

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HEWLETT PACKARD ENTERPRISE COMPANY,
Petitioner,

v.

SOVEREIGN PEAK VENTURES, LLC,
Patent Owner.

U.S. Patent 8,045,531 B2
Issue Date: Oct. 25, 2011

Title: SYSTEM AND METHOD FOR NEGOTIATION OF WLAN ENTITY

Inter Partes Review No.: IPR2023-01261

**PETITION FOR *INTER PARTES* REVIEW OF U.S. PATENT 8,045,531
UNDER 35 U.S.C. §§311-319 and 37 C.F.R. §§42.1-80, 42.100-107**

Mail Stop “PATENT BOARD”
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450

TABLE OF CONTENTS

	Page
I. Introduction.....	1
II. Grounds for Standing.....	2
III. Reasons for the Requested Relief.....	2
A. Summary of the '531 Patent	2
B. Prosecution History.....	6
C. Claim Construction	7
D. Priority of the Challenged Claims.....	9
E. Person of Ordinary Skill in the Art.....	9
F. State of the Art.....	10
1. 802.11.....	10
2. Centralized Management of WLANs	10
3. CAPWAP	11
4. LWAPP	13
IV. Identification of Challenges.....	13
A. Challenged Claims	13
B. Statutory Grounds for Challenges.....	13
C. Prior Art Basis.....	14
V. Identification of How the Challenged Claims are Unpatentable	15
A. Ground 1: Claims 1, 7, and 13 are Anticipated by Calhoun.....	15
1. Calhoun (EX-1005).....	15
a. Analogous Art.....	15
b. Overview of Calhoun	15
2. Detailed Application to the Challenged Claims.....	16

a.	Claim 1	16
b.	Claim 7	34
c.	Claim 13	40
B.	Ground 2: Claims 1, 7, and 13 are Obvious over Calhoun in View of CAPWAP and LWAPP and the Knowledge of a POSA	41
1.	CAPWAP	41
a.	Analogous Art.....	41
2.	LWAPP	42
a.	Analogous Art.....	42
3.	Motivation to Combine Calhoun with CAPWAP and LWAPP	43
4.	Detailed Application to the Challenged Claims.....	45
a.	Claim 1	45
a.	Claim 7	60
b.	Claim 13.....	65
VI.	The Board Should Not Exercise its Discretion to Deny Institution.....	66
VII.	Mandatory Notices under 37 C.F.R. §42.8	69
A.	Real Parties-In-Interest Under 37 C.F.R. § 42.8(b)(1)	69
B.	Related Matters Under 37 C.F.R. § 42.8(b)(2)	69
C.	Lead and Back-Up Counsel Under 37 C.F.R. § 42.8(b)(3)	70
D.	Service Information Under 37 C.F.R. § 42.8(b)(4).....	71

TABLE OF AUTHORITIES

Federal Cases

Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) 7

Sovereign Peak Ventures, LLC v. Hewlett Packard Enterprise Co., 2:23-cv-00009
(E.D. Tex.) 69

Sovereign Peak Ventures, LLC v. TP-Link Corp. Ltd., 6:22-cv-01273 (W.D. Tex.) 70

Regulatory Cases

Apple Inc. v. Fintiv, Inc., IPR2020-00019 66

HP Inc. v. Slingshot Printing LLC, IPR2020-01084, Paper 13 (Jan. 14, 2021) 68

PEAG LLC v. Varta Microbattery GMBH, IPR2020-01214, Paper 8 (Jan. 6, 2021) 68

Sand Revolution II LLC v. Continental Intermodal Group – Trucking LLC,
IPR2019-01393, Paper 24 (June 16, 2020) 67-68

Sotera Wireless, Inc. v. Masimo Corp., IPR2020-01019, Paper 12 (Dec. 1, 2020) 67

Federal Statutes

35 U.S.C. §103 1, 14

35 U.S.C. §112, ¶6 24, 29, 57, 63

Regulations

37 C.F.R. §42.8 69

37 C.F.R. § 42.8(b)(1) 69

37 C.F.R. § 42.8(b)(2) 69

37 C.F.R. § 42.8(b)(3) 70

37 C.F.R. § 42.8(b)(4) 70

37 C.F.R. §42.104(a) 2

37 C.F.R. §42.106(a) 2

37 C.F.R. §42.108 2

PETITIONER'S EXHIBIT LIST

<i>Exhibit #</i>	<i>Description</i>
1001	U.S. Patent 8,045,531 (“’531 Patent”)
1002	Prosecution History of the ’531 Patent
1003	[Omitted]
1004	[Omitted]
1005	U.S. Patent No. 7,508,801 to Calhoun, et al. (“Calhoun”)
1006	Light Weight Access Point Protocol (LWAPP), P. Calhoun, et al., Internet Engineering Task Force (IETF) of the Internet Society, June 28, 2003 (“LWAPP”)
1007	P. Calhoun and J. Aaaron, “LWAPP brings harmony to WLANs,” Network World, December 1, 2003, available at: https://www.networkworld.com/article/2328757/lwapp-brings-harmony-to-wlans.html (last accessed July 31, 2023)
1008	Control and Provisioning of Wireless Access Points (CAPWAP), Internet Engineering Task Force (IETF) of the Internet Society, October 2, 2003 (“CAPWAP”)
1009	IETF 802.11-1999
1010	[Omitted]
1011	IETF RFC 5412
1012	Declaration of Dr. Kevin Negus
1013	Plaintiff’s Preliminary Infringement Contentions, <i>Sovereign Peak Ventures, LLC v. Hewlett Packard Enterprise Company</i> , Case No. 2:23-cv-00009 (E.D. Tex.), served on Feb. 28, 2023
1014	Amended Docket Control Order, <i>Sovereign Peak Ventures, LLC v. Hewlett Packard Enterprise Company</i> , Case No. 2:23-cv-00009 (E.D. Tex.), filed on April 13, 2023
1015	Expert Declaration of Dr. Sylvia Hall-Ellis with respect to <i>Inter Partes Review</i>
1016	Declaration of Alexa Morris

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.