UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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NOKIA SOLUTIONS AND NETWORKS US LLC, and NOKIA
SOLUTIONS AND NETWRKS OY
Petitioner,

v.

HUAWEI TECHNOLOGIES CO. LTD,
Patent Owner.
_____

Case IPR2017-00657
Patent 8,031,677 B1
_____

Before TREVOR M. JEFFERSON, MICHELLE N. WORMMEESTER, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

DECISION
Instituting *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

A. *Background*

Nokia Solutions and Networks US LLC and Nokia Solutions and Networks Oy ("Petitioner") filed a Petition seeking to institute an *inter partes* review of claims 1–3 and 8–10 ("the challenged claims") of U.S. Patent No. 8,031,677 B1 (Ex. 1001, "the '677 patent") pursuant to 35 U.S.C. §§ 311–319. Paper 2 ("Pet."). Huawei Technologies Co. Ltd. ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp."). We have statutory authority under 35 U.S.C. § 314(a), which provides that an *inter partes* review may not be instituted "unless . . . there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition."

Upon consideration of the Petition, Patent Owner's Preliminary Response, and the associated evidence, we determine that Petitioner has established a reasonable likelihood that it would prevail in showing the unpatentability of at least one challenged claim. Accordingly, we institute an *inter partes* review.

B. *Additional Proceedings*

According to the parties, Patent Owner has asserted the '677 patent in *Huawei Technologies Co., v. T-Mobile US, Inc.*, Case No. 2:16-cv-0056 (E.D. Tex). Pet. 1; Paper 6, 2. Furthermore, Petitioner alleges that it filed a successful motion to intervene in the district court proceeding, and joined the proceeding on June 14, 2016. Pet. 1.

C. *The '677 Patent*

The '677 patent specification ("Specification") discloses a method for detaching a user equipment ("UE"), such as a cell phone, from a 3rd

generation partnership project ("3GPP") network when the UE is handed over from a 3GPP network to a non-3GPP network. Ex. 1001, Abstract, 1:28–30, 3:10–55. During a handover procedure, a packet data network ("PDN") gateway ("GW") sends a request to the serving GW to delete the UE's bearer resources (connections) in the 3GPP network. *Id.* at 2:45–59. The request is forwarded to the mobility management entity ("MME"), which deletes the UE's bearer resources. *Id.* The Specification alleges that a problem with the prior art is that, during handover from 3GPP to non-3GPP, prior art systems deleted the UE's bearer resources in response to a delete bearer request, but did not detach the UE from the 3GPP network. *Id.* at 3:10–26. The Specification alleges that a detach procedure includes deleting the UE's mobility management ("MM") context in addition to deleting the UE's bearer resources. *Id.* Accordingly, the Specification proposes detaching the UE from the 3GPP network by deleting the UE's bearer resources and deleting the UE's MM context. *Id.* The Specification further discloses sending a cause information element ("IE") with a delete bearer request, wherein the cause IE indicates the reason, or cause, for deletion. *Id.* at 12:44–54. When the cause of deletion is handover from 3GPP to non-3GPP, the cause IE, in one embodiment, is set to "UE's accessing RAT [radio access technology] changed from a 3GPP network to a non-3GPP network." *Id.* at 12:55–59.

D. Challenged Claims of the '677 Patent

Of the challenged claims noted above, claims 1 and 8 are independent, and claims 2, 3, 9, and 10 depend either from claim 1 or claim 8. Claim 1, reproduced below, is illustrative:

1. A method for detaching a user equipment (UE) when a handover from a 3rd generation partnership project (3GPP) network to a non-3GPP network occurs, comprising:

receiving, by a Mobility Management Entity (MME) of the 3GPP network, a delete bearer request sent by a serving gateway (GW) of the 3GPP network which carries a cause information element (IE), wherein the cause IE indicates the UE handovers from the 3GPP network to the non-3GPP network;

deleting, by the MME, bearer resources of the UE;

detaching, by the MME, the UE from the 3GPP network when all the bearer resources of the UE are deleted.

Ex. 1001, 29:65–30:9.

E. The Asserted Grounds of Unpatentability

Petitioner challenges the patentability of claims 1–3 and 8–10 of the '677 patent based on the following grounds (Pet. 2):

Challenged Claims	Basis	References
1–3, 8–10	§ 103(a)	CATT[1] and TS 23.401[2]
1–3, 8–10	§ 103(a)	'677 APA[3] and TS 23.401

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[1] 3GPP TSG SA WG2 Architecture S2—#59, S2-072603 (June 25–29, 2007) (Ex. 1006) ("CATT").

[2] 3GPP TS 23.401, V.1.1.0 (3rd Generation Partnership Project; Technical Specification Group Services and System Aspects; GPRS enhancements for E-UTRAN access (Release 8) (Ex. 1007) ("TS 23.401").

[3] Portions of the '677 patent alleged by Petitioner to be admitted prior art (Ex. 1001) ("'677 APA") (Ex. 1001, 1:30–48 (describing Figure 1), 2:3–51 (describing Figure 2), 4:61–65 (describing the prior art Figures), and Figures 1–2. Pet. 41.).

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are given their broadest reasonable interpretation in light of the specification of the patent in which they appear. *See* 37 C.F.R. § 42.100(b); *Cuozzo Speed Techs., LLC v. Lee*, 136 S. Ct. 2131, 2144–45 (2016) (upholding the use of the broadest reasonable interpretation standard). Consistent with that standard, we assign claim terms their ordinary and customary meaning, as would be understood by one of ordinary skill in the art at the time of the invention, in the context of the entire patent disclosure. *See In re Translogic Tech., Inc.,* 504 F.3d 1249, 1257 (Fed. Cir. 2007). Only those claim terms that are in controversy need be construed, and only to the extent necessary to resolve the controversy. *See Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

The parties propose constructions for various claim terms. Pet. 34–39; Prelim. Resp. 12–13. For purposes of this Decision, we do not find it necessary to the resolution of any controversy to construe expressly any claim terms.

B. The CATT submission (Ex. 1006)

Petitioner asserts that CATT is a contribution to the 3GPP Working Group known as SA-2 for meeting #58, which took place in Orlando, Florida from June 25 to 29, 2007. Pet. 41–42. Petitioner asserts further that CATT was publicly available as of June 19, 2007. *Id.* (citing Ex. 1004 ¶ 29).

CATT is titled, "EPS bearer release procedure during handover from 3GPP to non 3GPP," and describes a procedure for releasing EPS bearer(s)

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