

Filed: September 7, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., SAMSUNG ELECTRONICS CO., LTD., and SAMSUNG
ELECTRONICS AMERICA, INC.,
Petitioners,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-01004
Patent 9,614,943

**PATENT OWNER'S PRELIMINARY RESPONSE
UNDER 35 U.S.C. § 313 AND 37 C.F.R. § 42.107**

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I. INTRODUCTION

The Board should deny institution because Petitioners fail to show a reasonable likelihood that any of the challenged claims of the '943 Patent are obvious from the proposed combinations. Each of the grounds that Petitioners rely on fails to disclose key limitations and Petitioners' attempts to use POSITA knowledge to supplant the lack of disclosure are incorrect and impermissible.

In Grounds 1A-1C, Petitioners challenge independent claims 1, 5, 8, and 12 (along with associated dependent claims) with Byrne, a reference disclosing a mobile device that can handover calls between cellular and cordless. However, Byrne fails to disclose at least two limitations.

First, Petitioners have not shown that Byrne discloses "a processor that is configured to process a first data stream and a second data stream in parallel." Petitioners point to Byrne's processor for this limitation, but that processor does not process data streams at all, let alone in parallel. Instead the processor handles control logic for switching between the two modes.

Additionally, Byrne fails to disclose the limitation reciting "one or more channels are sampled and clocked individually." Petitioners recognize that this limitation is not actually disclosed in Byrne but attempt to add it in through obviousness in view of a POSITA. Petitioners attempts here run up against the Federal Circuit and this Board's requirements that there must be actual evidence that

a combination not only *could have been made* but that a skilled artisan *would have been motivated to make* the alleged combination. In many crucial places, Petitioners cite to an expert declaration but that declaration states verbatim what was argued in the petition and is supported by no evidence or explanation.

In Grounds 2A-2C, Petitioners likewise challenge independent claims 1, 5, 8, and 12 (and their dependent claims) through a combination of Raleigh with Byrne. This attempt fares no better. Raleigh discloses a “space-time signal processing system” that employs a “substantially orthogonalizing procedure (SOP) in conjunction with” one or more antenna elements to overcome multipath effects such as signal fading and delay spread.

Raleigh (as well as the Raleigh-Byrne combination) fails to disclose parallel processing of data streams by a processor. First, in their sole support for parallel processing, Petitioners point to an allegation of parallel transmission. Whether or not parallel transmission occurs (and they cite no disclosure of this), Petitioners point to nothing that shows parallel processing. Instead, Petitioners rely on several lines of the '943 patent's specification that does not address the issue at all. Second, contrary to Petitioners' argument, Raleigh does not disclose a single processor that processes multiple data streams. Instead, the disclosure of Raleigh itself makes clear that for each of the “data streams” that Petitioners identify, there is a unique processor that

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