

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

PEGASUS WIRELESS INNOVATION LLC,
Patent Owner.

Case IPR2025-00317
U.S. Patent No. 11,405,942

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)
2019-2049	Reserved
2050	Defendants' Amended 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 November 1, 2024)
2051	Defendants' Amended 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 December 23, 2024)
2052	Defendants' Motion for Leave to Amend 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. January 24, 2025)
2053	Appendices 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. November 1, 2024)
2054	Exhibits to Appendices of 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. November 1, 2024)
2055-2202	Reserved
2203	Consolidation 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 Feb. 13, 2024)
2204-2299	Reserved
2300	Appendix D 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)
2301	Ex. D-1 of Appendix D 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)

As authorized by the Board by email on May 16, 2025, Patent Owner files this Preliminary Sur-Reply in support of its Preliminary Response (“POPR”) and in response to Petitioners’ Preliminary Reply (“Reply”).

I. THE PETITION FAILS TO EXPLAIN ANY THEORY CONCERNING THE CLAIMED “NEWLY DEFINED RTNI”

The Reply stretches to contend that Petitioners’ analysis of element [1.4] is contained somewhere other than page 50 of the Petition, which is the sole page in the Petition addressing element [1.4]. Petitioners suggest that because the paragraph addressing element [1.4] begins “For reasons discussed above for element [1.1], *Kuchibhotla* discloses that the **marker-RNTI** (*specific RNTI*) is received through *UE specific RRC signaling*. See §VII.A.2.ii, *supra*,” (see Pet., 50), the Board should use that statement to somehow unlock Petitioners’ theory concerning how Kuchibhotla’s marker-RTNI is “newly defined” as claimed.

While element [1.1] does provide Petitioners’ theory as to how the marker-RTNI is “received,” it does not speak to how the marker-RTNI is allegedly “newly defined” as required by element [1.4]. Indeed, the Reply suggests that the reference to “for DL preemption indication information,” Reply, 1, is “important” and somehow makes everything clear, but this assertion is baffling. At most, the Petition’s addressing of element [1.1] conveys that the marker-RTNI in Kuchibhotla is different than a C-RTNI in Kuchibhotla. What is missing in the Petition, and remains missing in the Reply, is Petitioners’ theory as to how the

marker-RTNI satisfies the requirement of being “newly defined” as required by element [1.4] (“wherein the specific RNTI received through the UE specific RRC signaling is a newly defined RNTI other than at least a cell-RNTI (C-RNTI).”).

Indeed, there is no discussion of “new,” “newly-defined,” or even synonyms and antonyms like “recent,” “old,” “young,” “stale,” etc. in the Petition. If Petitioners’ theory for element [1.4] was contained in element [1.1], the Petition certainly does not make clear enough to satisfy Petitioners’ obligation to show “[h]ow the challenged claim is to be construed,” 37 C.F.R. § 42.104(b)(3), or “specify where each element of the claim is found in the prior art patents or printed publications relied upon,” 37 C.F.R. § 42.104(b)(4). The Petition fails as to element [1.4], and should be denied without institution on this basis.

II. PETITIONERS ALSO USE HINDSIGHT TO TRANSMIT KUCHIBHOLTLA’S MARKER-RNTI WITH UE-SPECIFIC RRC SIGNALING

In response to Patent Owner’s analysis of Kuchiboltla and discussion that Kuchiboltla fails to disclose how the marker-RTNI is conveyed to the UE, the Reply argues that “special RNTIs are assigned to a particular UE at call admission via dedicated mode (UE-specific) RRC configuration signaling.” Reply, 3. Petitioners’ citation for this assertion is Kuchiboltla’s [0057]. But Kuchiboltla’s [0057] does not support Petitioners’ argument. Not only does Kuchiboltla’s [0057] fail to mention the marker-RTNI that Petitioners rely upon, but it also plainly states

that transmissions could occur in a broadcast mode to all UEs. Kuchiboltla, [0057] (“In some embodiments it can be sent through broadcast system information message to all devices in a cell.”). Petitioners seem to rely on the “dedicated mode” in Kuchiboltla but there is no evidence that “dedicated mode” is used to transmit the marker-RNTI.

Additionally, Kuchiboltla suggests that the marker-RNTI is not cell-specific. As noted in the POPR with regard to Kuchiboltla's [0076], a marker-RNTI would be possessed by multiple UEs and therefore would be more efficiently communicated with broadcast signaling, not UE-specific RRC signaling. POPR, 13-14. That is, a marker-RNTI would be sent “through [a] broadcast system information message to all devices in a cell.” Kuchiboltla, [0057].

Petitioners do not directly address Patent Owner's argument on this point and, instead, try to deflect with allegations that “the disclosure that PO cites is not the embodiment in which the marker-RNTI identified in the Petition is used.” Reply, 5. But as acknowledged even in the Petition, there is only one place where “marker-RNTI” is even mentioned in Kuchiboltla, (*see* [0084]), so Petitioners' suggestion that the definition and use of a marker-RNTI differs from embodiment to embodiment in Kuchiboltla, and even changes from a broadcast value used by all UEs to a user-specific value requiring user-specific signaling, is not supported by Kuchiboltla. The fact that Kuchiboltla discloses multiple embodiments

employing “marker transmissions” does not mean that the marker-RTNI needed to decode those transmission is UE-specific. Petitioners have not shown otherwise.

Thus, Petitioners fail to establish that Kuchiboltla's marker transmissions or the marker-RNTI satisfies the claimed requirements of element [1.4]. Once again, this failure is fatal to the Petition, which should be denied without institution.

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

Petitioner has consented to e-mail service in this proceeding. Pursuant to 37 C.F.R. §42.6, the undersigned certifies that on June 10, 2025, a copy of the foregoing document was served by email upon the following counsel at the below email addresses:

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