

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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T-MOBILE USA, INC., T-MOBILE US, INC.,  
SPRINT SPECTRUM L.P., and SPRINTCOM, INC.  
Petitioners

v.

INTELLECTUAL VENTURES II LLC  
Patent Owner

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Case IPR2018-01773  
Patent 8,897,828

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**PATENT OWNER INTELLECTUAL VENTURES II LLC'S  
PRELIMINARY RESPONSE TO PETITION**

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

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1.	The Petition Fails to Establish That the Combination of Zeira, Krishnan, and Khan Renders Obvious “receiving ... by the UE if accumulation is enabled, an allocation of a scheduled uplink resource and a TPC command, wherein the TPC command is accumulated with other received TPC commands” and “receiving ... by the UE if accumulation is not enabled, an allocation of a scheduled uplink resource to transmit data at a power level calculated by the UE based on the path loss.” .....	27
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## I. Introduction

The Board should deny institution of this proceeding because Petitioners do not come close to meeting their burden. The Petition does not establish by a preponderance of the evidence that claims 1-2, 5-6, 8-9, 12-13, 15-16, 19-20, 22-23, 26-27, 29-30, 33-34, 36-37, or 40-41 of U.S. Patent 8,897,828 (“the ’828 patent”) are obvious over the proposed Grounds. Rather than presenting new art and arguments not previously considered during prosecution, the Petition merely relies on the exact same references—Zeira, Krishnan, and Khan—and rehashes arguments that the Examiner and Board have already heavily considered for the independent claims. Because the Petition presents arguments that are duplicative of those considered during prosecution of the ’828 patent, the Board should deny institution under 35 U.S.C. § 325(d).

The Petition fails for the exact same reasons the claims of the ’828 patent were found allowable—the prior art does not render obvious the claimed power control process that depends on whether accumulation has been enabled for user equipment (UE) transmission power. Simply put, the prior art does not describe performing particular actions in response to whether or not accumulation has been enabled. Thus, in view of the redundant and flawed arguments presented in Petition, the Board should deny institution of an *inter partes* review against the ’828 patent.

## **II. The '828 Patent Presents a Novel Approach to Transmit Power Control in a Wireless Network.**

Wireless communication networks require a balancing of signal power to avoid several problems. For example, “radio signals transmitted with increased power result in fewer errors when received than signals transmitted with decreased power. Unfortunately, signals transmitted with excessive power may interfere with the reception of other signals sharing the radio link.” ('828 patent, Ex. 1001, 1:18-22.) In particular, this balancing is important for user equipment (UE) such as a mobile device to communicate with a base station. (*See id.* at 1:43-49.)

One metric for determining a desired transmit power is to determine a target signal to noise-plus-interference ratio (SNIR). (*Id.* at 1:50-53.) Using the target SNIR, a UE may adjust its transmission power level depending on various factors, such as the path loss detected on a communication channel. In this manner, the UE may increase or decrease the transmit power to compensate for the path loss and to achieve a target SNIR. (*See id.* at 2:5-32.)

Two schemes have been proposed in an attempt to adjust a UE's transmission power level: an open loop method and a closed loop method. In an open loop scheme, the UE “monitors the received strength of signals it receives to determine a power level at which it will transmit.” (*Id.* at 2:8-11.) For example, the UE may receive a signal from a base station and determine the degree to which the received signal's power level has decreased from the transmitted power level from

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