

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

TELEFONAKTIEBOLAGET LM ERICSSON,
Patent Owner

Inter Partes Review Case No. IPR2022-00648
U.S. Patent No. 9,860,044

**PETITION FOR *INTER PARTES* REVIEW
OF U.S. PATENT NO. 9,860,044**

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TABLE OF AUTHORITIES

CASES

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<i>Becton, Dickinson, and Co. v. B. Braun Melsungen AG</i> , IPR2017-01586, Paper 8 at 17-18 (PTAB Dec. 15, 2017)	13
<i>Gen. Plastic Indus. Co., Ltd. v. Canon Kabushiki Kaisha</i> , IPR2016-01357, Paper 19 at 15-19 (September 6, 2017)	80
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303, 1312 (Fed. Cir. 2005)	8
<i>Unified Patents, Inc. v. Certified Measurement, LLC</i> , IPR2018-00548, Paper No. 7 at 7-8 (Sep. 5, 2018)	81
<i>Valve Corp. v. Elec. Scripting Prod., Inc.</i> , IPR2019-00062, Paper No. 11 at 2, 9-10, 12-13 (Apr. 2, 2019)	81

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