

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AT&T MOBILITY LLC, AT&T SERVICES INC., ERICSSON INC., NOKIA OF
AMERICA CORPORATION, and T-MOBILE USA, INC.,
Petitioners,

v.

DAINGEAN TECHNOLOGIES LTD.,
Patent Owner.

Case No. IPR2024-00310
U.S. Patent No. 10,932,207

PETITIONERS' REPLY TO PATENT OWNER RESPONSE

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LIST OF EXHIBITS

Exhibit No.	Description
1001	U.S. Patent 10,932,207 (“’207 Patent”)
1002	Prosecution History of U.S. Patent 10,932,207 (“’207 File History”)
1003	Declaration of Mark Mahon, Ph.D. (“Mahon Declaration”)
1004	Curriculum Vitae of Mark Mahon, Ph.D.
1005	US Patent Publication No. 2017/0019930 (“Lee1”)
1006	US Patent Publication No. 2010/0255847 (“Lee2”)
1007	Dahlamn et al. 4G, LTE-ADVANCED PRO AND THE ROAD TO 5G (3rd ed. 2016)
1008	Harri Holma and Antti Toskala LTE FOR UMTS (2009)
1009	Nokia, “Considerations on NR RACH procedures,” R2-168013 (Nov. 2016)
1010	3GPP TS 36.331 v13.0.0 (2016) (“TS 36.331”)
1011	3GPP TS 25.214 v3.2.0 (March 2000) (“TS 25.214 Release 1999”)
1012	3GPP TS 38.321 v16.1.0
2001	Declaration of Mr. Michael McBride in Support of Patent Owner’s Motion for Admission <i>Pro Hac Vice</i> of Michael McBride
2002	Expert Declaration of Dr. Karthikeyan Sundaresan
2003	U.S. Patent Publication No. 2015 0296525A1 to Kim (“Kim”)
2004	Second Expert Declaration of Dr. Karthikeyan Sundaresan
2005	For, The New Oxford American Dictionary (2nd Ed. 2005)
2006	Parameter, Webster’s New World Dictionary of Computer Terms (5th Ed. 1994)

I. INTRODUCTION

Patent Owner does not dispute that each and every element of Claims 4-6 and 8 (the “Challenged Claims”) of U.S. Patent No. 10,932,207 (the “’207 Patent”) is disclosed in the prior art. In fact, Patent Owner does not raise a single substantive challenge to the Board’s preliminary finding that the Challenged Claims—as construed by the Board—are rendered obvious by Lee1 in combination with Lee2. Instead, Patent Owner rehashes its unduly narrow interpretation of four claim terms and argues that a POSITA would not have been motivated to “vary the initial and step power based upon whether the UE is doing a 2-step or 4-step contention procedure.” POR at 37.

The Board rejected Patent Owner’s interpretation of the Challenged Claims in its Institution Decision and should continue to do so. On their face, the Challenged Claims do not comprise the limitation that Patent Owner contends is not taught by Lee1 in combination with Lee2. As the Board found in its Institution Decision, Patent Owner’s construction of the disputed terms is a textbook example of attempting to import unclaimed limitations from the specification into the claims. Patent Owner ignores the Board’s guidance and commits the same error in its Patent Owner Response (“POR”). Patent Owner’s sole justification for reading limitations from the specification into the claims appears to be “that the sentence construction [of the claims] is awkward” and “[t]he specification uses the same awkward []

language as used in the claims.” POR at 30. Because there is no basis in law, fact, or common sense for Patent Owner’s position, the Board should maintain its preliminary construction of the disputed terms.

Patent Owner then unfairly criticizes the Board, alleging that the Board inserted its own arguments into this proceeding, which is simply not true. First, Patent Owner argues that the Board violated its procedural rights by discussing Reference Signal Received Power (“RSRP”) and multivariate functions in the Institution Decision. However, Patent Owner itself brought these issues to the Board’s attention and therefore opened the door to the Board’s analysis. Patent Owner should not be surprised that the Board responded to Patent Owner’s own arguments. Second, Patent Owner argues that the Board is not allowed to adopt a claim construction that neither party proposed, which is a clear misstatement of the law. The Federal Circuit has repeatedly confirmed that the Board is free to adopt its own construction of disputed claim terms.

Accordingly, each of the Challenged Claims should be found unpatentable.

II. CLAIM CONSTRUCTION

A. Petitioners Adopt the Board’s Interpretation of the Claim Language

In the Institution Decision, the Board construed four claim terms: “preamble InitialReceivedTargetPower(0),” “preambleInitialReceivedTargetPower(1),” “powerRampingStep(0),” and “powerRampingStep(1).” Inst. Dec. at 8-14. The

Board found that these terms are “four separate elements . . . where preambleInitialReceivedTargetPower(0) and powerRampingStep(0) are functions of input(0), and where preambleInitialReceivedTargetPower(1) and powerRampingStep(1) are functions of input(1).” *Id.* at 13. Based on this construction, the Board concluded that the Challenged Claims “require[] that the initial power and power ramping functions are different ‘for the 4-step’ and ‘for the 2-step’ procedures.” *Id.* at 26-27.

Although Ground 1 of the Petition was based on a different interpretation of these claim terms, Petitioners acknowledge that the Board’s construction is well supported by the intrinsic record and the claims themselves. *See generally id.* at 8-14. Accordingly, in the interest of reducing the number of disputed issues in this proceeding, and given that Petitioners’ second ground for invalidity (*i.e.*, Lee1-Lee2) renders the Challenged Claims obvious under the Board’s construction of the disputed terms, Petitioners adopt and will proceed under the Board’s construction of “preambleInitialReceivedTargetPower[0/1]” and “powerRampingStep[0/1].”

B. The Board Should Maintain Its Preliminary Construction of the Claim Language

Recognizing that the combination of Lee1 and Lee2 renders the Challenged Claims obvious under the Board’s preliminary construction, Patent Owner seeks to read additional limitations into the claim language. Specifically, Patent Owner reiterates its contention that the numerical inputs to “preambleInitialReceivedTarget

Power” and “powerRampingStep”—either “0” or “1”—“correspond (*i.e.*, are set based upon) whether the UE is doing a 4- or 2-step procedure.” *See* POR at 2, 30. In its Institution Decision, the Board did not adopt Patent Owner’s construction because doing so “would improperly import limitations from the Specification into the Claims.” Inst. Dec. at 13 (citing *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 875 (Fed. Cir. 2004)). Nothing has changed since the Institution Decision, the Board was correct in rejecting Patent Owner’s proposed constructions, and the Board should maintain its decision.

Patent Owner acknowledges that “the Board preliminarily disagreed [with its constructions] saying that requiring correspondence improperly imports limitations from the specification into the claims.” POR at 30. Instead of addressing the basis for the Board’s disagreement head-on, Patent Owner commits the same error it made in the Patent Owner Preliminary Response (“POPR”) by turning immediately to portions of the specification that it contends limit the scope of the claims. *See* POR at 30-32. As a result, Patent Owner skips the most important piece of evidence when assessing the meaning of a disputed claim term: the language of the claims themselves. *See* Inst. Dec. at 10 (“When construing claim terms, we first review the language of the claims.”) (citing *TQ Delta, LLC v. DISH Network LLC*, 929 F.3d 1350, 1357 (Fed. Cir. 2019)). Patent Owner’s constructions simply cannot be squared with the plain language of the claims:

[4d] for the 4-step contention based random access procedure, the PREAMBLE_RECEIVED_TARGET_POWER is given based at least on a **preambleInitialReceivedTargetPower(0)** and a **powerRampingStep(0)**; and

[4e] for the 2-step contention based random access procedure, the PREAMBLE_RECEIVED_TARGET_POWER is given based at least on a **preambleInitialReceivedTargetPower(1)** and a **powerRampingStep(1)**.

Ex. 1001, Claim 4 (emphasis added to disputed terms).

As the Board found in its Institution Decision, “Claim 4 merely requires that the initial power and power ramping functions are different ‘for the 4-step’ and ‘for the 2-step’ procedures.” Inst. Dec. at 26-27. Consistent with the Board’s finding, Patent Owner itself concedes that the numerical inputs to the claimed functions are analogous to “the use of ordinal numbering.” POR at 27 n.3. Because ordinal numbering is commonly used “to distinguish different elements of the claim,” *Gillette Co. v. Energizer Holdings, Inc.*, 405 F.3d 1367, 1373 (Fed. Cir. 2005), the Challenged Claims’ use of “0” and “1” indicates, at most, that functions with an input of “0” are different than functions with an input of “1.” The claim language does not support Patent Owner’s attempt to further limit these claim terms.

Patent Owner also ignores that its interpretation of the disputed claim terms renders other parts of the claims superfluous. For example, if “preambleInitialReceivedTargetPower(0)” and “powerRampingStep(0)” are themselves limited to “the 4-step procedure” (as Patent Owner contends), then the claim phrase “for the 4-

step contention based random access procedure” is redundant. This was one of the key reasons the Board was skeptical of Petitioners’ initial interpretation of the Challenged Claims. *See, e.g.*, Inst. Dec. at 10-11 (collecting authority). Likewise, Patent Owner itself stresses that “[a]n interpretation that renders claim language superfluous is strongly disfavored” when such an argument is favorable to Patent Owner’s position. POR at 27-28 (quoting *VirnetX Inc. v. Apple Inc.*, 792 F. App’x 796, 811 (Fed. Cir. 2019)). Patent Owner’s proposed construction of the disputed terms causes the very same problem and should be rejected for the same reasons.

Patent Owner’s sole justification for importing limitations from the specification into the claims appears to be that “the sentence structure [of the claims] is awkward” and that the specification uses “the same awkward ‘for’ language as used in the claims.” POR at 30. There is no basis in law, fact, or common sense for Patent Owner’s position. Indeed, if the claims actually used the same language as the specification, then Patent Owner would point to the claims themselves to support its proposed constructions. Patent Owner attempts to conflate the claims with certain embodiments disclosed in the specification precisely because there are material differences between the claim language and the language used in the specification. *See* POR at 31-32. Setting aside Patent Owner’s attempt at misdirection, it is not clear why Patent Owner contends the claim language is “awkward.” On the contrary, Claim Elements 4d and 4e (reproduced above) are relatively straightforward. The

claimed functions (*e.g.*, preambleInitialReceivedTargetPower) are limited to inputs “0” and “1.” On their face, these inputs are not limited to any particular type of random access procedure, much less the 2-step and 4-step random access procedures that Patent Owner seeks to read into them. Absent lexicography (which is not applicable here), the disputed terms should be given their ordinary meaning, not the unduly narrow construction sought by Patent Owner.

In a similar vein, the portions of the intrinsic record cited by Patent Owner do not support its interpretation of the disputed terms. In fact, the specification clearly discloses that the numerical input $m = 0$ is not necessarily limited to a 4-step procedure. *See* Ex. 1001 at 29:55-57 (“ m is 0 for the 4 step contention based random access response procedure **and the non-contention based random access procedure.**”) (emphasis added); *see also id.* at 14:59-63, Fig. 9 (“The non-contention based random access procedure includes **a zeroth step (900), a first step (902), and a second step (904).**”). As a result, the specification further supports the Board’s initial determination that “[i]nput(m) is not limited to procedure type and can include other types of input.” Inst. Dec. at 27. Patent Owner attempts to side step this issue by arguing that “[it] is not limiting the claims to embodiments in the specification where 0 is ‘for’ both the non-contention based procedure and the 4-step procedure,” POR at 31 n.4, but this argument only reaffirms that Patent Owner is seeking to improperly import limitations from the specification into the claims.

Finally, Patent Owner asserts “the Examiner expressed his understanding that $m=0$ and $m=1$ were ‘associated’ with the four and two step procedures when explaining his reasons for allowance,” POR at 32, but the Examiner said no such thing. The Examiner used the “associated” language when discussing the “Jung” reference. *See* Ex. 1002.1478 (“Jung does not disclose the transmission power (PREAMBLE_RECEIVED_TARGET_POWER) for the a [sic] four step contention based RACH procedure *associated with* preambleInitialReceivedTargetPower . . .”) (emphasis added). In stark contrast to Patent Owner’s characterization of the Examiner’s remarks, the Examiner did not say anything about $\text{input}(m)$ because the function to which the Examiner referred does not comprise an input.¹ The Examiner’s statement also appears to be in error because, in the very next sentence, the Examiner used the phrase “based on,” which tracks the language of the issued claims. *See* Ex. 1002.1478 (“Kim . . . discloses to determine the PREAMBLE_RECEIVED_TARGET_POWER . . . for the four-step contention based RACH procedure (Fig. 4) *based on* the preambleInitialReceivedTargetPower . . .”) (emphasis added). In any event, it is well settled that “the examiner’s unilateral

¹ In other words, the Examiner used the term “preambleInitialReceivedTargetPower,” not “preambleInitialReceivedTargetPower(0)” or “preambleInitialReceivedTargetPower(1).”

remarks alone do not affect the scope of the claim.” *H. Lundbeck A/S v. Lupin Ltd.*, 87 F.4th 1361, 1374 (Fed. Cir. 2023) (citing *Salazar v. Procter & Gamble Co.*, 414 F.3d 1342, 1347 (Fed. Cir. 2005)).

III. CLAIMS 4-6 AND 8 OF THE '207 PATENT ARE OBVIOUS IN VIEW OF THE COMBINED TEACHINGS OF LEE1 AND LEE2

A. There Is No Legitimate Dispute that the Challenged Claims Are Obvious Under the Board’s Preliminary Construction

As recognized in the Institution Decision and un rebutted by Patent Owner, “Lee1 teaches or suggests all the features of claim 4, including 4- and 2-step procedures, except for the initial power and ramping powers being different for the 4- and 2-step procedures,” while “Lee2 teaches using different initial power and ramping powers dependent on event/distance.” Inst. Dec. at 27. Patent Owner concedes that it would have been obvious for a POSITA to combine these references with a reasonable expectation of success. *See* POR at 37 (“Patent Owner is not contesting that Lee1 and Lee2 could be combined or that a POSITA would not have had a reasonable expectation of success in doing so.”). Patent Owner also concedes, via its expert, that any of triggering events disclosed in Lee2 could be combined with both the 2-step and 4-step contention based random access procedures disclosed in Lee1. *See* Ex. 2002, ¶ 26 (“Lee2 teaches that different events have different power control parameters. . . . any of the different events could rely on a two or four step access procedure.”); *id.*, ¶ 27 (“[T]he ’207 Patent explicitly teaches that within each

of these events, one could use either the 2-step or 4-step access procedure based on a RSRP threshold.”).

In light of Patent Owner’s admissions, there is no dispute that the combined teachings of Lee1 and Lee2 yield a system that meets all limitations of the Challenged Claims in at least some cases. *See Unwired Planet, LLC v. Google Inc.*, 841 F.3d 995, 1002 (Fed. Cir. 2016) (“[C]ombinations of prior art that sometimes meet the claim elements are sufficient to show obviousness.”). Indeed, the Board correctly determined that “combining Lee1 and Lee2 would have resulted in multiple scenarios that meet the claim language where input(*m*) is *dependent on event type, as explicitly taught by Lee2*.” Inst. Dec. at 27 (emphasis in original). As an example of one such scenario, the Board explained that the Challenged Claims are satisfied where a handover event triggers a 4-step random access procedure, and an RRC connection re-establishment triggers a 2-step random access procedure. *Id.* at 27-28; *see also* Ex. 1006, [0045], [0049]-[0050], Fig. 2 (teaching that the “handover case” uses different initial power and power ramping than the “RRC connection re-establishment case”). Patent Owner does not dispute that combining Lee1 with Lee2 would result in such a scenario. Nor does Patent Owner dispute that this scenario satisfies each and every element of the Challenged Claims under the Board’s construction of the disputed terms. As a result, the Board should find the Challenged Claims obvious in view of Lee1 combined with Lee2.

Patent Owner does not offer a substantive response to the Board’s preliminary finding that the Challenged Claims are obvious under the Board’s construction of the disputed terms. *See generally* POR at 47-49. Instead, Patent Owner’s primary argument is that it does not agree with the Board’s interpretation of the claim language. *Id.* at 48. This argument rises and falls with claim construction (*see supra* § II) and is therefore inapposite to the merits of the obviousness inquiry.

Patent Owner’s only other argument is that the Board is not allowed to adopt a construction of the disputed terms that neither party proposed. POR at 49. This argument is unavailing because it is premised on a clear misstatement of the law. “The Board is not bound to adopt either party’s preferred articulated construction of a disputed claim term.” *WesternGeco LLC v. ION Geophysical Corp.*, 889 F.3d 1308, 1328 (Fed. Cir. 2018). This is particularly true where, as here, Patent Owner had ample notice of the Board’s construction and the opportunity to respond. *See, e.g., TQ Delta, LLC v. Dish Network, LLC*, 929 F.3d 1350, 1354-56 (Fed. Cir. 2019). In fact, the Federal Circuit has expressly stated that the sole decision cited by Patent Owner (*Magnum Oil Tools*) does not “prohibit[] the Board from construing claims in accordance with its own analysis.” *VLSI Tech. LLC v. Intel Corp.*, 53 F.4th 646, 654 (Fed. Cir. 2022).

B. Even Under Patent Owner’s Interpretation of the Disputed Terms, the Challenged Claims Are Obvious

As explained above, there is no dispute that the combination of Lee1 and Lee2 teaches a POSITA to use different initial power and different power ramping for 2- and 4-step random access procedures in at least some instances. *See supra* § III.A. Relying on its unduly narrow interpretation of the claim language, Patent Owner argues that this is insufficient because the Challenged Claims also require “vary[ing] the initial and step power *based upon whether the UE is doing a 2-step or 4-step contention procedure.*” POR at 37 (emphasis in original). Setting aside the fact that the Challenged Claims contain no such requirement, the Challenged Claims are nonetheless obvious in view of Lee1 and Lee2

1. Petitioners Have Carried Their Burden to Show a Motivation to Combine Lee1 and Lee2

As recognized in the Board’s Institution Decision, Petitioners have shown that a POSITA would have been motivated to combine Lee1 with Lee2 to reduce time delay (*i.e.*, latency). Inst. Dec. at 28; Petition at 37-38, 40-42; Ex-1003, ¶¶ 86-93. Patent Owner does not dispute that this rationale would have motivated a POSITA to combine the technology for reducing latency disclosed in Lee1 (*i.e.*, the 2-step random access procedure) with the technology for reducing latency disclosed in Lee2 (*i.e.*, increasing the transmission power of random access preambles). POR at 41. Patent Owner takes issue with Petitioners’ motivation to combine because,

according to Patent Owner, a POSITA would have been motivated to increase the transmission power of random access preambles by the same amount for the 4-step procedure. *Id.*

As a threshold issue, Patent Owner’s argument is irrelevant because the law “does not require that the motivation be the *best* option, only that it be a suitable option from which the prior art did not teach away.” *PAR Pharm., Inc. v. TWI Pharm., Inc.*, 773 F.3d 1186, 1197-98 (Fed. Cir. 2014) (emphasis in original). A POSITA had ample motivation to combine the technologies disclosed in Lee1 and Lee2 that were specifically designed to reduce latency (*i.e.*, 2-step procedure and relatively high transmission power, respectively). However, Lee2 expressly teaches that, in at least some cases, it is beneficial to use a relatively low transmission power for the conventional 4-step procedure. *See* Ex. 1006, Figs. 2-3, [0010]-[0011], [0037]-[0042], [0109]. As a result, it would have been obvious for a POSITA to use elevated transmission power settings for the 2-step procedure to reduce latency as much as possible while, at the same time, using lower transmission power settings for the 4-step procedure. *See* Inst. Dec. at 27; Petition at 42. Patent Owner cannot negate an obvious combination of Lee1 and Lee2 by asserting that it is possible to combine these references in alternative ways. *PAR Pharm.*, 773 F.3d at 1197-98.

Patent Owner suggests that Petitioners “have provided no rationale why” a POSITA “would not use the same relatively high transmission power in the initial

transmission and smaller power ramping steps for the 4-step contention based procedure doing a handover as well,” but this is not true. POR at 41. As explained by Dr. Mahon, the power ramping technique taught in both Lee1 and Lee2 (and used in every cellular standard since 3G) involves certain tradeoffs. Ex-1003, ¶¶ 46-49. In particular, a relatively high transmission power increases the likelihood that the base station will be able to decode a random access preamble on the first attempt, but it also increases the likelihood of interference with other transmissions. *Id.*, ¶ 46. On the other hand, a relatively low transmission power is less likely to interfere with other transmissions and is more energy efficient, but it may take multiple attempts to connect to the base station, which causes delay. *Id.* In view of these well-known tradeoffs, a POSITA would have inferred that using “the same relatively high transmission power” for both 2- and 4-step procedures (*i.e.*, *all* random access procedures) is not optimal. Instead, a POSITA would have been motivated to follow Lee2’s express teaching that it is beneficial to support different transmission power settings depending on the circumstances of the random access transmission. Ex. 1006, [0109].

In a similar vein, the Board noted in its Institution Decision that Lee2 teaches a mobile device that uses different initial power and power ramping depending on the measured Reference Signal Received Power (“RSRP”). Inst. Dec. at 25; *see also id.* at 18; Ex. 1006, [0063], [0071]-[0074]. The ’207 Patent teaches that a mobile

device decides whether to initiate a 2- or 4-step random access procedure based on the very same information. *See* Ex. 1001 at 16:61-65 (disclosing that a “terminal apparatus” decides whether “to initiate either the 2 step contention based random access procedure or the 4 step contention based random access procedure based upon the measured RSRP and the threshold of the RSRP”); *see also* POR at 14 (highlighting portions of the prosecution history evidencing that switching between 2- and 4-step procedures is based on measured RSRP). As a result, applying Lee2’s disclosure of varying transmission power control parameters based on RSRP to a new type of random access procedure that is also based on RSRP (*i.e.*, the 2-step procedure) results in the subject matter that Patent Owner contends is not disclosed by Lee1-Lee2: “us[ing] different power settings based upon whether the UE is doing a 2-step or 4-step contention based procedure.” POR at 41.

2. The Board Did Not Violate Patent Owner’s Procedural Rights

The Board’s finding that a POSITA would have recognized “the link between event/distance, procedure type, and measured RSRP” is entirely proper under the Administrative Procedure Act (“APA”) and binding precedent. First, the mere fact that Petitioners did not use the term “RSRP” in the Petition does not preclude the Board from considering the evidence of record that does. *See, e.g., Arthrex, Inc. v. Smith & Nephew, Inc.*, 935 F.3d 1319, 1326–28 (Fed. Cir. 2019) (“[T]he mere fact that the Board did not use the exact language of the petition in the final written

decision does not mean it changed theories in a manner inconsistent with the APA and our case law.”). One of the decisions cited by Patent Owner (*Sirona Dental Systems GmbH*) addresses this very issue and confirms that the scope of the Board’s analysis in an *inter partes* review proceeding is not limited to repeating arguments in the Petition. POR at 43 (citing *Sirona Dental Systems GmbH v. Institut Straumann AG*, 892 F.3d 1349, 1356 (Fed. Cir. 2018)).

As explained by the Federal Circuit, an APA violation occurs when the Board “depart[s] markedly from the evidence and theories presented by the petition or institution decision, creating unfair surprise.” *Arthrex*, 935 F.3d at 1328. Far from “departing markedly” from the Petition, the Board found that Petitioners demonstrated a reasonable likelihood of prevailing with respect to at least one of the Challenged Claims based on the same references (*i.e.*, Lee1 and Lee2) and the same obviousness theory (*i.e.*, combining Lee2’s disclosure of different power settings with Lee1’s disclosure of the 2-step procedure) advanced in the Petition. Inst. Dec. at 27-28. If anything, the Board’s discussion of RSRP is akin to the introduction of new evidence, which “is to be expected in *inter partes* review trial proceedings and, as long as the opposing party is given notice of the evidence and an opportunity to respond to it, the introduction of such evidence is perfectly permissible under the APA.” *Genzyme Therapeutic Prod. Ltd. P’ship v. Biomarin Pharm. Inc.*, 825 F.3d 1360, 1366 (Fed. Cir. 2016).

Moreover, Patent Owner fails to acknowledge that it, at the very least, opened the door to argument and evidence regarding RSRP. *See* POPR, 10 (highlighting portions of the specification that discuss RSRP), 14 (highlighting portions of the prosecution history that discuss RSRP); *see also Aqua Prods., Inc. v. Matal*, 872 F.3d 1290, 1325 (Fed. Cir. 2017) (finding that the PTAB, like other federal agencies, “must take account of all the evidence of record”). In fact, Patent Owner relied on expert testimony seeking to distinguish Lee2 based, in part, on the ’207 Patent’s disclosure concerning RSRP. *See, e.g., Ex. 2002*, ¶ 27 (opining that “[t]he ’207 Patent explicitly teaches that within each of these events [disclosed in Lee2], one could use either the 2-step or 4-step access procedure based on a RSRP threshold.”). Patent Owner cannot cry foul that the Board responded to arguments and evidence that Patent Owner itself brought to the Board’s attention. *C.f. Axonics, Inc. v. Medtronic, Inc.*, 75 F.4th 1374, 1380 (Fed. Cir. 2023) (“As we have regularly held, the petitioner in an *inter partes* review proceeding may introduce new evidence after the petition stage if the evidence is a legitimate reply to evidence introduced by the patent owner.”).

C. Patent Owner Does Not Individually Challenge Petitioners’ Arguments and Evidence Concerning Claims 5, 6, and 8

Patent Owner concedes that the patentability of the other Challenged Claims (*i.e.*, Claims 5, 6, and 8) rises and falls with Claim 4. *See* POR at 49-50; Inst. Dec.

at 30. If the Board finds Claim 4 invalid, then the Board should find Claims 5, 6, and 8 invalid as well.

IV. CONCLUSION

For the reasons given above, the Challenged Claims should be found unpatentable.

Respectfully submitted,

Dated: February 27, 2025

By: /Matthew T. Cameron /
Matthew T. Cameron
Reg. No. 74,179
Counsel for Petitioners

CERTIFICATE OF COMPLIANCE

Pursuant to 37 C.F.R. § 42.24(d), the undersigned certifies that the foregoing Petitioners' Reply to Patent Owner Response contains, as measured by the word processing system used to prepare this paper, 4,105 words. This word count does not include the items excluded by 37 C.F.R. § 42.24 as not counting towards the word limit.

Dated: February 27, 2025

By: /Matthew T. Cameron /
Matthew T. Cameron
Reg. No. 74,179
Counsel for Petitioners

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2025, I caused a true and correct copy of the foregoing Petitioners' Reply to Patent Owner Response has been served via email on the following counsel of record for Patent Owner:

R. Allan Bullwinkel
abullwinkel@hpcllp.com
Michael F. Heim
mheim@hpcllp.com
Christopher L. Limbacher
climbacher@hpcllp.com

Michael McBride
mmcbride@aatriallaw.com

IPR2024-00310@aatriallaw.com

By: /Matthew T. Cameron /
Matthew T. Cameron
Reg. No. 74,179
Counsel for Petitioners