UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LENOVO HOLDING COMPANY, INC., LENOVO
(UNITED STATES) INC., and MOTOROLA MOBILITY LLC,
Petitioner,

v.

INTERDIGITAL TECHNOLOGY CORPORATION,
Patent Owner.

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IPR2020-01505
Patent 8,797,873 B2

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Before JUSTIN T. ARBES, CHRISTOPHER L. OGDEN, and
JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

DECISION
Final Written Decision
Determining No Challenged Claims Unpatentable
35 U.S.C. § 318(a)

I.   INTRODUCTION

Lenovo Holding Company, Inc., Lenovo (United States) Inc., and Motorola Mobility LLC ("Petitioner") filed a Petition to institute an *inter partes* review ("IPR") of claims 1–10 (the "challenged claims") of U.S. Patent No. 8,797,873 B2 (Ex. 1001, the "'873 patent," "challenged patent") pursuant to 35 U.S.C. § 311 *et seq.* Paper 1 ("Pet."). InterDigital Technology Corporation ("Patent Owner") filed a Preliminary Response. Paper 7 ("Prelim. Resp.").

On April 15, 2021, we instituted an *inter partes* review of all challenged claims. Paper 11 ("Institution Decision" or "Inst. Dec."). Patent Owner filed a Patent Owner Response (Paper 16, "PO Resp."). Petitioner filed a Reply (Paper 19, "Pet. Reply"), and Patent Owner filed a Sur-reply (Paper 20, "PO Sur-reply"). A transcript of an oral hearing held on January 25, 2022 (Paper 30, "Tr.") has been entered into the record.

We have jurisdiction under 35 U.S.C. § 6. For the reasons discussed below, we determine that Petitioner has not shown, by a preponderance of the evidence, that claims 1–10 are unpatentable.

A. Related Matters

The parties identify the following related district court litigation: *InterDigital Technology Corp. v. Lenovo Holding Co.*, Case No. 1-19-cv-01590 (D. Del.) ("Related Litigation"). Pet. 3; Paper 5, 2.

Patent Owner identifies IPR2020-01236, IPR2020-01237, IPR2020-01413, IPR2020-01481, IPR2020-01494, IPR2020-01514, and IPR2020-01515 as all challenging patents asserted in the related district court litigation. Paper 5, 2–3.

B. Challenged Patent

The '873 patent relates to "a method and apparatus for preventing transmission blocking in an HSUPA [high speed uplink packet access] wireless communication system." Ex. 1001, 1:18–22.

Figure 1 of the '873 patent is shown below:
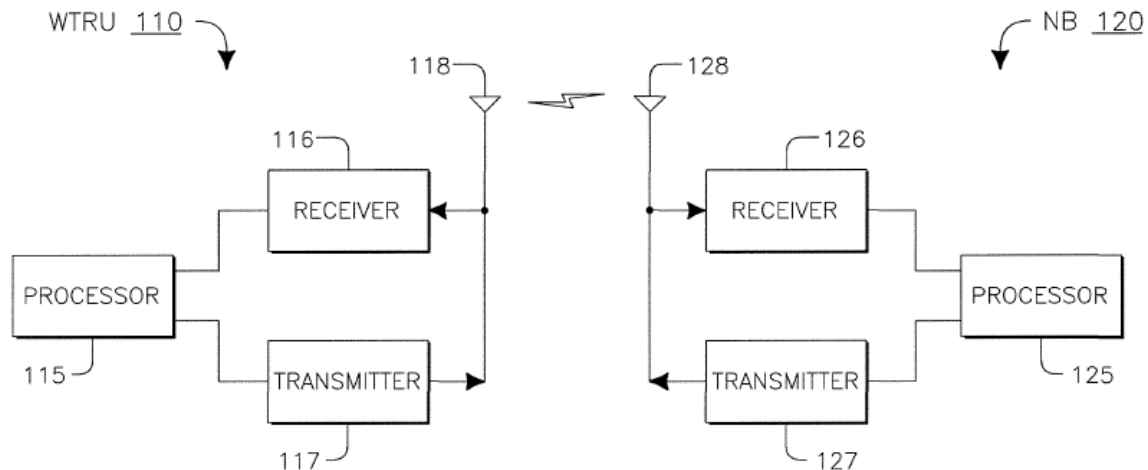
FIG.1

Figure 1 above is a functional block diagram of a WTRU (wireless transmit/receive unit) 110 and NB (Node-B) 120. Ex. 1001, 3:44–45. In the '873 patent, the term "WTRU" encompasses "user equipment (UE), a mobile station, a fixed or mobile subscriber unit, a pager, a cellular telephone, a personal digital assistant (PDA), a computer, or any other type of user device capable of operating in a wireless environment." *Id.* at 3:34–39. Further, in the '873 patent, the term "base station" encompasses a Node-B. *Id.* at 3:39–41. "WTRU 110 is in communication with the NB 120 and both are configured to perform a method for preventing transmission blocking in an HSUPA wireless communication system." *Id.* at 3:46–49.

Figure 2 of the '873 patent is shown below:
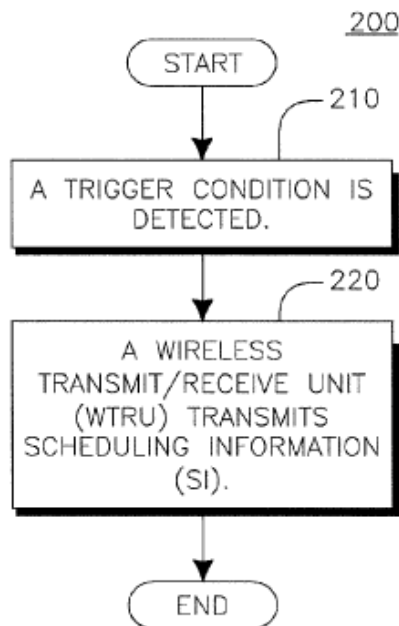
FIG. 2

Figure 2 above "is a flow diagram of a method for preventing transmission blocking in an HSUPA wireless communication system." Ex. 1001, 3:19–21. The '873 patent discloses that, in step 210 of this flow diagram, "a trigger condition for transmitting an SI [scheduling information] is detected." *Id.* at 4:8–9. The '873 patent provides the following example of a trigger condition: "the transmission of the SI alone may occur when the transmission of any, or in a specifically defined, MAC-d [medium access control-d] flow is stopped because the current non-zero grant is smaller than the minimum required to transmit the next MAC SDU [service data unit], or RLC [radio link control] PDU [protocol data unit] of the particular MAC-d flow." *Id.* at 4:9–14. The '873 patent further describes that "[t]he trigger condition, in this case, may occur when it is not possible to transmit a single PDU of a given MAC-d flow." *Id.* at 4:14–16.

C. Challenged Claims

Petitioner challenges claims 1–10. Pet. 1. Claims 1 and 6 are independent. Ex. 1001, 7:36–8:37. Claim 1 reads:

> 1. A method performed by a Third Generation Partnership Project (3GPP) wireless transmit/receive unit (WTRU), the method comprising:
>
> triggering transmission of scheduling information (SI), from the WTRU to a Node-B, in response to the WTRU having a non-zero grant smaller than needed preventing the WTRU from sending a medium access control protocol data unit (PDU) of any of a plurality of scheduled medium access control-d (MAC-d) flows.

Id. at 7:36–8:6. Claim 6 reads:

> 6. A Third Generation Partnership Project (3GPP) wireless transmit/receive unit (WTRU) comprising:
>
> circuitry configured to trigger transmission of scheduling information (SI), from the WTRU to a Node-B, in response to the WTRU having a non-zero grant smaller than needed preventing the WTRU of transmission of a medium access control protocol data unit (PDU) of any of a plurality of scheduled medium access control-d (MAC-d) flows.

Id. at 8:17–26.

D. Asserted Challenges to Patentability and Prior Art

Petitioner challenges claims 1–10 based on the grounds in the table below:

Ground	Claims Challenged	35 U.S.C. §	References
1	1, 5, 6, and 10	102	Zhang[1]
2	1, 5, 6, and 10	103	Zhang

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[1] US 2005/0105553 A1 (Ex. 1005).

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