

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE, INC.,
Petitioner,
v.
Ericsson Inc.,
Patent Owner

Case IPR2022-00337
U.S. Patent 10,454,655

**DECLARATION OF DR. ZYGMUNT HAAS,
IN SUPPORT OF PATENT OWNER'S PRELIMINARY RESPONSE**

TABLE OF CONTENTS

I.	Introduction.....	5
II.	Qualifications and Professional Experience.....	6
III.	Level of Ordinary Skill in the Art	10
IV.	Relevant Legal Standards	12
V.	SUMMARY of the ’655 Patent.....	13
VI.	Claim Construction.....	20
VII.	Bao and Feuersanger Do Not render the Claims Obvious	21
	A. Summary of Bao (Grounds 1A and 1B).....	21
	B. Summary of Feuersanger (Ground 1B).....	23
	C. Bao and Feuersanger Do Not Render Obvious Claims 21-40.	25
	1. Bao alone does not render obvious the claimed requirement for first and second LCIDs associated with first and second MAC CE formats with first and second bit map sizes, respectively (claim elements [21b], [26d], [31b], and [36d])	25
	a) Bao is consistent across all embodiments that there is one specific LCID associated with the activation/deactivation MAC CE.....	26
	b) The cited portion of Bao already teaches a solution to indicate the length of a MAC CE – that does not involve using different LCIDs.	28
	c) It would not have been obvious to use different LCIDs for different length MAC CEs of the component carrier “activation/deactivation” MAC CE.	30
	d) The cited portion of Bao does not disclose using “activation/deactivation” MAC CEs of different lengths.	32

2. Feuersanger does not overcome the deficiencies of Bao with respect to rendering obvious first and second LCIDs associated with first and second MAC CE formats with first and second bit map sizes, respectively (claim elements [21b], [26d], [31b], and [36d]). 34

3. For similar reasons, neither Bao alone, nor Bao combined with Feuersanger, renders obvious claim elements [21e] and [26g]. 36

D. Petitioner’s alleged motivation to combine Bao and Feuersanger is misleading and irrelevant to any claim limitation.38

E. Petitioner’s Analysis of Independent Claims 1, 7, 13, and 17 is Defective.39

F. Summary41

VIII. Petitioner’s Ground 2 Fails Because Kwon Does Not Render the Claims Obvious41

A. Summary of Kwon41

B. Kwon Fails to Render Obvious Claims 21-40.45

1. Kwon does not disclose or render obvious the claimed requirement for first and second LCIDs associated with first and second MAC CE formats with first and second bit map sizes, respectively (claim elements [21b], [26d], [31b], and [36d]). 45

a) a. LCID is used in Kwon only to identify a MAC CE as an activation/deactivation indicator MAC CE, not to indicate a bitmap length.47

b) Petitioner’s focus on other types of LCIDs contradicts its position.50

c) Kwon consistently teaches that a wireless communication system uses a fixed-size bit map based on a maximum number of component carriers.....52

d) Summary – Kwon neither discloses nor render obvious first and second LCIDs associated with first and second MAC CE formats with first and second bit map sizes, respectively.....55

2. For similar reasons, Kwon does not render obvious claim elements [21e], [26g]..... 56

C. Petitioner’s analysis of claims 1, 7, 13, and 17 is defective.59

IX. Conclusion61

I, Zygmunt Haas, do hereby declare as follows:

I. INTRODUCTION

1. I am making this declaration at the request of patent owner Ericsson, Inc. in the *Inter Partes* Review of U.S. Patent No. 10,454,655 (“the ’655 Patent”).

2. I am being compensated for my work in this matter at my current standard hourly rate. I am also being reimbursed for reasonable and customary expenses associated with my work and testimony in this investigation. My compensation is not contingent on the outcome of this matter or the specifics of my testimony.

3. I have been asked to provide my opinions regarding whether claims 1-40 (“the Challenged Claims”) of the ’655 Patent are patentable as they would or would not have been obvious to a person having ordinary skill in the art (“POSITA”) at the time of the invention, in light of the prior art. My conclusion and opinion of my work on this project is that the challenged claims would have been non-obvious to a POSITA.

4. In the preparation of this declaration, I have studied:

- a. the ’655 Patent, Ex.1001;
- b. the prosecution history of the ’655 Patent (“’655 File History”),

Ex.1002;

- c. U.S. Patent Pub. No. 2012/0113811 to *Bao et al.* (“Bao”), Ex.1004;

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.