

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Ericsson Inc.

Petitioner

v.

Electronics and Telecommunications Research Institute

Patent Owner

U.S. Patent No. 9,603,174  
Filing Date: September 12, 2014  
Issue Date: March 21, 2017

Title: ERROR CONTROL METHOD, MEDIUM ACCESS CONTROL (MAC)  
FRAME DESIGNING METHOD, AND TERMINAL REGISTRATION  
METHOD IN WIRELESS COMMUNICATION SYSTEM, AND RECORDING  
MEDIUM

*Inter Partes* Review No. IPR2020-00251

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**PETITION FOR *INTER PARTES* REVIEW  
UNDER 35 U.S.C. §§ 311-319 AND 37 C.F.R. § 42.100 *ET SEQ.***

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## LIST OF EXHIBITS

Exhibit	Description
1001	U.S. Patent No. 9,603,174 to Lim et al. (“the ’174 Patent”)
1002	CV of Dr. Wayne Stark
1003	Declaration of Wayne Stark, Ph.D in Support of Petition for <i>Inter Partes</i> Review
1004	D. Boudreau and W. Tong, R1-02-1222, Reference OFDM Physical Layer Configuration, Nortel Networks, 3GPP TSG-RAN-1 Meeting #28bis (Espoo, Finland 8th – 9th , October 2002) (“Boudreau”)
1005	U.S. Patent No. 6,819,930 to Laroia et al. (“Laroia”)
1006	U.S. Patent No. 7,197,022 to Stanwood et al. (“Stanwood”)
1007	Prosecution History of U.S. App. No. 14/484,547 (application leading to the ’174 Patent) <sup>1</sup>
1008	U.S. Patent Application Publication No. 2003/0103525 to Wahl (“Wahl”)
1009	U.S. Patent Application Publication No. 2010/0220725 to Tzannes et al. (“Tzannes”)
1010	Prosecution History of U.S. App. No. 13/369,610 (application leading to U.S. Patent No. 8,861,459) <sup>2</sup>
1011	U.S. Patent Application Publication No. 2008/0285670 to Walton et al. (“Walton”)
1012	Prosecution History of U.S. App. No. 12/214,180 (application leading to the U.S. Patent No. 8,139,532) <sup>3</sup>

<sup>1</sup> For convenience to the Board, all references to Exhibit 1007 are to the page number endorsed by Ericsson.

<sup>2</sup> For convenience to the Board, all references to Exhibit 1010 are to the page number endorsed by Ericsson.

<sup>3</sup> For convenience to the Board, all references to Exhibit 1012 are to the page number endorsed by Ericsson.

<b>1013</b>	U.S. Patent No. 6,904,283 to Li et al. (“Li”)
<b>1014</b>	U.S. Patent Application Publication No. 2003/0072395 to Jia et al. (“Jia”)
<b>1015</b>	Declaration of Dr. Craig Bishop
<b>1016</b>	First Amended Complaint for Patent Infringement, <i>Sol IP, LLC v. AT&amp;T Mobility LLC</i> , Case No. 2:18-cv-00526 (E.D. Tex.), filed on March 22, 2019 (Dkt. No. 100) (“Complaint”)

## I. PRELIMINARY STATEMENT

Petitioner Ericsson Inc. (“Ericsson” or “Petitioner”) respectfully requests *inter partes* review and cancellation of claim 25 of U.S. Patent 9,603,174 (“the ’174 Patent”) under 35 U.S.C. §§ 311-319 and 37 C.F.R. § 42.100 *et seq.*

The ’174 Patent relates to the wireless communication between cellular devices and base stations, and in particular, a concept called radio resource allocation. Patent Owner Electronics and Telecommunications Research Institute, by and through its licensing agent Sol IP, LLC (collectively “Patent Owner”), allege that claim 25 of the ’174 Patent is essential to LTE Release 8.<sup>4</sup> Ex. 1016, ¶¶ 49-50. However, ETRI did not contribute what it now claims as its invention to the LTE standard. Instead, all of the concepts claimed in the ’174 Patent were developed prior to the 4G LTE standard-setting process by others, including in printed publications that were submitted to the standard-setting body and made publicly available via an email reflector. Ex. 1015, ¶¶ 52-56. Shortly thereafter, ETRI filed a patent application on these ideas in South Korea. Ex. 1001, Cover.

This Petition, supported by the Declaration of Dr. Wayne Stark, explains why there is a reasonable likelihood that claim 25 of the ’174 Patent is unpatentable as obvious to a person of ordinary skill in the art (“POSITA”) in view of the prior art

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<sup>4</sup> Petitioner disagrees. Nevertheless, the invalidity analysis herein is based on Patent Owner’s allegation that practicing the LTE Release 8 standard infringes the Challenged Claim.

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