

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

T-MOBILE US, INC.  
Petitioner

v.

Intellectual Ventures II LLC  
Patent Owner

---

Case No. CBM2016-00083  
U.S. Patent No. 6,115,737

---

**MOTION UNDER 37 C.F.R. § 42.40 FOR DISTRICT COURT-TYPE  
CLAIM CONSTRUCTION**

Mail Stop **Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **I. Statement of the Precise Relief Requested**

T-Mobile US, Inc. (“Petitioner”) hereby moves for a district court-type claim construction of U.S. Patent No. 6,115,737 (the “’737 Patent”) (Ex. 1001) during covered business method review of the ’737 Patent. Petitioner is filing a Petition for Covered Business Method Review of the ’737 Patent concurrent with this Motion.

## **II. Full Statement of the Reasons For the Relief Requested**

Pursuant to amended 37 C.F.R. § 42.300(b), effective May 2, 2016, a party in a covered business method review may request a district court-type claim construction of the involved patent where the patent will expire within 18 months from entry of the Notice of Filing Date Accorded to Petition.

The ’737 Patent was first applied for on July 24, 1996. *See* Exhibit 1001. The ’737 Patent, which is not subject to any terminal disclaimer or patent term extension, will expire twenty years from filing—July 24, 2016. 35 U.S.C. § 154. The Petition for Covered Business Method Review of the ’737 Patent to which this Motion pertains is filed May 26, 2016. Accordingly, the ’737 Patent will expire within eighteen months of the Notice of Filing Date to be accorded to the Petition.

Notably, the present Petition requests construction of the limitation “[a] customer contact services node Internet gateway (CCSN/IG)” of claim 7 of the ’737 Patent. The United States District Court for the District of Delaware previously construed “[a] customer contact services node Internet gateway

(CCSN/IG)” in claim 7 during litigation between Petitioner and the assignee of record, Intellectual Ventures II LLC. *See* Ex. 1048, Claim Construction Order, at 64-65. Petitioner’s relief requested here will permit alignment between the Patent Trial and Appeal Board’s construction of this language and the construction previously provided by the District Court.

### **III. Certification of Expiration Within Eighteen Months of Petition Filing**

Pursuant to Rule 42.300(b), Petitioner certifies that the ’737 Patent will expire within 18 months from the entry of the Notice of Filing Date Accorded to Petition.

Dated: May 26, 2016

Respectfully submitted,

By: /Brian M. Buroker/  
Brian M. Buroker (Reg. No. 39,125)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8541  
Facsimile: 202.467.0539  
bburoker@gibsondunn.com

Spencer W. Ririe (Reg. No. 66,740)  
GIBSON, DUNN & CRUTCHER LLP  
3161 Michelson Dr.  
Irvine, CA 92612-4412  
Telephone: 949.451.3985  
Facsimile: 949.451.4220  
sririe@gibsondunn.com

*Attorneys for Petitioner*

**CERFITICATE OF SERVICE**

The undersigned certifies service pursuant to 37 C.F.R. § 42.6(e) by Priority Mail Express of a copy of this Motion on May 26, 2016 upon the following counsel of record and litigation counsel of the Patent Owner, Intellectual Ventures II LLC:

Foley & Lardner LLP  
3000 K Street N.W., Suite 600  
Washington, DC 20007-5109  
Customer Number: 23524

Martin J. Black  
DECHERT LLP  
Cira Centre  
2929 Arch Street  
Philadelphia, PA 19104

Dated: May 26, 2016

Respectfully submitted,

By:     /Brian M. Buroker/    

Brian M. Buroker (Reg. No. 39,125)  
GIBSON, DUNN & CRUTCHER LLP  
1050 Connecticut Avenue, N.W.  
Washington, DC 20036-5306  
Telephone: 202.955.8541  
Facsimile: 202.467.0539  
bburoker@gibsondunn.com

Spencer W. Ririe (Reg. No. 66,740)  
GIBSON, DUNN & CRUTCHER LLP  
3161 Michelson Dr.  
Irvine, CA 92612-4412  
Telephone: 949.451.3985  
Facsimile: 949.451.4220  
sririe@gibsondunn.com

*Attorneys for Petitioner*