

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Sanjay K Rao, et al.
U.S. Patent No.: 8,842,653 Attorney Docket No.: 39843-0125IP1
Issue Date: September 23, 2014
Appl. Serial No.: 14/139,817
Filing Date: December 23, 2013
Title: WIRELESS DEVICES WITH TRANSMISSION CONTROL AND
MULTIPLE PATHS OF COMMUNICATION

SECOND DECLARATION OF DR. MICHAEL ALLEN JENSEN

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

I further declare that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (under Section 1001 of Title 18 of the United States Code).

By: Michael A. Jensen

Michael Allen Jensen, Ph.D.
September 1, 2023

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1. This Declaration clarifies the conclusions that I have formed based on the analysis provided in my first declaration (EX-1003, incorporated herein by reference in its entirety; “Original Declaration”) and supplemental declaration (EX-1050, incorporated herein by reference in its entirety; “Supplemental Declaration”). Consistent with my findings provided in my Original Declaration and Supplemental Declaration and based upon my knowledge and experience and my review of the prior art publications listed in the earlier and this declarations, a POSITA would have found that claims 1-21 and 23-30 (“the Challenged Claims”) of the ’653 patent are rendered obvious by at least the combinations of references set forth in my Original and Supplemental Declarations.

I. YEGOSHIN-JOHNSTON-BILLSTRÖM RENDERS OBVIOUS MULTIPLE IP ADDRESSES (CLAIMS 14-16)

A. A POSITA Would Have Found It Obvious to Modify Yegoshin’s Phone Based On Billström’s Use of IP Address for IP-Based Cellular Communications

2. In Patent Owner’s Response (POR), Patent Owner does not dispute that Yegoshin and Billström describe using IP addresses for communication on WLAN and cellular networks, respectively. However, Patent Owner asserts that the combination fails to address how “Yegoshin’s phone decides and enforces which IP address to use to route each data packet.” POR, 50. This argument adds requirements into the actually claimed features (14[i]). Notably, claim 14 does not necessitate how to “select between a first IP address or a second IP address,” but

recites that “the mobile device maintains multiple IP addresses, wherein the first wireless component is accessible on a first IP address and the second wireless transmit and receive component is accessible on a second IP address.” EX-1001, 13:27-31; POR, 50 (citing EX-2019, ¶111).

3. Even if it is assumed that selection is required, the selection would be simple and straightforward—use the first IP address when communicating over the cellular network and use the second IP address when communicating over the WLAN. As noted in my Original Declaration, using different IP addresses for different networks was well-known before the Critical Date. EX-1016, 6:42-56, 9:6-10; EX-1003, ¶85.

4. Although Billström describes that its phone can switch between “regular GSM idle mode,” “call-connected mode,” and “PD [packet data] mode,” Billström’s switching between the modes doesn’t negate Petitioner’s proposed combination of Yegoshin and Billström. EX-1006, 6:11-21, 8:47-54, 9:19-32, Figure 4; POR, 50-52. At a minimum, in the Yegoshin-Billström combination, a POSITA would have understood and found obvious that Yegoshin’s phone would access its “second communication interface” (“*second wireless transmit and receive component*”) using an IP address (“*second IP address*”) for forwarding a call to WLAN in the way Yegoshin describes. EX-1004, 6:15-22, 7:15-19, 8:8-15. Meanwhile (e.g., while using WLAN for the forwarded call), the modified phone would switch

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