



Patent Owner's Oral Argument Presentation[†]

***AT&T Mobility LLC et al. v. Daingean Technologies Ltd.,
No. IPR2024-00310 re
U.S. Patent No. 10,932,207***

June 12, 2025

Before Christopher L. Ogden, Russell E. Cass, and Mary C. Hoffman,
Administrative Patent Judges

Presented by Joshua Wyde,
Counsel for Patent Owner

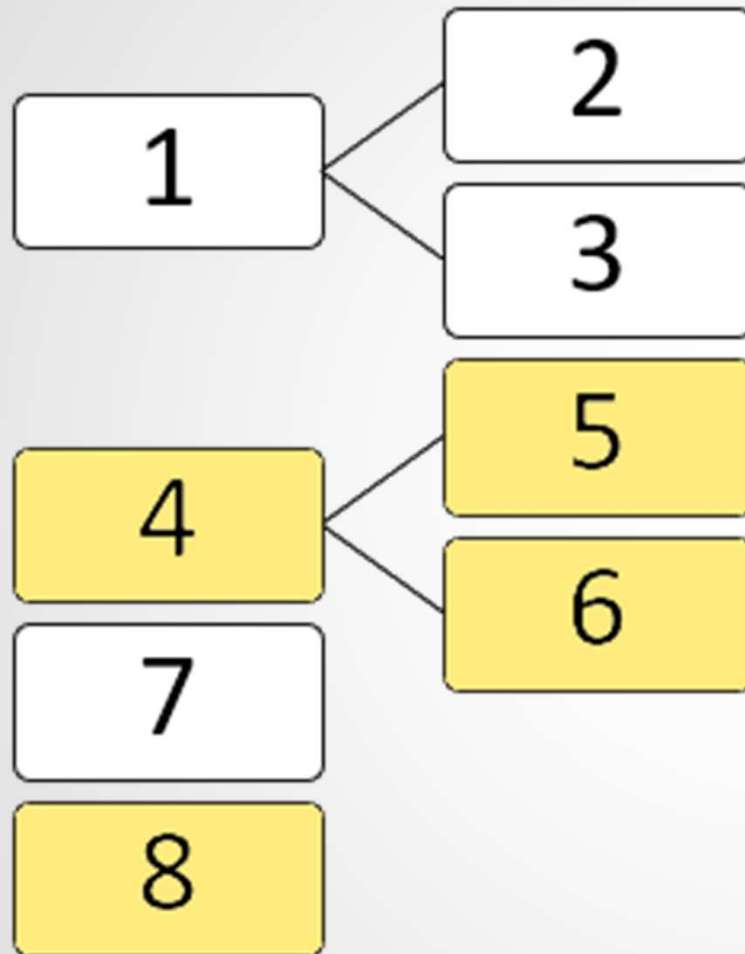
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Table of Contents

	Page
I. Claims at Issue	3
II. Claim Construction	6
III. Petitioners Do Not Show Unpatentability over Lee1/Lee2	18

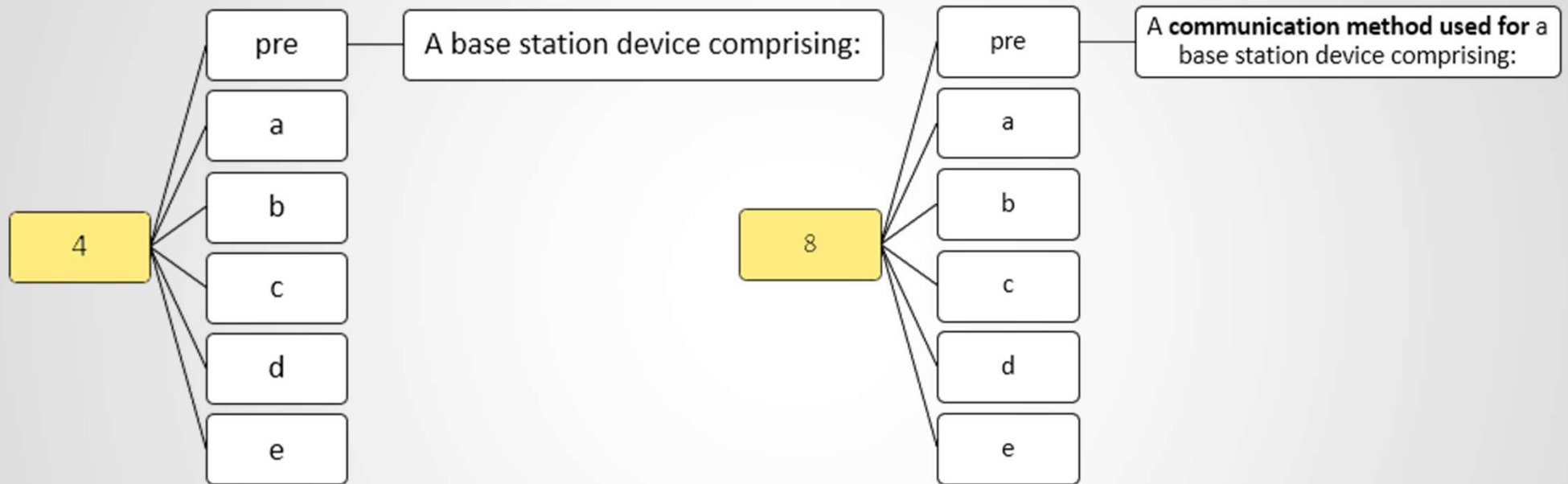
Claims at Issue

There Are Four Challenged Claims At Issue, Two Independent



	Challenged
	Not Challenged

Independent Claims 4 and 8 Rise or Fall Together



Claim Construction

Disagreement Regarding “For the 4/2-Step” Limitations

Ref.	Limitation
4pre	4. A base station device comprising:
4a	control circuitry configured to control a 2-step contention based random-access procedure and a 4-step contention based random-access procedure; and
4b	reception circuitry configured to receive a physical random access channel with a random access preamble in a first step of the 2-step contention based random-access procedure or in a first step of the 4-step contention based random-access procedure; wherein
4c	transmission power for the physical random access channel is given based at least on a <code>PREAMBLE_RECEIVED_TARGET_POWER</code> ;
4d	for the 4-step contention based random access procedure, the <code>PREAMBLE_RECEIVED_TARGET_POWER</code> is given based at least on a <code>preambleInitialReceivedTargetPower(0)</code> and a <code>powerRampingStep(0)</code> ; and
4e	for the 2-step contention based random access procedure, the <code>PREAMBLE_RECEIVED_TARGET_POWER</code> is given based at least on a <code>preambleInitialReceivedTargetPower(1)</code> and a <code>powerRampingStep(1)</code> .

See generally, Sur-Reply

“0” & “1” Functions Are Different

[4d/8d] 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/8e] 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).

Patent Owner	Petitioners' <i>Original</i> Position
“(0)” and “(1)” are separately evaluated inputs to function Response at 26, 30	same initial/step power for both “(0)” and “(1)” satisfy limitations Pet. 27–29 (citing Ex. 1005 at [0152]); Pet. 31–32

- ❑ Petitioners have abandoned this position Reply 2–3
- ❑ All parties now agree that preambleInitialReceivedTargetPower(0) and powerRampingStep(0) are functions of input 0, and preambleInitialReceivedTargetPower(1) and powerRampingStep(1) are separate functions of input 1 Reply 3

Response at 26, 30

Lee1 Uses **Same** Value for 2- and 4- Step Functions

- ❑ Petitioners argued under original “Ground 1” that Lee1 renders the claims anticipated because Lee1 teaches to **use the same values for the “(0)” and “(1)” functions, i.e. the same initial and ramping power values for the 2-step and 4-step procedures** Pet. 31–32
- ❑ This will be important when considering obviousness

Parties Originally Agreed Upon the Meaning of “For the 2/4-Step . . .”

[4d/8d] 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/8e] 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).

Petitioners’ Petition Position	Patent Owner
“The variable ‘n’ in ‘Preamble_Intial_Power_n’ and ‘Ramping_Power_n’ signifies that the values of these parameters differ <u>for</u> different types of random access (i.e., n = 1 corresponds to a first type of random access, n = 2 corresponds to a second type of random access...” Pet. 41 (citing Ex. 1003 ¶¶92)	. . . Power(0/1)/ . . . Step(0/1) “corresponds to” the 4/2-step procedures Response at 30

Response at 30

Petitioners Now Contradict Themselves

[4d/8d] 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

[4d/8e] 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); and

Petitioners refer to this construction as the Board's

Petition Position	Reply Position
“The variable ‘n’ in ‘Preamble_Intial_Power_n’ and ‘Ramping_Power_n’ signifies that the values of these parameters differ for different types of random access (i.e., n = 1 corresponds to a first type of random access, n = 2 corresponds to a second type of random access...” Pet. 41 (citing Ex. 1003 ¶192)	The “the Board should maintain its preliminary construction” that input 0 and input 1 do <u>not</u> have to correspond to the 4-step and 2-step procedures Reply 3 (referencing Inst. Dec. at 13)

Specification Supports *m* Value Corresponds to Input

preambleInitialReceivedTargetPower(*m*) is configured by higher layers (RRC) for *m*=0 and *m*=1. For 4 step contention based random access procedure and non-contention based random access procedure then *m*=0, and for 2 step contention based random access procedure then *m*=1.

powerRampingStep(*m*) is configured by higher layers (RRC) for *m*=0 and *m*=1.

DELTA_PREAMBLE(*F*) is configured by higher layers (RRC). Each DELTA_PREAMBLE(*F*) value corresponds to a PRACH format (*F*).

m value is set dependent upon the number of steps

Parallel language for DELTA_PREAMBLE notes "correspondence"

Ex. 1001 29:40–50; 30:19–21

access preamble sequence. The base station apparatus 3 may transmit higher layer (RRC) information (parameter) for indicating DELTA_PREAMBLE (*F*).

Same RRC "for" language with PRACH format as used with *m* and 2-/4- step power

Response 31–32; Sur-Reply 8

Prosecution History Supports *m* Value Corresponds to Input

procedure to transmit random access preamble. A UE selects a two-step RACH procedure or a four-step RACH procedure **based on** the configuration information received from a base station. The UE may use the two-step RACH procedure

Kim discloses different power ramping step (powerRampingStep(0) and powerRampingStep(1)) **for** the four-step contention based RACH procedure and the two-step contention free RACH procedure. Kim does not disclose

Ex. 1002 at 4038–40

Response 32–33; Sur-Reply 8–9

This Is A Plain and Ordinary Meaning of “For”

The New Oxford American Dictionary

SECOND EDITION

for /fôr, fər/ ► *prep.* **1** in support of or in favor of (a person or policy): they voted for independence in a referendum. **2** affecting, with regard to, or in respect of (someone or something): she is responsible for the efficient running of their department | the demand for money. **3** on behalf of or to the benefit of (someone or something): these parents aren't speaking for everyone. **4** having (the thing mentioned) as a purpose or function: she is searching for enlightenment | the necessary tools for making a picture frame. **5** having (the thing mentioned) as a reason or cause: Aileen is proud of her family for their support | I could dance and sing for joy. **6** having (the place mentioned) as a destination: they are leaving for Swampscott tomorrow. **7** representing (the thing mentioned): the “F” is for Fascinating. **8** in place

The '207 Patent uses “for” to mean “representing (the thing mentioned),” as in “‘F’ is for Fascinating,” and “having (the thing mentioned) as a reason or cause.”

Ex. 2005 at 1, 4

Response 31

Expert Testimony Supports “For” Means Corresponds



Dr. K. Sundaresan

¶3. After reading the claims in light of the specification a POSITA at the Effective Priority date would understand the definition of a “for” as a preposition primarily used to indicate the purpose/function, reason, or representing the thing being referenced. See, e.g., Ex. 2005. Specifically, in the context of claims 4d and 4e, a POSITA would understand that “for” takes the role of “intended recipient” or “representing (the thing mentioned),” highlighting relevance for a particular case. That is, a POSITA would understand that the claims capture how the PREAMBLE_RECEIVED_TARGET_POWER variable is given “for” the two cases of the 4-step and 2-step contention based random access procedures in claims 4d and 4e respectively. Thus, the “for” refers to the cases of 4-step contention based random access procedure and 2-step contention based random access procedure.

Ex. 2004 ¶¶ 3–5; see also Ex. 2002 ¶¶ 20–25

Response at 30–31

Testimony that Function Format Means “Corresponds”



Dr. K. Sundaresan

the patent under consideration. The variable that is used within the parentheses represents the variable that serves as input to the function. The nature of the function can range from a simple look-up table to a series of instructions. A POSITA would readily understand from claims 4d and 4e that PREAMBLE_RECEIVED_TARGET_POWER depends at least on two other functions preambleInitialReceivedTargetPower() and powerRampingStep(). These functions take as input, a numerical value that allows them and hence the PREAMBLE_RECEIVED_TARGET_POWER to employ the same or different values “for” the cases of the 4-step and 2-step random access procedures. In particular, when the input is a ‘0’, it corresponds to the case of the 4-step random access procedure in claim 4d, while an input of ‘1’ corresponds to the case of the 2-step random access procedure in claim 4e.

Ex. 2004 ¶¶ 3–5; see also Ex. 2002 ¶¶ 20–25

Response at 30–31

“For the 2/4-Step . . . (0)/(1)” Means 0/1 “Corresponds To”

[4d/8d] 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/8e] 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).

- ❑ Petitioners’ original position, the specification, the prosecution history, the plain and ordinary meaning of “for,” and the unrebutted testimony of Dr. Sundaresan regarding the language of functions all support that the claims mean that the power settings “correspond to” the function input values of 0 and 1

Petitioners Do Not Show Unpatentability over Lee1/Lee2

Petitioners' Conclusion Does Not Follow Their Premise

Teaching

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

Reply 13

Incorrect Conclusion

Sur-Reply 13-14

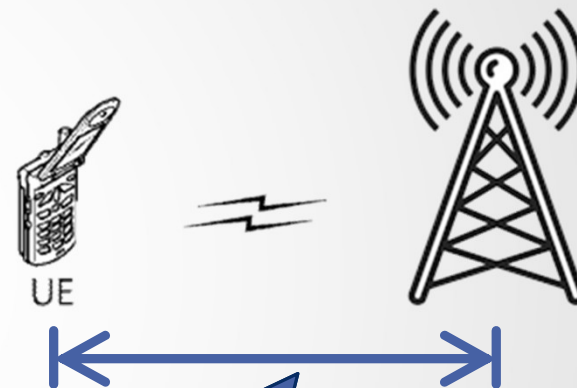
Lee2's "Cases" Teach to Use Distance

[0010] If a user equipment and a base station are located near each other, the user equipment can transmit a preamble to the base station using a relatively low level of transmission power. On the contrary, if the user equipment is located at a

[0109] As described above, methods and apparatuses for random access, according to the present invention, can set different power ramping and initial transmission power of a random access preamble, according to the condition of user equipment that is performing random access and power ramping. This reduces the time delay due to random access, which

Ex. 1006 [0010], [0109]

Lee2 teaches to use "relatively low" power based upon distance.



Distance is the same regardless of doing 2- or 4-step procedure, and Petitioners have not addressed this argument. Lee2 does not teach or suggest using different power based upon procedure type.

Petitioners Then Attack a Strawman

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].

Reply 14

- ❑ Patent Owner is **not** arguing that Lee2 says to use the same power for “all random access procedures”; just that Lee2 says to choose the power settings **based upon distance**, so Lee2 says to use the same power for both the 2- and 4-step procedure if the phone was at the same distance from the base station

Sur-Reply 13

Lee1's Teachings Contradict Attorney Argument

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].

As just described, Lee2’s “circumstances” in ¶109 refer to the type of connection that is a proxy for distance, not number of steps

Reply 14

Id. at ¶¶ 46, 77. In light of these well-known benefits, a POSITA would have been motivated to use the industry-standard procedure for preamble power control—the power ramping technique disclosed in paragraph 152 of Lee1—in both the 2-step contention-based random access procedure and the 4-step contention-based random access procedure. *Id.* at ¶ 77.

Separately, to the extent Patent Owner contends that preambleInitialReceivedTargetPower(0) must differ from preambleInitialReceivedTargetPower(1) and/or powerRampingStep(0) must differ from powerRampingStep(1), Patent Owner would be incorrect. The '207 Patent:

Petitioners read Lee1—the only reference with different steps—as teaching to use the same power for 2- and 4-step procedures that undercuts attorney argument that a POSITA would not use the same value for both

Pet. 31

Sur-Reply 13

It Is Petitioners' Burden to Show Combination as Claimed

- ❑ Petitioners argue that Patent Owner is trying to “negate an obvious combination of Lee1 and Lee2” because the references actually teaches to uses the same power for 2- and 4- step procedures and vary power based upon distance. Reply 13.
- ❑ Patent Owner is actually pointing out Petitioners have not initially shown “an obvious combination”

In re Magnum Oil Tools Int'l, Ltd.

829 F.3d 1364, 1377–78 (Fed. Cir. 2016)

reversing where the “Board required [Patent Owner] to rebut Petitioner[’s] assertions that a skilled artisan would have been motivated to combine the prior art references, without first requiring [Petitioner] to provide evidence to support its assertions”

Petitioners Improperly Use New “RSRP” Motivation in Reply

- ❑ Petitioners provide one paragraph in support of the Board’s RSRP motivation to combine suggestion, but:

Reply 14–15

- ❑ Petitioners cite not a single sentence in the Petition or the Petition’s accompanying expert report *Id.*

- ❑ Petitioners cite to Lee2 at paragraphs not referenced in the Petition or the Petition’s accompanying expert report; and

Id.; Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48767 (Aug. 14, 2012) (“Examples of indications that a new issue has been raised in a reply include new evidence necessary to make out a prima facie case for the . . . unpatentability of an original . . . claim, and new evidence that could have been presented in a prior filing.”)

- ❑ Petitioners cite to the ’207 Patent that cannot be used as a roadmap against itself

Id.; see also, *Mintz v. Dietz & Watson, Inc.*, 679 F.3d 1372, 1379 (Fed. Cir. 2012) ([P]roper analysis requires a form of amnesia that ‘forgets’ the invention.”)

Sur-Reply 15–17

Petitioners' Caselaw Is against Petitioners' Proposition

- ❑ Petitioners are wrong that *Sirona Dental* supports that the Board is not limited to the arguments in the Petition Reply 16

[6] An inter partes review must proceed “in accordance with or in conformance to the petition.” *SAS Inst., Inc. v. Iancu*, — U.S. —, 138 S.Ct. 1348, 1356, 200 L.Ed.2d 695 (2018) (internal quotations omitted). “Nothing suggests the Director enjoys a license to depart from the petition and institute a *different* inter partes review of his own design.” *Id.* (emphasis in original). “The rest of the statute confirms, too, that the petitioner’s petition, not the Director’s discretion, is supposed to guide the life of the litigation.” *Id.* “[T]he statute tells us that the petitioner’s contentions, not the Director’s discretion, define the scope of the litigation all the way from institution through to conclusion.” *Id.* at 1357. It would thus not be proper for the Board to deviate from the grounds in the petition and raise its own obviousness theory, as Sirona contends.

[7] We hold that the Board’s unpatentability determination regarding claims 1–8 did not, as Sirona contends, deviate from the grounds alleged in the petition. The petition discussed Bannuscher’s 3-D plaster models being input into a computer and cited to Bannuscher’s 3-D model geometry of the mouth or jaw region as disclosing the claimed “measured data record” of the 3-D measuring. The Board cited to these same portions of Bannuscher to support its finding that “Bannuscher discloses using digitized 3-D X-ray data and 3-D geometry data of the jaw and teeth to determine the optimum 3-D position of a bore hole and corresponding pilot hole in the drill template.” J.A. 33. The

Sirona Dental Sys. v. Institut Straumann AG, 892 F.3d 1349, 1356 (Fed. Cir. 2018)

Sur-Reply 17–18

New Combination Motivation Is Not Same Obviousness Theory

- ❑ Petitioners suggest that any combination of the same references is the “same obviousness theory” Reply 16
- ❑ Not true; changing motivation to combine is indeed a new and impermissible theory:

presented in a prior filing.”). In these circumstances, we find that the Board did not err in refusing the reply brief as improper under 37 C.F.R. § 42.23(b) because IBS relied on an entirely new rationale to explain why one of skill in the art would have been motivated to combine Tsien or Ju with a modification of Zavgorodny.

Because we conclude that the reply brief and accompanying declaration exceeded the scope of the reply under § 42.23(b), and, therefore, that the Board did not abuse its discretion in excluding those documents, we need not resolve whether the

Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.,
821 F.3d 1359, 1370 (Fed. Cir. 2016)

Sur-Reply 17–18

New Combination Motivation Is Not Rebuttal Evidence

- ❑ Petitioners cite inapposite *Genzyme Therapeutic* and *Axonics* for the proposition that the new theory is permissible like rebuttal evidence

Reply 16–17

Kikuchi and van der Ploeg '91. But those brief references by the Board merely served to describe the state of the art as of December 7, 1998; they were not among the prior art references that the Board relied upon to establish any claim limitations.

[7] This court has made clear that the Board may consider a prior art reference to show the state of the art at the time of the invention, regardless of whether that reference was cited in the Board's institution decision. In *Ariosa Diagnostics v.*

Genzyme Therapeutic Prod. v. Biomarin Pharm. Inc.,
825 F.3d 1360, 1366 (Fed. Cir. 2016)

[9] The Board's rules do not address the specific question presented here: whether, where a patent owner offers a new claim construction for the first time in its response after the institution decision, a petitioner may introduce new arguments and evidence in reply under the newly proposed claim construction. There is no rule, for example, requiring a petition to

Axonics, Inc. v. Medtronic, Inc.,
75 F.4th 1374, 1380 (Fed. Cir. 2023)

Sur-Reply 17–18

Aqua Products Is Concerned with Amendment

- ❑ Petitioners argue that Patent Owner “opened the door” and cite *Aqua Products* for the proposition that Board “must take account of all the evidence of record” (read: is free to diverge from the Petition’s theories)

Reply 17

[22] In the context of this case, accordingly, we believe that the Board’s decision to reject Aqua’s proposed amended claims without consideration of the entirety of the IPR record was an abuse of discretion which provides an independent basis for our judgment vacating and remanding this matter to the Board. While our colleagues do not address this question, we believe it is a fairly uncontroversial proposition under the APA.

Aqua Prods., Inc. v. Matal,
872 F.3d 1290, 1326 (Fed. Cir. 2017)

Because the participating judges have different views—both as to the judgment we should reach and as to the rationale we should employ in support of that judgment, as explained below, today’s judgment is narrow. The final written decision

Id. 1296

- ❑ In an amendment process, the Board is free from normal IPR constraints, such as having the ability to consider written description problems and subject matter eligibility Sur-Reply 21

Sur-Reply 17–18, 21

End of Presentation