

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
AT&T SERVICES, INC., T-MOBILE USA, INC.,
GOOGLE LLC, ERICSSON INC., AND
NOKIA OF AMERICA, CORP.,
Petitioners,

v.

PEGASUS WIRELESS INNOVATION LLC,
Patent Owner.

Case IPR2025-00138
U.S. Patent No. 10,181,931

PATENT OWNER'S PRELIMINARY SUR-REPLY

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PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Memorandum Opinion and Order in <i>Pegasus Wireless Innovation LLC v. Verizon Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex Dec. 11, 2024)
2002	Memorandum Opinion and Order in <i>Pegasus Wireless Innovation LLC v. Verizon Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex Dec. 23, 2024)
2003	Reserved
2004	Defendants' Preliminary Invalidity Contentions in <i>Pegasus Wireless Innovation LLC v. Verizon Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex May 17, 2024)
2005-2017	Reserved
2018	Comparison of Districts Within the Fifth Circuit — 12-Month Period Ending September 30, 2024 (available at https://www.uscourts.gov/sites/default/files/2025-02/fcms_na_distcomparison1231.2024.pdf)
2019-2029	Reserved
2030	U.S. Patent Publication No. US 2014/0219202 A1 (Kim counterpart)
2031	U.S. Patent Publication No. US 2014/0092790 A1 (Zhang counterpart)
2032	Appendix B to Defendants' Preliminary Invalidity Contentions in <i>Pegasus Wireless Innovation LLC v. Verizon Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex May 17, 2024)
2033	Ex. B-1 of Appendix B to Defendants' Preliminary Invalidity Contentions in <i>Pegasus Wireless Innovation LLC v. Verizon Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex May 17, 2024)
2034	Ex. B-2 of Appendix B to Defendants' Preliminary Invalidity Contentions in <i>Pegasus Wireless Innovation LLC v. Verizon Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex May 17, 2024)
2035	Ex. B-4 of Appendix B to Defendants' Preliminary Invalidity Contentions in <i>Pegasus Wireless Innovation LLC v. Verizon</i>

	<i>Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex May 17, 2024)
2036	Ex. B-6 of Appendix B to Defendants’ Preliminary Invalidity Contentions in <i>Pegasus Wireless Innovation LLC v. Verizon Communications Inc. et al.</i> , Nos. 2:23-cv-00640, 2:23-cv-00638, 2:23-cv-00639 (E.D. Tex May 17, 2024)
2037-2203	Reserved
2204	Fifth Amended Docket Control Order, issued April 14, 2025

As authorized by the Board by email on May 20, 2025, Patent Owner files this Preliminary Sur-Reply in support of its Preliminary Response (“POPR”) and in response to Petitioners’ Preliminary Reply (“Reply”).

I. PETITIONERS FAIL TO SATISFY THEIR BURDEN REGARDING THE CLAIMED “STRUCTURAL INFORMATION”

As explained in the POPR, the Petition fails because it does not provide Petitioners’ views on how “structural information” should be understood and applied to the prior art references. POPR, 10, 11-13. This argument was not a request for the Board to resolve a claim construction dispute, as suggested in the Reply at 1. Rather, Patent Owner was pointing out that there is no dispute to resolve because Petitioners, who have the burdens of production and proof, and obligation to present how the claims are to be construed (*see* 37 C.F.R. § 42.104(b)(3)), failed to provide their position concerning “structural information.”

Throughout the Reply, Petitioners make allusions to what information might be structural information but, like the Petition, Petitioners never disclose the interpretation or construction they are applying to the claimed “structural information.” *See, e.g.*, Reply, 1-2 (vaguely referring to “in the same way as disclosed in the ’931 Patent”); *id.*, 2 n.1 (“‘structural information’ is at least encompassed by ...”); *id.*, 3 (vaguely referring to “in the same manner as disclosed by the ’931 Patent”).

And even after insisting on filing a Reply, it is telling that Petitioners still cannot point to anything in their Petition that provided their definition of structural information.

II. PETITIONERS ALSO FAIL TO ESTABLISH THE SPECIFIC REQUIREMENTS OF ELEMENT [1.6] IN THE ASSERTED ART

Element [1.6] recites “wherein the start offset information of the resource allocated to the uplink control channel is configured separated from start offset information for a terminal different from the MTC terminal.” As explained in the POPR at 14, Petitioners rely on Kim’s $N_{PUCCH}^{(1)}$ as allegedly disclosing “start offset information” but Petitioners ***do not*** contend that Kim’s $N_{PUCCH}^{(1)}$ is configured differently based on whether it is for the MTC terminal or a terminal that is different from the MTC terminal. This was a failure of the Petition because not every claimed feature was established in Petitioners’ challenge.

The Reply confirms that the Petition only went so far as to argue “You discloses different operation techniques for UEs and MTCs, including different search spaces, i.e., different CSS regions of the PDCCH.” Reply, 4 (citing Pet., 28-29). But the Reply then presents a new and different theory regarding “different nCCE values” that is found nowhere in the Petition. In fact, Petitioners describe You’s $N_{PUCCH}^{(1)}$ as a value different from an nCCE value and not, as the Reply suggests, that $N_{PUCCH}^{(1)}$ is computed based on an nCCE value. *See* Reply, 3

(“Different CCEs correspond to different nCCE values, which are used in the equations disclosed by You and Kim (and the ’931 Patent) to determine the resource allocated to the uplink control channel.”).

The Reply seems to implicitly acknowledge that spanning this gap in the references requires a leap, as it then tries to make an obviousness argument that is not based on any specific teaching in the references themselves concerning start offset information. Petitioners newly contend that a POSITA would have “thought it obvious to combine the teachings of the references to use separate start offsets when configuring uplink control channels for MTCs and UEs to improve communication efficiency.” Reply, 4-5. But as the Petition fails to show any reference that uses “separate start offsets,” and also fails to show anything in the references—or other evidence—about how “separate start offsets” improve “communication efficiency,” Petitioners’ new obviousness theory lacks foundation both in the Petition and in the record.

This new theory should be disregarded by the Board as improper and wrong. Simply put, this new theory cannot be reconciled with the theory advanced in the Petition. As noted above, the Petition relied on Kim’s $N_{PUCCH}^{(1)}$ as allegedly disclosing “start offset information,” and Petitioners acknowledge that You’s $N_{PUCCH}^{(1)}$ is a value different from an nCCE value. Even if the Board does consider Petitioners’ new theory founded on “different nCCE values” rather than the

$N_{PUCCH}^{(1)}$, this new theory relies on attorney argument to support modifications based on alleged “communication efficiency” that has no evidentiary basis. This new theory also fails.

III. CONCLUSION

For the reasons presented above and in the POPR, the Petition should be denied, and no *inter partes* review should be instituted.

Dated: June 10, 2025

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CERTIFICATE OF SERVICE

Petitioners have consented to e-mail service in this proceeding. Pursuant to 37 C.F.R. §42.6, the undersigned certifies that on this date, a copy of the foregoing document was served by email upon the following counsel at the below email addresses:

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