

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ERICSSON INC. AND TELEFONAKTIEBOLAGET  
LM ERICSSON,  
Petitioner

v.

INTELLECTUAL VENTURES II LLC,  
Patent Owner

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Patent No. 7,269,127

*Inter Partes* Review No. IPR2014-01185

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**PETITIONER'S RESPONSE TO PATENT OWNER MOTION FOR  
OBSERVATION REGARDING CROSS-EXAMINATION OF ZYGMUNT J.  
HAAS, PH.D.**

**TABLE OF CONTENTS**

Response to Observation No. 1.....1  
Response to Observation No. 2.....1  
Response to Observation No. 3.....1  
Response to Observation No. 4.....1  
Response to Observation No. 5.....2  
Response to Observation No. 6.....3  
Response to Observation No. 7.....4  
Response to Observation No. 8.....4  
Response to Observation No. 9.....5  
Response to Observation No. 10.....6  
Response to Observation No. 11.....7  
Response to Observation No. 12.....8  
Response to Observation No. 13.....9  
Response to Observation No. 14.....10  
Response to Observation No. 15.....11  
Response to Observation No. 16.....12  
Response to Observation No. 17.....12  
Response to Observation No. 18.....13  
Response to Observation No. 19.....14

Petitioner submits this response to Patent Owner's Motion for Observation Regarding Cross-Examination of Zygmunt J. Haas, Ph.D., Paper No. 27.

**Response to Observation No. 1**

Despite their Observation, during cross-examination Patent Owner (PO) did not identify any portions of Dr. Hartogs' declaration, beyond those identified by Petitioner, that were relevant to Dr. Haas' Supplemental Declaration.

**Response to Observation No. 2**

Despite their Observation, during cross-examination PO did not identify any portions of Dr. Hartogs' testimony, beyond those identified by Petitioner, that were relevant to Dr. Haas' Supplemental Declaration.

**Response to Observation No. 3**

Dr. Haas' Supplemental Declaration was prepared to rebut positions taken by PO's expert, Dr. Hartogs, and is relied upon by Petitioner to rebut PO's arguments set forth in the PO Response.

**Response to Observation No. 4**

Dr. Haas explains the use of the quotation marks as follows:

So my explanation of his statement is that he [Dr. Hartogs] interprets the claim insert pilot symbols into data blocks as -- as insert pilot symbols into at least one date block. Again, the quotes, I don't think the quotes are put here to signify that this is a direct quotation from

his saying, but rather it's this term -- claim term, "insert pilot symbols into data blocks," is interpreted by him as this other what's put in the quotes.

Ex. 2011, 12:11-18.

**Response to Observation No. 5**

PO alleges that the opinions of Petitioner's expert, Dr. Haas, are based on an incorrect interpretation of claim 1. The testimony PO cites (Ex. 2011, 14:15-18) is part of a line of questioning regarding ERIC-1036 (Supp. Haas Decl.), ¶ 4. During this questioning, Dr. Haas was asked to further explain a distinction in ¶ 4 of Supp. Haas Decl. between his position and a position of PO's expert, Dr. Hartogs, and Dr. Haas did so. *See* Ex. 2011, 12:20-13:16. Dr. Haas' testimony is consistent with an illustration of an embodiment of claim 1 that satisfies the claim language "insert pilot symbols into data blocks" in Figure A on p. 7 of Supp. Haas Decl. As Dr. Haas explains – "Fig. A is consistent with how the '127 patent describes pilot symbols. The pilot symbols and training symbols are inserted in a similar manner so as to result in separate OFDM symbols (which are in the time domain)." Supp. Haas Decl., ¶ 13. Dr. Haas provided several citations to the '127 patent and the Mody Provisional (ERIC-1035), which is incorporated by reference into the '127 patent, to support his opinion, which is consistent with the language of claim 1. *See, e.g.*, Supp. Haas Decl., ¶¶ 6, 7, and 9 (citing '127 patent, 2:10-25 and 11:44-47 and Mody Provisional, p. 2).

**Response to Observation No. 6**

As Dr. Haas explains – “Fig. A is consistent with how the '127 patent describes pilot symbols. The pilot symbols and training symbols are inserted in a similar manner so as to result in separate OFDM symbols (which are in the time domain).”

Supp. Haas Decl., ¶ 13. Dr. Haas provided several citations to the '127 patent and the Mody Provisional (ERIC-1035), which is incorporated by reference into the '127 patent, to support his opinion, which is consistent with the language of claim 1. *See, e.g.*, Supp. Haas Decl., ¶¶ 6, 7, and 9 (citing '127 patent, 2:10-25 and 11:44-47 and Mody Provisional, p. 2). For example, Dr. Haas discussed one of the citations (i.e., '127 patent, 11:44-47) during cross-examination supporting Figure A:

In -- in Column 11 of -- of the '127 patents -- patent in Line 44 to 47, “Although immediate [*sic* – omitted] from Figure 6 for simplicity, pilot symbols may also be intermittently inserted into data symbols (80) by the pilot/training symbol inserter (46) as discussed above.” So if you take Figure 6 -- more precisely, one frame of Figure 6, which is Number 68, one of the 68s, and modify it to -- not to omit the pilot symbols as Figure 6 does, then the result would be something similar to my bottom of Figure A.

Ex. 2011, 32:18-33:5.

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