### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

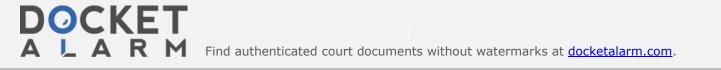
APPLE, INC., Petitioner,

v.

TELEFONAKTIEBOLAGET LM ERICSSON, Patent Owner

> IPR2022-00337 U.S. Patent No. 10,454,655

PATENT OWNER PRELIMINARY RESPONSE



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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])
<ul> <li>a. LCID is used in Kwon only to identify a MAC CE as an activation/deactivation indicator MAC CE, not to indicate a bit map length.</li> <li>33</li> </ul>
b. Petitioner's focus on other types of LCIDs contradicts its position36
c. Kwon consistently teaches that a wireless communication system uses a fixed-size bit map based on a maximum number of component carriers37
d. Summary – Kwon does not disclose or render obvious first and second LCIDs associated with first and second MAC CE formats with first and second bit map sizes, respectively
<ol> <li>For similar reasons, Kwon does not render obvious claim elements [21e],</li> <li>[26g]40</li> </ol>
C. Petitioner's Analysis of Claims 1, 7, 13, and 17 Lacks Particularity and Is Defective
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## PATENT OWNER'S EXHIBIT LIST

Ex. 2001	Declaration of Dr. Zygmunt Haas, Ph.D.
Ex. 2002	Curriculum Vitae of Dr. Zygmunt Haas

## **TABLE OF AUTHORITIES**

## Cases

Advanced Bionics, LLC v. MED-EL Elektromedizinische Geräte GmbH, IPR2019	)_
01469, Paper 6	45
Belden Inc. v. Berk-Tek LLC, 805 F.3d 1064 17, 2	24
Cisco Systems, Inc. v. C-Cation Techs., LLC, IPR2014-00454, Paper 12	27
DeSilva v. DiLeonardi, 181 F.3d 865 27, 28, 4	43
Dynamic Drinkware, LLC v. Nat'l Graphics, Inc., 800 F.3d 1375	13
Grain Processing Corp. v. American Maize-Products, 840 F. 2d 902	40
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Unified Patents, LLC v. Ikorongo Tech. LLC et al., IPR2020-01379, Paper 21?	27
Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc., 200 F.3d 795, 803 (Fed. Cir. 1999)	9
Statutes	
§ 314(a)	4
37 C.F.R. § 42.65(a)	36
Other Authorities	
H.R. Rep. No. 112–98, pt. 1, at 40 (2011)	4

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