UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc., Petitioner

v.

Telefonaktiebolaget LM Ericsson, Patent Owner

Case IPR2022-00607 U.S. Patent No. 10,517,133

PATENT OWNER'S PRELIMINARY RESPONSE

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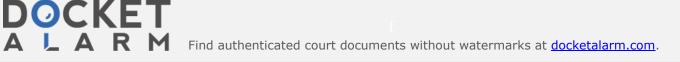


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	C. Petitioner has failed to demonstrate that the combination of Schliwa-Bertling and 3GPP '279 renders any Challenged Claim obvious		
	1.	The combination of Schliwa-Bertling and 3GPP '279 does not teach or suggest "receiving a resume message from the network node, the message comprising an indication to perform a full configuration" recited in Claim 1	
	2.	The combination of Schliwa-Bertling and 3GPP '279 does not teach or suggest "applying the full configuration, without receiving a reconfiguration message" recited in Claim 1	
	3.	The combination of Schliwa-Bertling and 3GPP '279 does not render obvious Claim 6	
	4.	The combination of Schliwa-Bertling and 3GPP '279 does not render obvious Claim 1116	
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I. INTRODUCTION

Apple's Petition is nothing more than a cut-and-paste of a prior meritless petition filed by Samsung challenging the claims of U.S. Patent No. 10,517,133 ("the '133 Patent"). See IPR2021-00643 (filed on March 12, 2021). The '133 Patent is not currently the subject of any patent infringement claims against Apple in any pending litigation, so Apple's Petition is not a means for "providing a quick and costeffective alternative[] to litigation," which is the purpose of *inter partes* review as outlined in the legislative history. H.R. Rep. No. 112–98, pt. 1, at 40 (2011). The use of *inter partes* review in this manner, particularly where Apple has failed to show that it has a reasonable likelihood of prevailing as to any Challenged Claim pursuant to § 314(a), "frustrate[s] the purpose of the section as providing quick and costeffective alternatives to litigation" and "divert[s] resources from the research and development of inventions." See, e.g., id. at 40 (2011) (Legislative history establishing *inter partes* review).¹ Here, Apple repurposes the Samsung IPR at little or no cost to Apple, relying on the same experts retained by Samsung, and presenting the same weak arguments challenging the claims of the '133 Patent.

Nevertheless, Petitioner fails to show that either asserted ground is reasonably likely to render Claims 1-20 of the '133 patent unpatentable. In both grounds,

¹ Unless otherwise noted, all emphasis is added by Patent Owner.

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