

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS
Petitioner

v.

GENERAL ACCESS SOLUTIONS, LTD.
Patent Owner

IPR2023-01147
U.S. Patent No. 9,426,794

REPLY DECLARATION OF DR. KEVIN C. ALMEROOTH

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I. Introduction

1. I have been retained by Cellco Partnership d/b/a Verizon Wireless (“Petitioner”) to provide my opinion concerning the claimed subject matter of U.S. Patent No. 9,426,794 (Ex. 1001 and henceforth referred to as “the ’794 patent”).

2. In a prior declaration submitted in this case, I have set forth my opinions concerning claims 1-6 of the ’794 patent. Ex. 1002 (“Original Declaration”).

3. I have considered the following:

- Materials listed in my Original Declaration (Ex. 1002, ¶39), particularly the ’794 patent (Ex. 1001), U.S. Patent No. 6,556,553 (“Palmer”) (Ex. 1004), U.S. Patent No. 6,816,706 (“Hohnstein”) (Ex. 1005), U.S. Patent No. 5,790,536 (“Mahany”) (Ex. 1006), and U.S. Patent No. 5,722,051 (“Agrawal”) (Ex. 1007);
- The Patent Owner’s Response (Paper 18);
- Declaration of Douglas A. Chrissan, Ph.D (Ex. 2007);
- Excerpts from Newton’s Telecom Dictionary, 16th Edition (2000) (Ex. 2009);
- *What is 5G? Everything you need to know about 5G*, Qualcomm.com (Ex. 2012);
- Excerpts from IBM Dictionary of Computing, 10th Edition (1993) (Ex. 2013);

- Deposition Transcript of Dr. Douglas A. Chrissan, July 26, 2024 (Ex. 1017)
- Roger L. Freeman, TELECOMMUNICATION SYSTEM ENGINEERING, 3rd Edition (1996) (Ex. 1018);
- *What is a WAN? Wide-Area Network*, Cisco.com, <https://www.cisco.com/c/en/us/products/switches/what-is-a-wan-wide-area-network.html> (retrieved Aug. 7, 2024) (Ex. 1019)
- Excerpts from Microsoft Computer Dictionary, 3rd Edition (1997) (Ex. 1020); and
- Excerpts from IBM Dictionary of Computing, 10th Edition (1993) (Ex. 1021).

4. My understanding of the legal principles at issue are set forth in my Original Declaration. Ex. 1002, ¶¶30-38.

II. Terms at Issue

A. Local & Wide Area Networks

5. Dr. Chrissan opines that “Wide Area Networks (WANs) connect such things as mobile phones, fixed wireless devices and hotspot access points (e.g., MiFi devices) in large geographical areas such as a campus or city,” while “Local Area Networks (LANs) connect computers, tablets, televisions, appliances, thermostats,

alarm systems, and other devices in smaller areas, such as a single building or single portion of a building.” Ex. 2007, ¶35.

6. I agree with Dr. Chrissan’s characterizations that WANs and LANs may be differentiated based on distance, with WANs providing network connectivity across relatively longer distances compared to LANs. This is the distinction apparent in the ’794 Patent. *See* Ex. 1001, Abstract, Fig. 1.

7. The definitions for these terms in Microsoft Computer Dictionary also support this common understanding. The dictionary defines “wide area network” as “[a] communications network that connects geographically separated areas.” Ex. 1020, p. 507; *id.*, p. 504 (“WAN”—“*See* wide area network”). The dictionary defines “LAN” as a “group of computers and other devices dispersed over a relatively limited area *Compare* wide area network.” Ex. 1020, p. 276; *id.*, p. 287 (“local area network”—“*See* LAN.”).

8. The IBM Dictionary of Computing likewise supports this understanding, defining “wide area network” as “[a] network, that provides communication services to a geographic area larger than that served by a local area network.” Ex. 1021, p. 744.

B. Protocol

9. Dr. Chrissan stated that “a ‘protocol’ is a term of art in the network architecture domain, generally meaning an established set of rules for transmissions

to and from devices.” Ex. 2007, ¶45. During his deposition, Dr. Chrissan also provided further testimony concerning these “established set of rules” forming a protocol:

Q And what do you mean by "an established set of rules"?

A When devices communicate with each other, *they need to have an established set of rules. Otherwise, they won't understand each other.* In other words, let's assume that the -- let's assume that the devices are both transceivers -- well, let's keep it simple.

Let's say that one device is a transmitter, and one device is a receiver. Those devices *have to operate according to the same set of rules or else the receiver will not be able to understand what the transmitter is transmitting.*

So those rules can be an extensive set of constraints, requirements, timing, parameters, bit fields, everything needed in terms of a *rule that those two devices will agree upon in order that they can understand each other.*

...

Q And these rules are required so that the receiver will understand what the transmitter is transmitting?

...

A That may be a paraphrase of one of my previous answers but generally the same as one of my previous answers.

Again, communication devices, for example, a transmitter transmitting into a receiver *do have to operate by established set of rules*, often quite detailed rules, in order that the receiver can receive a reasonably good, if not very good, replicate or copy of what the transmitter intended to send, whether that be digital, analogue, or data of -- data and control fields of a -- of various forms.

Q And we were just discussing this in the context of a transmitter and a receiver.

Would your opinions on that setup *also apply to two transceivers*?

A *Yes*.

Ex.1017, 36:11-38:19 (emphasis added).

10. I agree with Dr. Chrissan's characterization of a network protocol—namely, that each network utilizes a protocol in order to perform its function. The protocol is simply the rules that allow for devices to transmit data in a certain manner and organization, such that the data is understood and recognized when it is received. Absent such rules, a device receiving a network transmission does not understand what it receives.

III. Ground 1 (Palmer)

A. Rack-Assembly Components Connectable Via LAN

11. Dr. Chrissan opines that a person of ordinary skill in the art (“POSA”) would not have been motivated to combine Palmer’s remote antenna 34 and one of the access points 40 “into one” device, as a LAN connecting remote antenna 34 and the access point 40 is “require[d].” Ex. 2007, ¶80. To start, I disagree that Palmer “requires” a LAN connecting remote antenna 34 and one of the access points 40. However, even accepting Dr. Chrissan’s opinion that such a LAN is required, I disagree that the same would have any bearing on obviousness.

12. As I discuss in my Original Declaration, at the time of the ’794 patent, the use of rack assemblies for housing telecommunications equipment had been known and widely employed for decades. Ex. 1002, ¶¶70-71 (citing Ex. 1012; Ex. 1013, Figs. 2-3, 7). And the ’794 patent describes a rack assembly as one example of a configuration which integrates two transceivers. Ex. 1001, 8:28-36. A POSA would have recognized that a common approach to interconnecting components housed within a rack is via a wired LAN connection, the same type of connection that Palmer describes as connecting remote antenna 34 and an access point 40. Ex. 1004, 4:64-5:9. For example, a POSA would have known that a network switch was commonly provided as another component within a rack, so as to interconnect the

components within the rack via network connectivity such as Ethernet or optical fiber.

13. Therefore, even accepting Dr. Chrissan's opinion that a LAN connection between Palmer's remote antenna 34 and access point 40 is "required," such requirement would not have affected a POSA from being motivated to combine these components in Palmer as an integrated device such as a rack assembly.

B. Monitoring by Most Direct Component to Wireless Signal

14. As I discuss in my Original Declaration, Palmer discloses that, to determine whether a roaming or rate-shift operation should be performed, the downlink connection from an access point 40 to a portable terminal 20 may be monitored, either by the portable terminal itself or alternatively "by the network." Ex. 1002, ¶¶93-95 (citing Ex. 1004, 5:26-36). As I discuss in my Original Declaration, Palmer's reference to "by the network" is a reference to the access point 40. I explain in my Original Declaration that "the access point 40 is part of the network and the specific component directly interacting wirelessly with the portable terminals 20 and therefore collecting such measurements." Ex. 1002, ¶95.

15. Dr. Chrissan opines that, in the context of Palmer's Fig. 2, Palmer's reference to the network would indicate "a device in administration building 33 (in Fig. 2)." Ex. 2007, ¶86.

16. I disagree with Dr. Chrissan's interpretation of Palmer and, further, that a POSA would have interpreted Palmer in this way. The '794 patent specification does not use the term "monitoring" but does describe the measurement of signal characteristics between the WLAN transceiver (corresponding to the claimed "second wireless transceiver") and the mobile station. In particular, the '794 patent states:

Determination of when to initiate handover of communications is made responsive to measurements of signal characteristics of communication signals communicated between the WLAN transceiver and the mobile station. In one implementation signal characteristics are measured, or otherwise determined, at the mobile station and results of such measures or determinations of are reported back to the WLAN transceiver and appropriate control circuitry. Thereafter, if appropriate, the handover of communications is effectuated.

Ex. 1001, 8:61-9:3.

17. Dr. Chrissan testified during his deposition that this portion of the specification describes the claimed monitoring. Ex. 1017, 56:21-58:12. Therefore, the '794 patent describes that a WLAN transceiver performs monitoring of a downlink signal simply by receiving measurements taken by the mobile station.

18. Similarly, Dr. Chrissan testified during his deposition that, in his opinion, the device in administration building 33 of Palmer performs the monitoring by “receiving” measurement data for the monitoring operation:

Q How would a device in the Administration Building 33 perform measurements of the wireless link between Portable Terminal 20 and Access Point 40, which is located in a different building?

A ...

I think the answer to that is, those units, *any unit qualifying as network* or central host processor in Palmer's sentence here, it's understood that *those would not be directly measuring the Radio Signal 26, but* they could *collect measurements from Portable Terminal Computer 20* and potentially take other measurements related to the connection quality and then use those measurements and possibly generate other measurements in some algorithm that was making a choice of rate versus roam.

...

Q And your previous *answer applies both to the Figure 1 and Figure 2 embodiments of Palmer?*

A I think so. ...

yeah, *I would say that my analysis applies similarly for Figure 1 and Figure 2*, whereby the measuring and processing in Figure 2 is either done in portable terminal computer 20 or Administration Building 33.

Q And *it's done in Administration Building 33 by that building receiving the measurement information* from Portable Terminal 20?

A That is one way -- that is one aspect that it could use, *yes*.

Ex. 1017, 86:19-90:18 (emphasis added).

19. Therefore, the claimed “monitoring” is satisfied when the WLAN transceiver receives measurement data of the downlink signal between the WLAN transceiver and the mobile station, regardless of whether the mobile station is the component performing measurement of the signal.

20. In this regard, Palmer’s access point 40 monitors the downlink signal between itself and portable terminal 20 by receiving the measurement data from the portable terminal. As noted in the reproduced portions of Dr. Chrissan deposition transcript, Dr. Chrissan testified that, in Palmer, measurements are taken by portable terminal 20, and such measurements then sent through the network. I agree with this assessment of Palmer. Dr. Chrissan also testified that the path of data flow between a device in administration building 33 and the portable terminal 20 in remote building 36 involves the data being received by access point 40, which then forwards that data onward.

Q ... To summarize our use case where data is being transferred from the Administration Building 30 to one of the portable terminals, 20, it -- that data takes the path of being transmitted

by Antenna 32, received by Remote Antenna 34, provided to Access Point 40, and then provided to Portable Terminal 20?

...

A You're leaving out a lot of details, especially that middle step of how it gets from 34 to 40. That's -- but ***I think a person of skill generally interpreting this would understand that the data does get from Administration Building 33 to Portable Terminal Computer 20.***

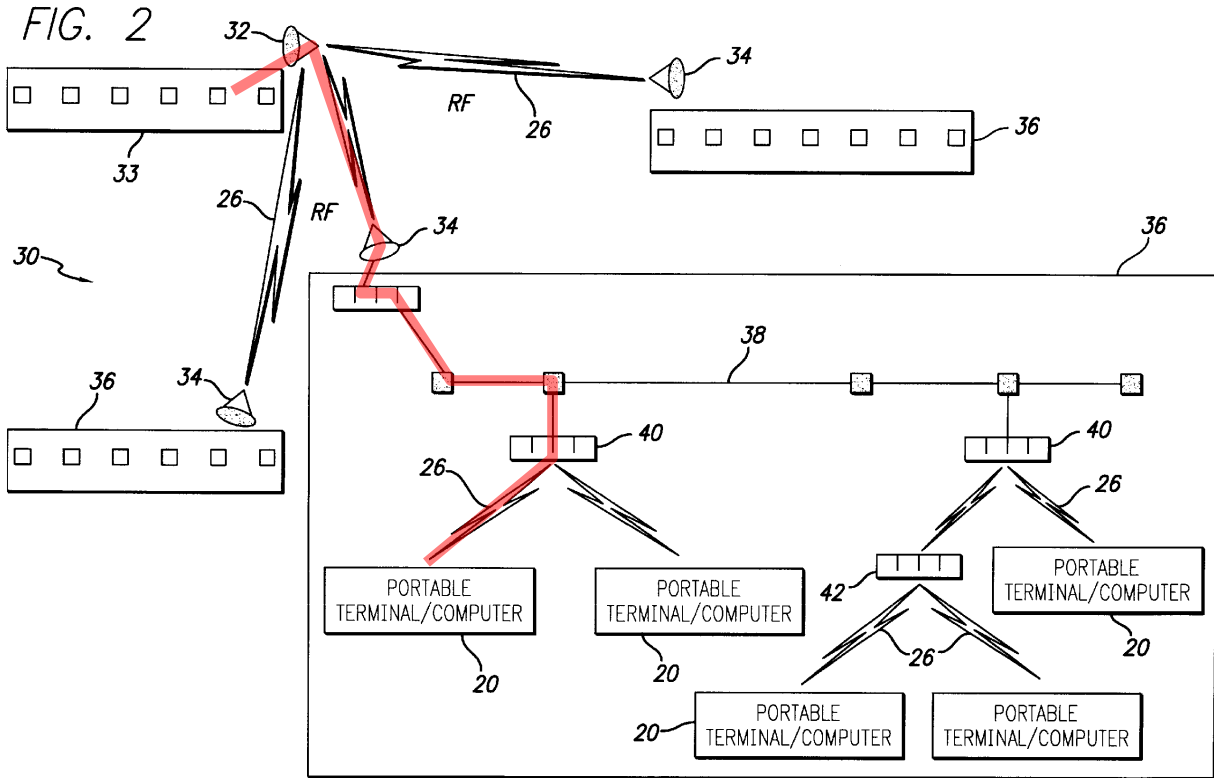
And it does at least -- at least part of that connection is the Radio Link 26, some undescribed network from Antenna 34 to Access Point 40, and then a radio link from Access Point 40 to Portable Terminal Computer 20.

Q And in the opposite use case of the Portable Terminal 20 sending data to the Central Building 33, would it take the same path, but just in the opposite direction?

A It probably wouldn't be the same path. It would be the same general concept in reverse.

Ex. 1017, 74:8-75:20.

21. I agree that this is the path that data flow takes between a device in administration building 33 and the portable terminal 20 in remote building 36. I have annotated this data path in Palmer's Fig. 2 below (based on the left-most portable terminal 20):



Ex. 1004, Fig. 2 (annotated).

22. Therefore, even under Dr. Chrissan’s interpretation that a device in administration building 33 performs “monitoring” by receiving measurement data originally measured by portable terminal 20, the access point 40 likewise performs the “monitoring” simply by receiving the measurement data before forwarding it towards the administration building 33. As I explain above, the ’794 patent specification and Dr. Chrissan’s testimony make clear that a WLAN transceiver “monitors” the downlink signal simply by receiving the measurement data—therefore, no analysis or additional operations are required to satisfy the claimed monitoring limitation.

C. Roaming for Multiple Devices Connected to Access Point 40

23. Dr. Chrissan opines that “Palmer only teaches making a decision by one mobile station to rate shift or roam.” Ex. 2007, ¶73. I disagree that a POSA reading Palmer would understand that it limits a rate-shift or roaming decision to only one of the multiple portable terminals 20 connected to an access point 40.

24. Palmer’s Fig. 2 shows multiple portable terminals 20 connected to a single access point 40. Nothing in Palmer suggests that one portable terminal 20 differs in functionality from another one connected to the access point 40. As such, a POSA would expect that the described function/operation of one connection would be the same as the similarly illustrated connections. A POSA would expect that separate descriptions would be needed only to the extent that they differed and, in that case, would likely be illustrated differently. It would also make little sense to a POSA that key functionality for one portable terminal is limited to only one portable terminal in a network such that the only one portable terminal would be able to roam, especially given that roaming for portable terminals was a well-known functionality in networks that supported mobile devices.

25. A POSA would also have understood that such a proposed manner of operation would not make sense, as Palmer is generally directed to providing flexibility in roaming requirements. Ex. 1004, 4:12-16, 1:9-13, 2:47-57, 2:60-65. Such flexibility would be adversely impacted if Palmer limited its rate-shift/roaming

capabilities to only a single connected portable terminal, leaving the other portable terminal(s) without a functional data connection by not rate-shifting or roaming when such opportunity arose.

IV. Ground 2 (Hohnstein)

A. Hohnstein's Microwave Links Indicate a WAN and Utilize a Wide Area Wireless Communication Protocol

26. Dr. Chrissan opines that Hohnstein's disclosed wireless links 42 between distribution point 40 and access points 22 are microwave links and therefore do not utilize a wide area wireless communication protocol. Ex. 2007, ¶107.

27. I disagree. Even accepting that the wireless links 42 are microwave links, a POSA would have understood that such microwave links would indicate a wide area network (WAN) and therefore communicate using a wide area wireless communication protocol. As I discuss above, a WAN is a network with coverage over longer distances. I understand that Dr. Chrissan acknowledged that Hohnstein's microwave links have at least a one-mile range. Ex. 1016, 100:3-19. Moreover, microwave links have even further distances than that, and can often even span up to 100 miles. Ex. 1018, p. 267. Therefore, a POSA would have understood that Hohnstein's wireless links 42 communicate over a wide area.

28. Dr. Chrissan also opines that Hohnstein's wireless link 42 is not a WAN utilizing a wide area wireless communication protocol, because Hohnstein does not explicitly use the terms "WAN," "WWAN" or "wide." Ex. 2007, ¶108. But whether

or not Hohnstein uses these terms is not relevant to what a POSA would have understood from reading Hohnstein. A POSA would have understood wireless link 42 in Hohnstein constitute a wireless communication over a wide area so as to, at the very least, suggest a WAN and associated protocol.

B. Hohnstein Utilizes a Common Protocol for the Wireless Links Between Distribution Point 40 and Access Points 22

29. Dr. Chrissan opines that Hohnstein's wireless connections 42 between a distribution point 40 and the various connected access points 22 use different protocols rather than a single protocol. Ex. 2007, ¶95.

30. I disagree. Hohnstein uses the same reference numeral 42 to refer to these multiple wireless connections between a distribution point 40 and each of multiple access points 22. A POSA would have understood that if these wireless connections were intended to be limited to different protocols, Hohnstein would have assigned distinct reference numerals for each of these multiple wireless connections and made some statement on the issue. Moreover, Hohnstein discloses, as one example, that each of these wireless links utilize an Asynchronous Transfer Mode (ATM) protocol, which is used for WAN communication. Ex. 1005, 11:12-49; Ex. 1019, p. 2 ("Several WAN protocols have been developed over time, including ... ATM").

31. Additionally, under Dr. Chrissan's opinion that Hohnstein's wireless link 46 is a microwave link, a POSA would have understood that in Hohnstein then,

the same type of microwave links may be used to form wireless links 42. Hohnstein lacks any suggestion that multiple microwave links would be different protocols, let alone limited to different protocols. Such a system would be more complicated than needed such that a POSA would not expect Dr. Chrissan’s proposed operation absent some specific statement on the matter.

C. Hohnstein Utilizes a Common Protocol for the Wireless Links Between Access Point 22 and Subscriber Units 26

32. Dr. Chrissan opines that Hohnstein’s wireless connections 28 between an access point 22 and its connected subscriber units 26 use must different protocols rather than a single protocol. Ex. 2007, ¶110.

33. I disagree. As I discuss in my Original Declaration, Hohnstein’s access point 22 may be formed as illustrated in Fig. 11 and includes at least an omnidirectional access antenna 574 providing wireless connectivity with subscriber units 26. Ex. 1002, ¶¶142-45. Hohnstein discloses that the “[o]mnidirectional access antenna 574 may operate at 5.8 GHz providing 57.9 Mbps peak data rate to fixed and portable subscriber *units* 26.” Ex. 1005, 16:27-29. As Hohnstein refers to plural subscriber “units,” a POSA would have understood that the omnidirectional access antenna 574 provides concurrent wireless connectivity to the plural units. As each of these subscriber units 26 is wirelessly communicating at the same time with the omnidirectional access antenna 574, a POSA would have understood that the same wireless protocol is used for this communication—otherwise, any competing

protocols may conflict with and interfere with one another, disrupting the wireless connections. Therefore, a POSA would have recognized that Hohnstein's omnidirectional access antenna 574 uses the same protocol for communicating with its connected devices.

V. Ground 3 (Palmer and Mahany)

34. Dr. Chrissan opines that Mahany's WAN transceiver in its Fig. 48 embodiment is "optional" and that Mahany "disparages WANs, to be used as a last resort." Ex. 2007, ¶124 (citing Ex. 1006, 3:9-20, 3:40-43). Dr. Chrissan opines that "there is no reason a POSITA would use Mahany to integrate" Palmer's remote antenna 34 and an individual access point 40. Ex. 2007, ¶¶ 125-26.

35. I disagree. First, in my opinion, Mahany does not "disparage" WANs but merely restates well-known downsides of WANs compared to other network types. A POSA would have recognized that each network type has its advantages and disadvantages, and Mahany simply reiterates those particular known disadvantages. Indeed, the '794 patent describes these same limitations of WWANs that are described in Mahany:

Moreover, *WANs require relatively higher transmission power*—a negative factor in the ever increasing need for power savings associated with portable transceiving devices.

Ex. 1006, 3:15-18 (emphasis added).

Generally, the communication ranges of the mobile stations operable in such systems is relatively small as *relatively low-power signals* are originated at the mobile stations and, correspondingly, originated at the network

Ex. 1001, 4:64-5:2 (emphasis added) (describing WLANs).

36. Therefore, both Mahany and the '794 patent note that WLANs require relatively low transmission power compared to WWANs. Mahany does not “disparage” WANs any more than the '794 patent does, and a POSA would have recognized that in Mahany, adding a WWAN transceiver, even if “optional,” would confer a benefit of maintaining connectivity when out of WLAN coverage range.

37. Therefore, a POSA would still have been motivated to incorporate the integration of WLAN and WWAN transceivers taught by Mahany, applied towards Palmer’s remote antenna 34 and an individual access point 40.

VI. Ground 4 (Palmer and Agrawal)

38. Dr. Chrissan opines that “Agrawal discloses power and FEC control in a mobile radio system, i.e., a cellular system. A cellular system is not a wireless LAN, and Agrawal’s techniques of power and FEC control in a cellular system have nothing to do with a WLAN or with monitoring signal characteristics of a downlink signal between a WLAN access point and a WLAN mobile device. As such, Agrawal adds nothing over Palmer, and a POSITA would not be motivated to combine them.”

Ex. 2007, ¶134.

39. I disagree. To begin, Dr. Chrissan creates a strawman by incorporating more of Agrwal's teachings than proposed. The issue is simply the idea of the hand off. In any event, while Agrawal's particular use of its disclosed monitoring is for a cellular system, a POSA would have recognized that such monitoring applies to a variety of wireless networking architectures, regardless of whether they are a WWAN or a WLAN. Notably, as I discuss in my Original Declaration, "Palmer and Agrawal both disclose using monitored signal characteristics to determine whether a downlink connection has degraded so as to necessitate reducing the connection's data rate." Ex. 1002, ¶210 (citing Ex. 1004, 5:10-49, 6:20-54; Ex. 1007, 5:26-29, 2:58-3:1). And "Palmer additionally utilizes these monitored signal characteristics to determine whether to switch (e.g., roam) a portable terminal 20 to another access point, while Agrawal describes its monitored signal characteristics indicating '[i]f the mobile unit is moving away from the base station.'" Ex. 1002, ¶210 (citing Ex. 1004, 5:10-49, 6:8-54; Ex. 1007, 5:36-47, 2:7-15).

40. Therefore, both Palmer and Agrawal disclose using monitoring for similar reasons, and a POSA would have been motivated to draw from Agrawal's principles concerning monitoring and apply them towards Palmer, regardless of any differences in the specific network infrastructure between Palmer and Agrawal, which are irrelevant to the monitoring aspect being combined.

VII. Ground 6 (Hohnstein and Agrawal)

41. Dr. Chrissan opines that “Agrawal discloses power and FEC control in a mobile radio system, i.e., a cellular system. A cellular system is not a wireless LAN, and Agrawal’s techniques of power and FEC control in a cellular system have nothing to do with a WLAN or with monitoring signal characteristics of a downlink signal between a WLAN access point and a WLAN mobile device. As such, Agrawal adds nothing over Hohnstein, and a POSITA would not be motivated to combine them.” Ex. 2007, ¶140.

42. I disagree. While Agrawal’s particular use of its disclosed monitoring is for a cellular system, a POSA would have recognized that such monitoring is applicable towards a variety of wireless networking architectures, regardless of whether they are a WWAN versus a WLAN. Notably, as I discuss in my Original Declaration, “Hohnstein and Agrawal both disclose using monitored signal characteristics to determine whether a downlink connection has degraded so as to necessitate reducing the connection’s data rate. Ex. 1002, ¶ 221 (citing Ex. 1005, 5:1-29; Ex. 1007, 5:26-29, 2:58-3:1). And, “Hohnstein additionally describes handing off a subscriber unit 26 to another access point as the subscriber unit 26 moves between coverage areas 24, while Agrawal describes its monitored signal characteristics indicating ‘[i]f the mobile unit is moving away from the base

station.” Ex. 1002, ¶ 222 (citing Ex. 1005, 13:25-39, 5:1-21, 8:7-31; Ex. 1007, 5:36-47, 2:7-15).

43. Therefore, Hohnstein and Agrawal both disclose using monitored signal characteristics to determine whether a downlink connection has degraded so as to necessitate reducing the data rate, while Hohnstein additionally discloses using this information for handoff. A POSA would have been motivated to draw from Agrawal’s principles concerning monitoring and apply them towards Hohnstein, regardless of any differences in the specific network infrastructure between Hohnstein and Agrawal, which are irrelevant to the monitoring aspect being combined.

VIII. Conclusion

44. For the reasons stated above, I maintain my positions in my Original Declaration with respect to the unpatentability of claims 1-6.

45. All statements made herein of my own knowledge are true, and all statements made on information and belief are believed to be true. Further, I am aware 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 18 U.S.C. § 1001. I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 11, 2024


Dr. Kevin C. Almeroth