

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA OF AMERICA CORPORATION, ERICSSON INC., AND
T-MOBILE USA, INC.
Petitioners

v.

GENERAL ACCESS SOLUTIONS, LTD.,
Patent Owner

Case No. IPR2023-01415

U.S. Patent No. 7,099,383

REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE

TABLE OF EXHIBITS

Exhibit	Short Name	Description
Ex. 1001	'383 Patent	U.S. Patent No. 7,099,383
Ex. 1002	'383 File History	File History of U.S. Patent No. 7,099,383
Ex. 1003	Declaration	Declaration of Daniel van der Weide, PhD
Ex. 1004	CV	Curriculum Vitae of Daniel van der Weide, PhD
Ex. 1005	Uhlik	U.S. Patent No. 7,430,197
Ex. 1006	Barratt '470	U.S. Patent No. 5,909,470
Ex. 1007	Barratt '490	U.S. Patent No. 5,592,490
Ex. 1008	'383 Contentions	'383 Patent Infringement Contentions, <i>General Access Solutions, Ltd. v. T-Mobile USA, Inc.</i> , C.A. No. 2:23-cv-00158 (E.D. Tex.)
Ex. 1009	District Court DCO	Doc. No. 34, Docket Control Order, <i>General Access Solutions, Ltd. v. T-Mobile USA, Inc.</i> , Case No. 2:23-cv-00158 (E.D. Tex.)
Ex. 1010	Caseload	U.S. District Court – Judicial Caseload Profile (Sept. 2022)

TABLE OF AUTHORITIES

Cases	Page(s)
<i>Sotera Wireless, Inc. v. Masimo Corp.</i> , IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020)	2
<i>BMW of No. Am., LLC. V. Northstar Systems LLC</i> , IPR2023-01017, Paper 12 (PTAB Dec. 8, 2023)	2

Pursuant to the Board’s email dated January 19, 2024, Nokia of America Corporation, Ericsson Inc., and T-Mobile USA, Inc. (“Petitioners”) submit this Reply to Patent Owner’s Preliminary Response (Paper 8, “POPR”). Patent Owner’s *Fintiv* case turns on the fact that “there are no ‘compelling merits’ because Petitioners’ asserted grounds for invalidity are particularly weak” and “there is no *Sotera* stipulation.” POPR, 39-40.

Patent Owner misstates the “compelling merits.” Specifically, Patent Owner attacks Ground 1 of the Petition by arguing that a controller would not be present in the Barratt ’470 base station. But Patent Owner does not assert that a base station would not necessarily comprise a controller because such a position would strain credibility. Ex. 1003, ¶62 (“base stations necessarily include a controller because processors (e.g., digital signal processors 117) require controller supervision”). Instead, relying on attorney argument alone, Patent Owner asserts that “Barratt ’470’s Figure 1 could operate instead with different antennas each operating under the control of separate controllers.” POPR, 21 (emphasis added). In doing so, Patent Owner does not dispute that the ability to alternatively select signals and process signals from multiple signal processors necessarily requires a controller. Petition, 20-23; Ex. 1003, ¶¶62-64.

Patent Owner attacks Grounds 4 and 5 not by arguing that *any* aspect of the

challenged claims is missing but instead alleging that the Petition “attempts to combine embodiments.” But GAS’s theory is without merit. First, the Petition establishes that Figure 4 by itself discloses each and every element of claim 1. Petition, 51-58; Ex. 1003, ¶¶116-26. Additionally, Patent Owner does not point out that Figure 1 shows a general “architecture” in which the disclosed spatial processing (SDMA) techniques can be used in combination with *any* such conventional multiple access scheme (*e.g.*, FDMA, TDMA, and/or CDMA), such as the scheme illustrated in Figure 4. Petition, 56-57; Ex. 1003, ¶¶122-23. Altogether, the compelling merits support institution.

Finally, in addition to the compelling merits presented in the Petition under *Fintiv* factor 6 and challenged by Patent Owner, Petitioners present a *Sotera* stipulation. Petitioners hereby stipulate that if the PTAB institutes an IPR in response to Petitioners’ Petition against General Access Solutions’ U.S. Patent No. 7,099,383 (IPR2023-01415), then T-Mobile, Ericsson, and Nokia will not pursue in the related district court litigation, *General Access Solutions Ltd. v. T-Mobile US, Inc. et al.*, Case No. 2:23-cv-00158-JRG-RSP, the grounds raised in this Petition for IPR or any other grounds that could have reasonably been raised before the PTAB in this proceeding. *Sotera Wireless, Inc. v. Masimo Corp.*, IPR2020-01019, Paper 12 (PTAB Dec. 1, 2020) (precedential as to § II.A). Such a stipulation prior to

institution is entirely proper. *BMW of No. Am., LLC. V. Northstar Systems LLC*, IPR2023-01017, Paper 12 at 10 (PTAB Dec. 8, 2023).

Thus, Petitioners respectfully request that the Board grant institution.

Date: February 2, 2024

By: / John D. Haynes /

John D. Haynes (Reg. No. 44,754)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§42.6(e), 42.105, the undersigned hereby certifies that true and correct copies of the above-captioned REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE was served via electronic mail to the following attorneys of record for Patent Owner:

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