	139
XI. CONCLUSION	140
XII. DECLARATION	141

LIST OF EXHIBITS AND APPENDICES

Exhibit No. ¹	Description
1001	U.S. Patent No. 9,549,426 B2 (“the ’426 Patent”)
1002	’426 Patent Reexamination
1003	Declaration of Dr. James Olivier
1004	Original Redacted Complaint, <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson</i> , No. 2:21-cv-113, (E.D. Tex. Mar. 31, 2021), ECF No. 7
1005	Proof of Service of Complaint, <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson</i> , No. 2:21-cv-113, (E.D. Tex. Mar. 31, 2021), ECF No. 10
1006	Prosecution History for the ’426 Patent
1007	European Patent Application Publication EP 1065904 A1 to Aerts (“Aerts”)
1008	Jörg Eberspächer, Hans-Jörg Vögel, Christian Bettstetter, Christian Hartmann, GSM Architecture, Protocols and Services (3rd Edition) (“Eberspächer”)
1009	U.S. Patent No. 8,359,638 (“Shaw”)
1010	Claim Listing
1011	Declaration of Sylvia Hall-Ellis
1012	International Patent Application Publication Number WO 98/31163
1013	European Patent 1 103 117 B1
1014	Patent Owner’s <i>Ex Parte</i> Reexamination Request
1015	USPTO’s Order Granting <i>Ex Parte</i> Reexamination Request
1016	USPTO’s Office Action in <i>Ex Parte</i> Reexamination
1017	Patent Owner’s Response to Office Action in <i>Ex Parte</i> Reexamination
1018	Intentionally Omitted
1019	Intentionally Omitted
1020	3GPP TS 23.008 V7.8.0
1021	English Translation of Chinese Publication No. CN 1328925C to Feng et al. (“Feng”)
1022	Chinese Publication No. CN 1328925C to Feng et al.

¹ Citations to patents are made by column and line cite; citations to patent publications are made by paragraph number; citations to Exhibits 1001, 1002, 1014-1016, 1020, and 1022 are made with reference to the Bates-stamped pagination; citations to other exhibits are made to the page number of the document itself.

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.