

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Qualcomm Incorporated
Petitioner,

v.

Cobblestone Wireless LLC
Patent Owner.

Case IPR2024-01336
Patent 7,924,802

**PETITIONER'S REASONS FOR PARALELL PETITIONS AND
PETITION RANKING**

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PETITIONER’S EXHIBIT LIST

Ex.	Description
1001	U.S. Patent No. 7,924,802 (“’802 Patent”)
1002	Prosecution History for 7,924,802
1003	Declaration of Dr. Kevin Almeroth
1004	U.S. Patent Pub. No. 2006/0276146A1 (“Suzuki”)
1005	U.S. Patent Pub. No. 2009/0052556A1 (“Fernandez”)
1006	U.S. Patent Pub. No. 2005/0135312A1 (“Montejo”)
1007	U.S. Patent Pub. No. 2005/0249266A1 (“Brown”)
1008	U.S. Patent No. 6,952,454 (“Jalali”)
1009	U.S. Patent No. 6,359,868 (“Chen”)
1010	U.S. Patent No. 7,136,430 (“Morris”)
1011	U.S. Patent No. 7,460,615 (“Kunysz”)
1012	U.S. Patent No. 7,133,697 (“Judd”)
1013	<i>Cobblestone Wireless, LLC v. Samsung Electronics America, Inc. et al.</i> , 2:23-cv-00285-JRG-RSP (E.D. Tex.), Plaintiff Cobblestone Wireless, LLC’s Preliminary Disclosure of Asserted Claims and Infringement Contentions, Exhibit A (served September 28, 2023)
1014	U.S. Patent No. 8,036,702 (“Etemad”)
1015	John A. C. Bingham, Multicarrier Modulation for Data Transmission: An Idea Whose Time Has Come, IEEE Comms. Magazine (1990)
1016	Mischa Schwartz et al., Origins of Carrier Multiplexing - Major George Owen Squeir and AT&T (June 2008)

1017	U.S. Patent No. 980,357
1018	U.S. Patent No. 980,359
1019	U.S. Patent No. 980,356
1020	Nickolas LaSorte et al., The History of Orthogonal Frequency Division Multiplexing (Jan. 2008)
1021	U.S. Patent No. 8,693,525 (“Rick”)
1022	<i>Curriculum Vitae</i> of Dr. Kevin Almeroth
1023	Lathi, Modern Digital and Analog Communication Systems, Third Edition, Oxford University Press (1998)
1024	U.S. Patent No. 6,154,661
1025	Cassan, Gola, “A 3.5 GHz 25 W Silicon LDMOS RFIC power amplifier for WiMAX applications,” 2007 IEEE Radio Frequency Integrated Circuits Symposium
1026	Zyren, “Overview of the 3GPP Long Term Evolution Physical Layer,” July 2007 (available at https://web.archive.org/web/20081122142941/http://www.freescale.com/files/wireless_comm/doc/white_paper/3GPPEVOLUTIONWP.pdf)
1027	U.S. Patent Pub. No. 20070280098
1028	<i>Cobblestone Wireless, LLC v. Samsung Electronics America, Inc. et al.</i> , 2:23-cv-00285-JRG-RSP (E.D. Tex.), Joint Motion to Amend Docket Control Order (filed August 8, 2024)

Qualcomm Incorporated (“Qualcomm” or “Petitioner”) seeks *Inter Partes* Review of U.S. Patent No. 7,924,802 (the “’802 Patent”). Qualcomm filed a petition in IPR2024-01336 (the “Qualcomm IPR”). To the extent Cisco Systems, Inc. (“Cisco”) is a real party-in-interest in the Qualcomm IPR, Cisco has also filed a petition in IPR2024-00707 (the “Cisco IPR”). Should the Board consider these to be parallel petitions, Qualcomm respectfully requests institution of both IPRs because the petitions are not duplicative and are not an abuse of process.

I. REASONS WARRANTING ADDITIONAL PETITIONS

Patent Owner Cobblestone Wireless LLC (“Cobblestone”) has sued numerous defendants, including Qualcomm’s customer Cisco, as well as other Qualcomm customers, for infringement of the ’802 Patent, but Cobblestone has not sued Qualcomm.

A. The Petitions Are Materially Different.

The Qualcomm IPR and the Cisco IPR present completely different grounds of unpatentability and rely on completely different art. Furthermore, the set of challenged claims in each are different: The Qualcomm IPR challenges claims 1-4, 6-10, 13, 14, 17, and 21-25; the Cisco IPR challenges claims 1–9. Where there is any overlap in the choice of challenged claims, each IPR presents fundamentally different arguments by virtue of the different prior art. Accordingly, if both IPRs are instituted, the Board would not need to evaluate the same arguments more than once.

B. The Petitions Are Not an Abuse of Process.

Of the four petitions filed against the '802 Patent, only two are substantively distinct from the others. IPR2024-00606 (the “Samsung IPR”) has resulted in two “copycat” IPRs: the Qualcomm IPR and IPR2024-00946 (the “Cellco IPR”). The grounds of unpatentability and the cited art are identical among all three IPRs. In each copycat IPR, the petitioner has indicated it will join the Samsung IPR, if instituted, in an inactive or “understudy” role if Samsung terminates its participation. On August 8, 2024, Cobblestone and Samsung notified the district court that an agreement in principle is imminent. *See* Ex. 1028. Qualcomm expeditiously filed this Petition. Thus, whichever one of the three IPRs is instituted, the others—if not yet terminated—will join the instituted IPR.

Effectively, the Board is presented with only two distinct sets of arguments: those set forth in the Samsung IPR (reproduced in the Cellco IPR and the Qualcomm IPR), and those set forth in Cisco IPR. As discussed above, these arguments are materially different. Thus, the Board need only consider each argument once.

II. ORDERING OF THE PETITIONS

Qualcomm respectfully requests that the Board not exercise its discretion to deny institution of either the Cisco IPR or the Qualcomm IPR. In any event, Qualcomm respectfully requests that the Board consider the petitions in the following order:

1. IPR2024-00707, the Cisco IPR
2. IPR2024-01336, the Qualcomm IPR

III. CONCLUSION

For the foregoing reasons, Qualcomm respectfully requests that the Board institute both IPR2024-01336 and IPR2024-00707 to examine the challenged claims of the '802 Patent.

Date: August 28, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on this 28th day of August, 2024, I caused to be served a true and correct copy of Petitioner's Reasons for Parallel Petitions and Petition Ranking by FedEx on the following:

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A courtesy copy of this document was also served upon litigation counsel for Patent Owner via email, as follows:

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