UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
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SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

HUAWEI TECHNOLOGIES CO., LTD,
Patent Owner.
_____

Case IPR2017-01474
Patent 8,639,246 B2
_____

Before TREVOR M. JEFFERSON, MICHELLE N. WORMMEESTER, and
JOHN F. HORVATH, *Administrative Patent Judges.*

JEFFERSON, *Administrative Patent Judge*.

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

I.   INTRODUCTION

A. Background

Samsung Electronics Co., Ltd. ("Petitioner")[1] filed a Petition (Paper 1, "Pet.") requesting *inter partes* review of claims 1–20 of U.S. Patent No. 8,639,246 B2 (Ex. 1001, "the '246 patent"). Huawei Technologies Co., Ltd. ("Patent Owner") filed a Preliminary Response (Paper 10, "Prelim. Resp."). We have jurisdiction under 35 U.S.C. § 314 and 37 C.F.R. § 42.4(a). Under 35 U.S.C. § 314(a), 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." For the reasons that follow, we institute an *inter partes* review as to all challenged claims of the '246 patent.

B. Related Proceeding

The parties identify one related district court case: *Huawei Technologies Co. v. Samsung Electronics Co.*, Case No. 3:16-cv-02787 (N.D. Cal.). Pet. 2; Paper 5, 1. Patent Owner further identifies two related requests for *inter partes* reviews: IPR2017-01471 and IPR2017-01475.

C. The '246 Patent (Ex. 1001)

The '246 Patent, titled "Method, Terminal, and System for Cell Reselection," is directed to cell reselection. Ex. 1001, [54], [57], 1:23–25. In prior art LTE (Long Term Evolution or 4G) systems, a terminal decides what cell to camp on according to cell priority. *Id.* at 1:49–53; *see* Pet. 8 (discussing cell reselection). The terminal measures a frequency/system

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[1] Petitioner identifies Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Research America as real parties in interest.

having a higher priority, and if that measurement meets the terminal's cell reselection criteria, it will reselect that cell. *Id.* at 1:52–60. Otherwise, the terminal will measure a cell having a lower priority. *Id.* The '246 patent states that:

> If a terminal camps on a cell having a lower priority, a cell having a higher priority might be measured periodically. The priority-based cell reselection method may reduce the measurements by the terminal and save power energy. Meanwhile, a good priority setting may lead to load balance.

Ex. 1001, 1:58–63.

The '246 patent discloses having a mobile station receive from the LTE system a dedicated priority list for the particular mobile station. *Id.* at Abstract, 2:11–39, 2:56–3:9. When necessary, a mobile station performs cell reselection according to the dedicated priority list when the terminal camps on a cell of a second system, eliminating the need for the second system to establish the dedicated priority list when moving from an LTE system to a non-LTE system. *Id.* at Abstract, 2:11–39, 2:61–3:9.

D. Illustrative Claims

Petitioner challenges claims 1–20 of the '246 patent, with claims 1 and 11 independent. Claims 1 and 11 are illustrative and reproduced below:

> 1. A method for inter-system cell reselection, comprising:
>
> [1A] when a terminal is in a cell of a Long Term Evolution (LTE) system, receiving, by the terminal, a message including a dedicated priority list from the LTE system; and
>
> [1B] when the terminal camps on a cell of a non-LTE system, performing, by the terminal, the inter-system cell reselection in accordance with the dedicated priority list before a valid time of the dedicated priority list expires.

11. A terminal comprising:

[11A] a receiver; and

[11B] a processor, wherein

[11C] when the terminal is in a cell of a Long Term Evolution (LTE) system, the receiver is configured to receive a message including a dedicated priority list from the LTE system; and

[11D] when the terminal camps on a cell of a non-LTE system, the processor is configured to perform inter-system cell reselection in accordance with the dedicated priority list before a valid time of the dedicated priority list expires.

Ex. 1001, 11:56–11:63, 12:27–37 (bracketed numbering added).

E. The Alleged Grounds of Unpatentability

The information presented in the Petition sets forth the grounds of unpatentability of claims 1–20 of the '246 patent as follows (*see* Pet. 4–5):

References	Basis	Claims Challenged
R2-075161[2] and R2-080338[3]	§ 103(a)	1–20
R2-075161, R2-080338, and Eerolainen[4]	§ 103(a)	11–20

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[2] NTT DoCoMo, Inc., *Inter-frequency/RAT idle mode mobility control*, 3GPP TSG RAN WG2 #60, Tdoc-R2-075161 (Nov. 2007) (Ex. 1005, "R2-075161").

[3] Nokia Corp. & Nokia Siemens Networks, *Reselection scenarios for multi-RAT terminals in Rel-8*, 3GPP TSG-RAN WG2 Meeting #60bis, R2-080338 (Jan. 2008) (Ex. 1007, "R2-080338").

[4] U.S. Pub. No. 2008/0176565, published July 24, 2008 (Ex. 1006, "Eerolainen").

II.   DISCUSSION

A. Claim Interpretation

We interpret claims of an unexpired patent using the broadest reasonable construction 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, 2144–46 (2016) (upholding the use of the broadest reasonable interpretation standard). In applying a broadest reasonable construction, claim terms generally are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *See In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007). Only those terms that are in controversy, however, need to be construed, and only to the extent necessary to resolve the controversy. *Vivid Techs., Inc. v. Am. Sci. & Eng'g, Inc.*, 200 F.3d 795, 803 (Fed. Cir. 1999).

Petitioner provides a proposed interpretation of "camps/camping" as recited in claims 1, 2, 7, 14, and 15. Pet. 13–14. Petitioner also contends that "processor" (claims 11, 13, and 16) requires no construction, in accordance with Patent Owner's position in related litigation. *Id.* at 14.

Patent Owner responds for both terms that the Board need not decide the terms, as their "precise scope . . . does not appear relevant to the issues raised by the Petition." Prelim. Resp. 10–11. For purposes of this Decision, we conclude that "camps," "camping" and "processor" do not require express interpretation at this time to resolve any controversy in this proceeding.

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