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Paper 8
Entered: August 18, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

TELEFONAKTIEBOLAGET LM ERICSSON,
Patent Owner.

IPR2022-00468
Patent 10,512,027

Before GEORGIANNA W. BRADEN, STEVEN M. AMUNDSON, and STEPHEN E. BELISLE, *Administrative Patent Judges.*

BRADEN, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background

Apple Inc. ("Petitioner") filed a Petition requesting an *inter partes* review of claims 1–8, 10–18, and 20–21 (the "challenged claims") of U.S. Patent No. 10,512,027 (Ex. 1001, "the '027 patent"). Paper 1 ("Pet."). Telefonaktiebolaget LM Ericsson ("Patent Owner") timely filed a Preliminary Response. Paper 7 ("Prelim. Resp.").

We have authority to determine whether to institute an *inter partes* review under 35 U.S.C. § 314 and 37 C.F.R. § 42.4. An *inter partes* review may not be instituted unless it is determined that "the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition." 35 U.S.C. § 314 (2018); *see also* 37 C.F.R § 42.4(a) ("The Board institutes the trial on behalf of the Director."). The reasonable likelihood standard is "a higher standard than mere notice pleading," but "lower than the 'preponderance' standard to prevail in a final written decision." *Hulu, LLC v. Sound View Innovations, LLC*, IPR2018-01039, Paper 29 at 13 (PTAB Dec. 20, 2019) (precedential).

For the reasons provided below and based on the record before us, we determine Petitioner has demonstrated a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims. Accordingly, we institute an *inter partes* review of the '027 patent and all of the asserted challenges to patentability.

B. Real Parties in Interest

Petitioner states that it is the real-party-in-interest. Pet. 72. Patent Owner lists Telefonaktiebolaget LM Ericsson and Ericsson Inc. as real-parties-in-interest. Paper 3 (Patent Owner's Mandatory Notices), 1.

C. Related Proceedings

Petitioner identifies the following matter involving the '027 patent: *Samsung v. Ericsson*, IPR2021-00487 (January 29, 2021). Pet. 72. Petitioner also indicates that the matter has terminated. *Id.* Patent Owner does not identify any related proceedings. *See* Paper 3, 1.

D. The '027 Patent (Ex. 1001)

The '027 patent is titled "On-Demand Request for System Information," and issued on Dec. 17, 2019. Ex. 1001, codes (45), (54). The '027 patent claims priority to a foreign-filed application filed on January 4, 2017. *Id.* at code (30).

1. Written Description

The '027 patent relates to a " method for requesting system information." *Id.* at code (57). The method comprises transmitting a request for at least one system information block group, each of which comprises one or more system information blocks, from a user terminal to a network node. *Id.* at 12:25–30. The one or more system information blocks is/are grouped according to a feature of the one or more system information blocks. *Id.* at 12:30–34. The method may further comprise "receiving one or more system information block groups from the network node. The one or more system information block groups may comprise the at least one system information block group." *Id.* at code (57).

The '027 patent purports to solve problems with on-demand system information ("SI") transmission in wireless communication networks. *Id.* at 4:58–59. SI may be transmitted to a user terminal in a system information bock ("SIB").

Id. at code (57). SIBs may be classified into SIB groups according to their relevance or correlation. *Id.* at 4:59–61. When a user terminal wants to select a specific SI, it may request from the network node (a SIB group), which contains the specific SI. *Id.* at 4:61–62. The network can then know which SIB group the user terminal needs and broadcast the requested group, increasing the energy efficiency of SI transmission to user terminals. *Id.* at 4:63–66. A flowchart of one embodiment of the present invention is shown in Figure 1, reproduced below:

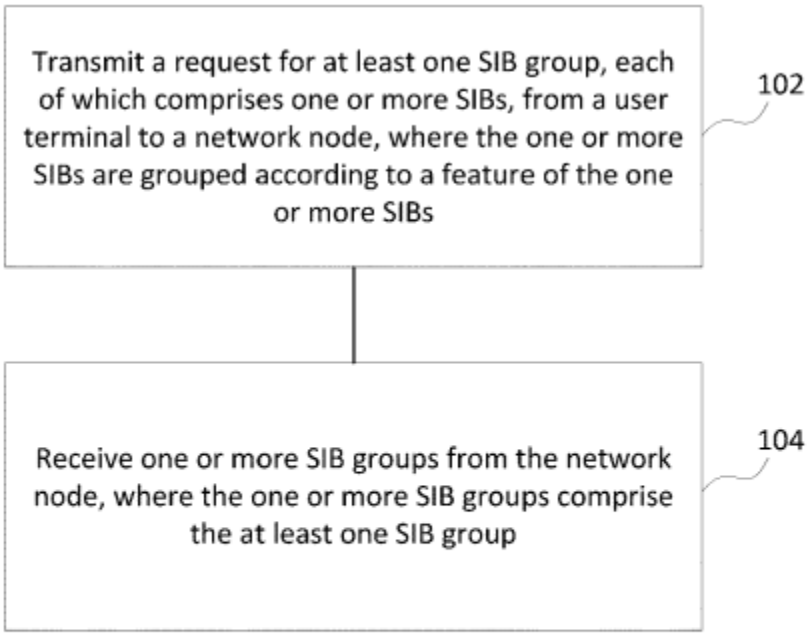

Fig.1

Figure 1 is a flowchart of a method for requesting SI according to one embodiment of the '027 patent. *Id.* at 4:4–5. The '027 patent discloses that, in the exemplary embodiment, a request for "at least one SIB group, each of which comprises one or more SIBs, may be transmitted from a user terminal to a network node, as shown in block **102**." *Id.* at 5:18–20. The '027 patent further discloses that one or more SIBs may be grouped or classified according to their features,

such as functionality or periodicity. Ex. 1001, 5:20–22, 5:55–6:14, 6:26–27, Table 1. A SIB group may be associated with a preamble that may be transmitted to the network node along with the SIB group. *Id.* at 6:55–60. The user terminal may then receive one or more SIB groups from the network node using a preamble for indicating which SIB group is requested. *Id.* at 6:60–64.

According to the '027 patent, prior art systems used "one preamble" to "carry a request for all other SI" which may result in unnecessary transmission of undesired SI because "a user terminal may not need all the other SI." Ex. 1001, 4:46–52. The '027 patent "proposes a solution of on-demand request for SI." *Id*. at 4:58–59. Specifically, "one or more SIBs may be classified into a SIB group," and "when a user terminal wants to request some specific SI, it can request . . . a SIB group in which the specific SI is contained." *Id*. at 4:59–63. The '027 patent indicates that this method means "the network node can know which SIB group the user terminal actually needs" resulting in a more efficient transmission. *Id*. at 4:63–5:5.

2. Illustrative Claims

As noted previously, Petitioner challenges claims 1–8, 10–18, and 20–21 of the '027 patent, of which claims 1 and 11 are independent. *See* Pet. 22. Claims 1 and 11 are illustrative of the challenged subject matter and are reproduced below.

1. A method for requesting system information, comprising:

> transmitting a request using a preamble for indicating at least one system information block group, each of which comprises one or more system information blocks, from a user terminal to a network node, wherein the one or more system information blocks are grouped according to a feature of the one or more system information blocks; and

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