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. IPR2022-00401

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

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

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 9

V. LEVEL OF ORDINARY SKILL IN THE ART **11**

VI. TECHNOLOGY BACKGROUND OF THE '426 Patent **15**

A. A Brief History of the Evolution of Global System for Mobile Communications ("GSM") 15

B. The 3rd Generation Partnership Project 21

C. Mobility Management 26

D. Authentication Procedures 27

E. Hardware of Network Elements 28

VII. OVERVIEW OF THE '426 PATENT **29**

A. Background and Description of the Technology in the '426 Patent 29

1. The '426 Patent Claims 36

B. Prosecution History 38

1. Original Prosecution 38

2. Reexamination 39

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS
(continued)

Page

3. Certificate of Correction 53

C. Priority Date 53

D. Claim Construction.....54

1. Claim 16:"enabling establishing a communication session between the user equipment and the telecommunications system" 55

VIII. IDENTIFICATION OF THE PRIOR ART AND SUMMARY OF OPINIONS.....56

A. Summary of European Patent Application Publication EP 1065904 A1 ("*Aerts*") 56

B. Summary of GSM – Architecture, Protocols and Services Third Edition by Eberspächer, Vogel, Bettstetter ("*Eberspächer*") 57

C. Summary of U.S. Patent No. 6,879,825 to Daly ("*Daly*").....58

D. Summary of U.S. Pub. No. 2013/0227138 to Cai et al. ("*Cai*").....58

IX. A POSITA's Reasons to Combine the identified prior art.....59

A. *Aerts* and *Daly* 59

B. *Aerts*, *Daly*, and *Cai* 64

C. *Aerts*, *Daly,* and *Eberspächer* 67

D. *Aerts*, *Daly, Cai*, and *Eberspächer*.....71

X. UNPATENTABILITY OF THE '426 PATENT CLAIMS 74

A. Ground 1: *Aerts* in view of *Daly* renders obvious Claim 16.....74

1. Independent Claim 16 74

B. Ground 2: *Aerts* in view of *Daly* and *Cai* renders obvious Claim 17. 114

1. Claim 17 114

C. Ground 3: *Aerts* in view of *Daly* and *Eberspächer* renders obvious Claim 16.....117

D. Ground 4: *Aerts* in view of *Daly, Cai, and Eberspächer* renders obvious Claim 17.....119

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS
(continued)

Page

XI. CONCLUSION 120
XII. DECLARATION 120

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

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 File History
1003	Intentionally omitted
1004	Original Redacted Complaint, *Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson*, No. 2:21-cv-113, (E.D. Tex. Mar. 31, 2021), ECF No. 7
1005	Proof of Service of Complaint, *Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson*, 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	Intentionally omitted
1010	Intentionally omitted
1011	Declaration of Sylvia Hall-Ellis
1012	Intentionally omitted
1013	Intentionally omitted
1014	Patent Owner's Request for Supplemental Examination
1015	USPTO's Order Granting *Ex Parte* Reexamination Request
1016	USPTO's Office Action in *Ex Parte* Reexamination
1017	Patent Owner's Response to Office Action in *Ex Parte* Reexamination
1018	Plaintiff's Disclosure of Asserted Claims and Infringement Contentions Pursuant to Local Patent Rules 3-1 and 3-2, *KPN N.V. v. Telefonaktiebolaget LM Ericsson*, No. 2:21-cv-113, (E.D. Tex. Mar. 31, 2021)
1019	Declaration of Dr. James Olivier
1020	3GPP TS 23.008 V7.8.0
1021	Intentionally omitted

[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, 1018 and 1020 are made with reference to the Bates-stamped pagination; citations to other exhibits are made to the page number of the document itself.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.