

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Nokia of America Corp., Ericsson Inc., AT&T Services, Inc., Cellco Partnership
d/b/a Verizon Wireless, and T-Mobile, USA, Inc.,

Petitioners

v.

KT Corporation (Patent Owner) and Pegasus Wireless Innovation LLC (Exclusive
Licensee)

Patent Owner

Case: IPR2025-00036

U.S. Patent No. 11,627,631

**PETITIONERS' REPLY TO PATENT OWNER'S PRELIMINARY
RESPONSE TO PETITION**

The Petition demonstrates that the 2016 KR document does not reasonably convey to a POSITA that the inventor had possession of the claimed invention and, thus, the burden shifted to the Patent Owner to show that the '631 Patent is not entitled to the priority date of the 2016 KR document. Petition, pp. 5-11; *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1379 (Fed. Cir. 2015). The POPR attempts to refute this demonstration by (1) introducing extrinsic evidence to oversimplify a “PDU session,” to then (2) advance overly broad and unsupported interpretations of various passages of the 2016 KR document that clearly do not provide written description support for the claimed limitations. *See* Paper 10, pp. 13-23. Patent Owner fails.

I. Patent Owner's Reliance on Extrinsic Evidence Fails.

Rather than focusing within the four corners of the 2016 KR document, the POPR relies on extrinsic evidence, Ex. 1020 (*see* Paper 10, p. 14), to define a “PDU Session” as “an association between the UE and a data network that provides a PDU connectivity service,” and defines a “PDU connectivity service” as a “service that provides exchange of PDUs between a UE and a data network.” Ex. 1020, p. 21.

Ignoring its own evidence, Patent Owner improperly truncates “PDU session” to be “nothing more complicated than a logical connection between a user equipment (UE) and a data network,” and argues that “Fig. 1 clearly illustrates five devices, or user equipment, having associated data connections with a data network indicated

by the icons designated as ‘EPC.’” Paper 10, pp. 14-15. But the arrows in Fig. 1 are not labeled as “PDU sessions” or even “logical connection[s] between a user equipment (UE) and a data network.” *See* Ex. 1006, Fig. 1. Worse, Patent Owner cites to ¶¶[0027-0028] and [0030] of the 2016 KR document to characterize Fig. 1 “as an example of multiple slices built within the same network infrastructure.” Paper 10, p. 15. But again, ¶¶[0027-0028] and [0030] don’t describe the arrows as “PDU sessions” or “logical connection[s] between a user equipment (UE) and a data network.” Paper 10, pp. 15-18; Ex. 1006, ¶¶[0027-0028, 0030], Fig. 1.

The POPR next cites to ¶¶[0007] and [0015] of the 2016 KR document to argue that “the associations between user equipment and the EPCs illustrated in Fig. 1,” which “include bidirectional arrows,” “describ[es] these channels as data channels.” Paper 10, pp. 15-17. But Patent Owner admits that the 2016 KR document describes data channels as being *physical* and *not logical* – contradicting Patent Owner’s own interpretation of the requirements of a “PDU session.” *See* Paper 10, p. 17, citing Ex. 1006, ¶15 (“Physical Downlink Shared Channel (PDSCH), Physical Uplink Shared Channel (PUSCH).”). Finally, the POPR relies on “components providing this association between the UE and the data network” in Figs. 2 and 3, citing to ¶¶[0095-0103]. Paper 10, pp. 17-18. However, Figs. 2 and 3, and ¶¶[0095-0103], once again do not mention “PDU session,” or “logical connection.” *See* Ex. 1006, ¶¶[0095-0103], Figs. 2-3. The 2016 KR document thus fails.

II. Patent Owner's Unsupported Interpretations Fail.

Patent Owner also fails to demonstrate written description support for “[] the handover request confirmation message includes information for indicating a rejection of the one or more PDU sessions by the target BS.” *See* Paper 10, pp. 18-23. That is, the POPR glosses over the lack of support for, or mere mention of, the “rejection” limitation in alleging that any sort of communication in the 2016 KR document, and specifically in ¶[0086], supports this limitation. *Id.*

The POPR attempts to conjure support for the “rejection” limitation by relying on ¶¶[0077], [0081], [0085], and [0086] of the 2016 KR document, but none of these paragraphs mention rejection. Paper 10, pp. 18-22. Paragraph [0077] merely describes a “source base station” “forward[ing] the network slice information received from the core network to the target base station,” and ¶[0081] merely describes “the information describe above can be sent as included in a handover request message.” *See* Ex. 1006, ¶¶[0077, 0081]. The POPR alleges, with respect to ¶[0086], that “corresponding interest group communication” provides disclosure of “one or more PDU sessions,” and that “information of non-support” provides disclosure of the handover request confirmation message “includ[ing] information for indicating a rejection of the one or more PDU sessions by the target BS.” *See* Paper 10, pp. 21-22. Non-support and rejection are two different concepts. As opined by Dr. Kotzin, the 2016 KR document “makes no mention of a rejection of one or

more PDU sessions, let alone ‘information for indicating a rejection of one or more PDU sessions,” and that, “[a]t best, the 2016 KR document describes either supporting or not supporting network slicing and conveying such information.” Ex. 1003, ¶¶116-120. Indeed, nowhere in the 2016 KR document is an explanation of “corresponding interest group communication” that is provided “via network slicing,” that would convey to a POSITA “one or more PDU sessions” that “are associated with one or more network slices.” There is nothing in the 2016 KR document that explains what “interest group communication” or even what “group communication” is.

Further, as explained by Dr. Kotzin, “information of non-support” does not provide written description support for any sort of “rejection,” and the 2016 KR document does not reasonably convey to a POSITA that “information of non-support” is “information for indicating a rejection of the one or more PDU sessions.” *See* Petition, pp. 8-10; Ex. 1003, ¶¶116-120.

III. Attorney Argument Alone is Insufficient.

The POPR argues that the 2016 KR document provides written description support with only attorney argument, conjuring elements that are wholly missing from the 2016 KR document without any testimony from an expert as to why the 2016 KR document explicitly or inherently discloses the claimed limitations. That is, despite written description being a question of fact, Patent Owner proffers no

evidence supporting its plain attorney arguments. *See Am. Honda Motor Co., Inc., v. Neo Wireless LLC*, IPR2023-00797, Paper 29 at 17-18 (P.T.A.B. September 3, 2024) (citing *In re Pearson*, 494 F.2d 1399, 1405 (CCPA 1974) (“Attorney’s argument in a brief cannot take the place of evidence.”); *In re Owens*, 710 F.3d 1362, 1366 (Fed. Cir. 2013)). Indeed, Patent Owner fails to provide the testimony of any POSITA to refute Dr. Kotzin’s well-reasoned opinions and conclusions. *Id.*

IV. Stipulation / *Fintiv*

Patent Owner’s *Fintiv* arguments fail at least due to the number of district court cases and the fact that trial dates have not been set for two of the three cases. Moreover, compelling merits support institution. Petitioners also present a *Sotera* stipulation. To mitigate any duplication concerns, if this IPR is instituted, Petitioners will not pursue in District Court litigation the specific grounds asserted in this proceeding, or any other ground that was raised or could have been reasonably raised in an IPR (i.e., any ground that could be raised under §§ 102 or 103 on the basis of prior art patents or printed publications). *See Sotera Wireless, Inc. v. Masimo Corporation*, IPR2020-01019, Paper 12 (P.T.A.B. Dec. 1, 2020) (precedential). Such a stipulation prior to institution is entirely proper. *See BMW of No. Am., LLC. v. Northstar Systems LLC*, IPR2023-01017, Paper 12 at 10 (P.T.A.B. Dec. 8, 2023).

Respectfully submitted,

Date: March 21, 2025

By: / Christopher TL Douglas /
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.6(e), the undersigned hereby certifies that a true and correct copy of the above-captioned **PETITIONERS' REPLY TO PATENT OWNER'S PRELIMINARY RESPONSE UNDER 35 U.S.C. §312 AND 37 C.F.R. §42.104** was served in its entirety on March 21, 2025, via filing through the Patent Trial and Appeal Case Tracking System (P-TACTS), as well as by delivering copies via electronic mail to the following:

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