

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioners,

v.

VASU HOLDINGS, LLC,
Patent Owner.

Case IPR2025-00447
U.S. Patent No. 10,206,154

PATENT OWNER'S PRELIMINARY RESPONSE

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PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	Intentionally omitted
2002	Declaration of James Hannah in Support of Patent Owner's Request for Discretionary Denial
2003	Excerpt from U.S. District Court – National Judicial Caseload Profile Federal for the Eastern District of Texas, available at https://www.uscourts.gov/sites/default/files/2024-12/fcms_na_distprofile0930.2024.pdf
2004	Intentionally omitted
2005	Intentionally omitted
2006	Intentionally omitted
2007	Intentionally omitted
2008	Order, <i>California Institute of Technology v. Samsung Electronics Co., Samsung Electronics America, Inc.</i> , Case No. 2:21-cv-00446-JRG, Dkt. No. 108 (E.D. Tex. Jan. 20, 2023)
2009	Order, <i>Resonant Systems, Inc., d/b/a RevelHMI v. Sony Group Corporation and Sony Interactive Entertainment Inc.</i> , Case No. 2:22-cv-00424-JRG, Dkt. No. 84 (E.D. Tex. July 9, 2024)
2010	Order, <i>MyPort, Inc. v. Samsung Electronics Co., Samsung Electronics America, Inc.</i> , Case No. 2:22-cv-00114-JRG, Dkt. No. 73 (E.D. Tex. June 13, 2023)
2011	Order, <i>General Access Solutions, Ltd. v. Cellco Partnership d/b/a Verizon Wireless</i> , Case No. 2:22-cv-00394-JRG, Dkt. No. 225 (E.D. Tex. May 22, 2024)
2012	PCT/JP 2005/051029 A1 to Inoue
2013	U.S. Patent Application Publication No. 2005/0059400 (“Jagadeesan”)

Patent Owner's Preliminary Response
IPR2025-00447 (U.S. Patent No. 10,206,154)

Exhibit	Description
2014	Claim Construction Order, <i>Vasu Holdings, LLC v. Samsung Elecs. Co.</i> , Case No. 24-cv-00034-JRG-RSP, Dkt. No. 78 (E.D. Tex. May 19, 2025)
2015	U.S. Patent No. 7,398,088 (“Belkin”)
2016	U.S. Patent No. 8,041,360 (“Ibe”)
2017	Excerpts of File History for U.S Patent 8,886,181

I. INTRODUCTION

Patent Owner, Vasu Holdings, LLC, (“Vasu”), respectfully requests that the Board deny the Petition challenging claims 1, 2, 4, 43, and 45-47 (the “Challenged Claims”) of U.S. Patent No. 10,206,154 (Ex. 1001, “the ’154 Patent”) because the Petitioners have failed to demonstrate that Iizuka (Ex. 1004) discloses “establishing a second communication link between the interface server and the end destination device without disrupting the first communication link.”

The ’154 Patent discloses and claims a mobile device that seamlessly switches from an active wireless communications link (e.g., a Wi-Fi link) to another (e.g., a cellular communications link) when the active link’s signal strength dips below a threshold value. In order to ensure that the switch occurs seamlessly, the ’154 Patent introduces an “interface server” that establishes a second communications link with the destination device without disrupting the first communications link. Like the prior art distinguished during examination, Iizuka discloses switching between communication mediums by *rerouting* the existing connection, which disrupts the first communications link.

Thus, the Petition should be denied for failure to establish a reasonable likelihood of success as to any Challenged Claims of the ’154 Patent.

II. OVERVIEW OF THE '154 PATENT

A. The '154 Patent

The '154 Patent discloses systems and methods for seamless switching communications among Voice over Internet (VoIP), public cellular, and public circuit-switched networks. '154 Patent at 1:35-39. The '154 Patent claims an “interface server” (depicted as “nomadic server 80” in Fig. 1 below), which facilitates the seamless roaming for a mobile communication device (e.g., device 90). *Id.* at 2:54-62.

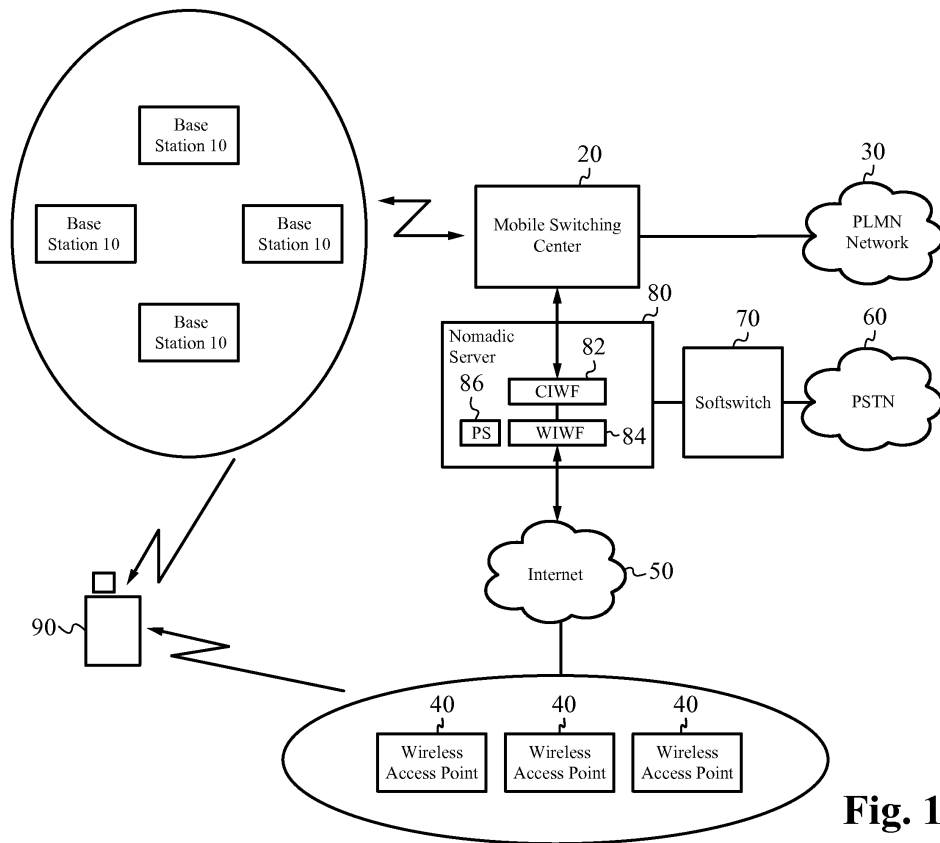


Fig. 1

Id., Fig. 1. The nomadic server is a telephone communication processing and switching server that can hold in-progress telephone communications while the user

roams between different types of wireless networks, without dropping or losing the in-progress communications. *Id.* at Abstract, 2:63-3:1. When a caller roams outside the range of a VoIP access point, the nomadic server will “hold” the current telephone communication while switching occurs from the VoIP access point to the cellular network. *Id.* at 5:63-6:9. Similarly, when a caller roams into the range of a VOIP access point while engaged in a telephone communication on the cellular network, the nomadic server will “hold” the current telephone communication while switching occurs from the cellular network to the VOIP access point. *Id.* The nomadic server remains engaged, or active, in the telephone communication while switching from one network to another. *Id.*

B. '154 Patent Prosecution History

The '154 Patent issued from U.S. Patent Application No. 14/510,766, filed on October 9, 2014. Ex. 1002 at 65. It is a continuation of U.S. Patent Application No. 13/240,776, which issued as U.S. Patent No. 8,886,181 (“the '181 Patent”) on November 11, 2014.¹ The '181 Patent is a divisional application of U.S. Patent Application No. 11/330,675, filed on January 11, 2006, and claims priority to a U.S. Provisional Application No. 60/643,829 filed on January 14, 2005. Ex. 1002 at 65.

¹ The '181 Patent is being challenged in a concurrent petition for *inter partes* review by Petitioners in Case No. IPR2025-00446.

The '181 Patent is also a continuation-in-part of U.S. Patent Application No. 11/031,498, filed on January 6, 2005, and which claims priority to a U.S. Provisional Application No. 60/534,466 filed on January 6, 2004. *Id.*

After a compact examination, the Examiner stated in its reasons for allowance that “there is no prior art reference, alone or in combination, that teaches or fairly suggests a method for at least ‘establishing a second communication link between the interface server and the end destination’ and ‘redirecting the second communication link from the interface server to the mobile communication device,’ in a combination with other recited claimed limitations.” *Id.* at 860 (10/1/2018 Notice of Allowance) (emphasis omitted). Examiner further stated that U.S. Pub. No. 2009/0191864 to Mousseau et al. was “considered the closest prior art that teaches the roaming of a device from a first network to a second network by establishing a second communication link from the call control equipment 112 (interface server) to the roaming mobile 100 and therefore no second link is being established from the equipment 112 to end destination.” *Id.* (citing Mousseau, [0023]).

C. '181 Patent Prosecution History

As the Petition acknowledges, the prosecution history of the '154 Patent's parent, the '181 Patent, is relevant to these proceedings because of the substantive

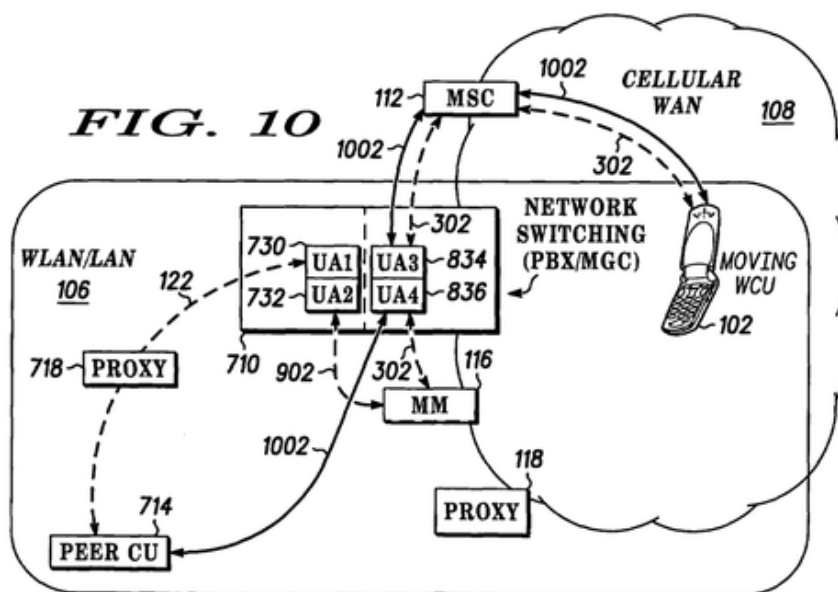
examination undergone by the '181 Patent. Pet. at 11-12 (discussing the '181 Parent Patent Prosecution).

The '181 Patent was subject to a comprehensive and substantive examination. On November 5, 2012, the Office issued the application's second Non-final Office Action that rejected claims 1-9, *inter alia*, as allegedly being anticipated by U.S. Patent No. 8,041,360 to Ibe ("Ibe," Ex. 2016). Ex. 2017 at 6-9. The Applicant overcame this rejection by explaining that Ibe failed to teach establishing a second communication link "between the interface server and the **end destination device.**" *Id.* at 35-36 (Response to Non-Final Office dated 12/6/2012). Applicant persuasively argued—without amendment—that Ibe taught a new connection between a cellular proxy (the claimed interface server) and the mobile device, not between the cellular proxy and the end destination. *Id.* at 35. The Office considered Applicant's remarks "persuasive," and on February 7, 2013, the Office issued the application's third Non-final Office Action. *See id.* at 66 (finding Applicant's remarks filed 12/6/2012 were "fully considered and are persuasive").

In this next Office Action, the Examiner rejected claims 1-9 as allegedly being obvious over Ibe in combination with U.S. Patent No. 7,398,088 to Belkin (Ex. 2015, "Belkin"). The Examiner cited Belkin as disclosing notifying an interface server with the mobile communication device and establishing a second communication link between the interface server and the end destination device. Ex. 2017 at 52

(citing Ex. 2015 at Figs. 7-10, 13:32-44, 5:67-6:3, 13:45-14:2). Specifically, the Examiner cited Belkin for disclosing a wireless communication unit that initiates a handover call (“notifying an interface server”), which is routed via network switching function 112 to the network switching function 110 (“interface server”). *Id.* (citing Ex. 2015 (Belkin) at Fig. 7-10, 13:32-44, 5:67-6:3).

The Examiner also cited Belkin's rerouting of the voice bearer RTP stream from the peer CU 714 (the “end destination device”) to the network switching function 710 (the interface server) as allegedly meeting this limitation. Ex. 2017 at 52 (citing Ex. 2015 at Fig. 7-10, 13:45-14:2, 15:2-6). The Examiner pointed to the resulting RTP stream “link 1002” (seen in Fig. 10 of Belkin (Ex. 2015)), as the claimed second communication link between end destination device and interface server. Ex. 2017 at 52; *see also id.* at 111-113 (Examiner clarifying the rejection in Final Office Action dated 6/27/2013).



Ex. 2015 at Fig. 10.

In response to this Office Action, the Applicant argued that Belkin only “teaches [] that the single connection between the peer CU 714 and the network switching function 710 is rerouted to the handover call port, not that a second connection is made between the peer CU 714 and the network switching function 710,” and that “[r]erouting a connection is not the same as establishing a second connection.” Ex. 2017 at 83 (emphasis original). The Examiner considered this argument and issued a Final Office Action, repeating its rejection of the claims in view of Ibe and Belkin. *Id.* at 111-113 (6/27/2013 Final Office Action).

Applicant reiterated its argument that link 1002, between the peer CU 714 and the network switching function 740, is a rerouting of link 120 (alleged first communication link); it is not a separate or second link, as required by the claims.

Id. at 135. To “emphasize this difference,” Applicant amended the claims to recite “establishing a second communication link between the interface server and the end destination device *without disrupting the first communication link.*” *Id.* (Response to Final Office Action 8/23/2013), 129 (emphasis modified).

The Examiner agreed with Applicant's arguments and indicated the claims were non-obvious over Ibe and Belkin “in view of Applicant's amendments and arguments as filed on 8/23/2013.” *Id.* at 158, 172 (Notice of Allowance). There was further prosecution of other claims 14-18 and 38, which Applicant ultimately canceled. *Id.* at 165 (7/3/2014 Response to Final Office Action). A Notice of Allowance was issued on July 10, 2014 and '181 Patent then issued on November 11, 2014. *Id.* at 167, 174.

D. Overview of the Challenged Claims

The Petition presents the following grounds for invalidating claims of the '154 Patent:

Ground	Claims	Basis	References Relied Upon
1	1, 2, 4, 43, and 45-47	§ 103	Iizuka, Enzmann
2	1, 2, 4, 43, and 45-47	§ 103	Iizuka, Enzmann, Inoue
3	45-47	§ 103	Iizuka, Enzmann, Sundar
4	45-47	§ 103	Iizuka, Enzmann, Sundar, and Inoue

Pet. at 6.

Claims 1 and 43 are independent claims. Claim 1 recites a method for “providing communications for a mobile communication device that roams between multiple networks,” and is reproduced below, using the Petition’s element numbering:

[1.pre] A method of providing communications for a mobile communication device that roams between multiple networks, the method comprising:

[1.a] establishing a first communication link between the mobile communication device and an end destination device, wherein the first communication link comprises a first communication link between the mobile communication device and a first network;

[1.b] monitoring a context of the first communication link;

[1.c] when a second context is preferred over the context of the first communication link, notifying an interface server and establishing a second communication link between the interface server

and the end destination device without disrupting the first communication link, with a client;

[1.d] notifying the mobile communication device to terminate transmission over the first communication link; and

[1.e] re-directing the second communication link from the interface server to the mobile communication device, thereby establishing a second communication link between the mobile communication device and a second network, wherein the second network is within a set of known networks or from a newly discovered network.

'154 Patent at 14:12-35. Claim 43 is similar to claim 1, except in limitations [43.b] and [43.c], the steps recite “a first context of a signal of the first communication link, wherein the first context comprises signal strength characteristics” and “when a second network is detected as available and a second context of a second communication link corresponding to the second network is preferable.” '154 Patent at 16:43-47.

E. Priority Date of the '154 Patent Claims

Petitioners argue that the Challenged Claims are entitled to a priority date no earlier than January 11, 2006. Pet. at 5-6, 12-14. For purposes of this preliminary response only, Vasu applies this January 11, 2006, priority date because Petitioners have not shown a reasonable likelihood of prevailing on their challenge of at least one of the claims of the '154 Patent, even under their asserted priority date.

Petitioners' asserted effective filing date for the '154 Patent predates the enactment and effective date of the AIA (March 16, 2013), and thus this proceeding is subject to pre-AIA 35 U.S.C. §§ 102 and 103. *See* Manual of Patent Examining Procedure ("MPEP") § 2159.02; Pet. at 5. All references to §§ 102 and 103 in this preliminary response refer to pre-AIA §§ 102 and 103.

III. OVERVIEW OF THE ASSERTED REFERENCES

A. Iizuka (Ex. 1004)

Iizuka discloses a mobile terminal that can "use a plurality of communication mediums enabling a wireless call by dynamically switching between the plurality of communication mediums during a call." Ex. 1004 ("Iizuka") at Abstract. Petitioners rely on Iizuka for allegedly disclosing or suggesting all elements of the Challenged Claims. Pet. at 27-67; *id.* at 39-42, 48-49 (alleging Iizuka suggests limitations [1.c], [1.d]); *id.* at 55-56 (alleging Iizuka suggests claim 2).

B. Enzmann (Ex. 1011)

Enzmann is a U.S. Printed Publication No. 2005/0136927 and discloses a method for performing a call handoff from an 802.1x network to a cellular network, and vice versa. Ex. 1011 at Abstract. Petitioners rely on Enzmann for allegedly disclosing "when a second context is preferred over the context of the first communication link." Pet. at 45-48; *see also id.* at 56-57 (alleging Enzmann discloses dependent claim 2).

C. Inoue (Ex. 1012)

Inoue is a U.S. Patent Publication No. 2007/0146475, published on June 28, 2007, and discloses a wireless communication system for simultaneously establishing a basic access network and a wireless access network. Ex. 1012 at Abstract. Inoue is a national stage, filed December 6, 2006, of an international application PCT/JP03/14723 filed on November 19, 2003. *Id.*, Field 86 (indicating 35 U.S.C. § 371 date). Petitioners rely on Inoue in Grounds 2 and 4 for allegedly disclosing “with [a/the] client” and notifying the communication device to terminate transmission over the first communication link. Pet. at 67-68, 71-75.

D. Sundar (Ex. 1013)

Sundar is a U.S. Patent Publication No. 2003/0134638 and discloses a method, system and apparatus for internetworking WLAN and WWAN environments. Ex. 1013 at Abstract. Petitioners rely on Sundar for allegedly disclosing the limitations of claims 45-47, which require that “‘the interface server is coupled to a gateway device’ (claim 45), ‘the gateway device is bi-directionally coupled to a packet network (claim 46)’, and ‘the packet network comprises packet switched telephone network (claim 47).’” Pet. at 71-73.

IV. LEVEL OF ORDINARY SKILL IN THE ART

Vasu applies the definition of a person of ordinary skill in the art (“POSITA”) as an individual who possesses (1) a Bachelor’s degree in electrical engineering,

computer science, or the like, and (2) has an advanced degree or at least two years of relevant work experience in the field. Additional work experience could serve as a substitute for a lack of education, and vice versa.

V. CLAIM CONSTRUCTION

Vasu notes that on May 19, 2015, in the corresponding litigation (Case No. 2:24-cv-00034-JRG-RSP), several claim terms of the Challenged Claims were given the following constructions, summarized in the below table:

Claim Term	Court's Claim Construction
"interface server" (Claims 1, 43)	"a server that interacts with multiple wireless networks such that a wireless communication device can roam between the wireless networks." Ex. 2014 at 12.
"context" (Claims 1, 43)	"characteristics of a signal and/or of a network" Ex. 2014 at 15.
"establishing [a/the] second communication link between the interface [server] and [an/the] end destination device" (Claims 1, 43)	"establishing [a/the] communication link between the interface [server] and [an/the] end destination device that is distinct from the first communication link" Ex. 2014 at 18.

<p>“A method of providing communications for a [mobile] communication device that roams between multiple networks, the method comprising:” (Claims 1, 43)</p>	<p>“Preamble is limiting.” Ex. 2014 at 40 (Appendix A).</p>
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For purposes of this preliminary response, the term “the first communication link” (Claims 1 and 43) should be given its plain and ordinary meaning, *i.e.*, the first use of “a first communication link” (between the mobile communication device and an end destination device) is the antecedent basis for “the first communication link” and its subsequent uses.²

VI. PETITIONERS FAIL TO DEMONSTRATE A REASONABLE LIKELIHOOD OF SUCCESS ON ANY CHALLENGED CLAIM

The Board should deny the Petition because the asserted references do not render obvious the Challenged Claims.

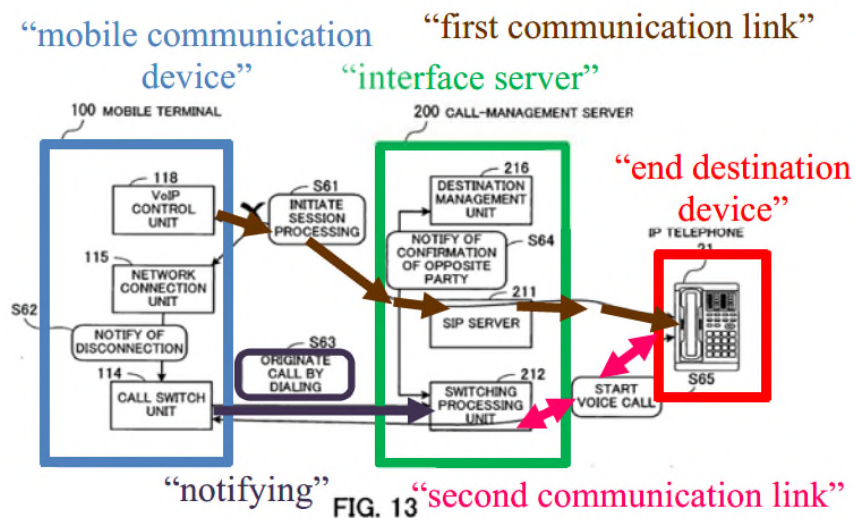
² The district court found in its May 19, 2025, Claim Construction Order that Claims 1 and 43 were indefinite due to this limitation. Ex. 2014 at 35-38.

A. Iizuka Fails to Teach Limitation [1.c]: Establishing a Second Communication Link Between the Interface Server and the End Destination Device Without Disrupting the First Communication Link (Grounds 1, 2)

1. Rerouting a First Connection is Not the Same as Establishing a Second Connection

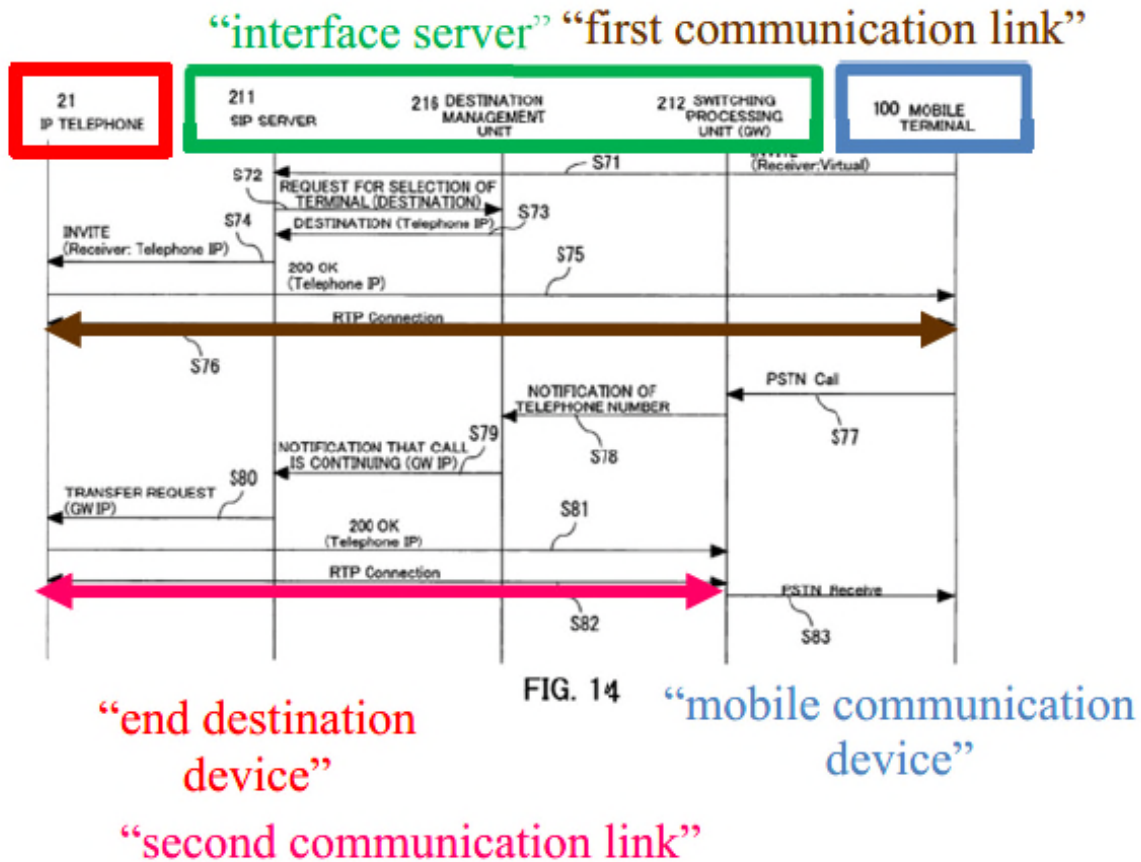
Iizuka and Enzmann do not teach or suggest the limitation [1.c]: “when a second context is preferred over the context of the first communication link, notifying an interface server and *establishing a second communication link between the interface server and the end destination device without disrupting the first communication link*, with a client.” ’154 Patent at Claim 1 (emphasis added).

Petitioners map Iizuka to the elements of the Challenged Claims as follows: Iizuka’s mobile terminal 100 to the claimed “**mobile communication device**,” Iizuka’s call management server 200 to the claimed “**interface server**,” and Iizuka’s IP telephone 21 to the claimed “**end destination device**.” Pet. at 30-31, 39-41.



Id. at 42 (annotating Fig. 13 of Iizuka).

Under Petitioners' theory, the **“first communication link”** limitation is met by a VoIP call or SIP session established between the mobile terminal 100 and the IP telephone 21. *Id.* at 30-31. And the **“second communication link”** is established when **“(an RTP (Real-time Transport Protocol) connection for real-time audio streams)”** is set up between the call-management server and the IP telephone **“as depicted in Iizuka's Fig. 14.”** *Id.* at 39-41 (citing Iizuka, [0175]).



Pet. at 43 (annotating Fig. 14 of Iizuka, highlighting RTP Connection at S76 in **brown** as “**first communication link**” and highlighting RTP Connection at S82 in **pink** as “**second communication link**”).

The central flaw in Petitioners' theory is that because the RTP connection established in Step S76 (the alleged “first communication link”) is rerouted to switching processing unit 212 (of call-management server 200), the first communication link is disrupted, and no *second* connection is established between the IP telephone 21 and the switching processing unit 212 (of the call-management server 200). *See* Iizuka at [0173] (disclosing the transmittal of “a transfer request in which the IP address of the switching processing unit 212 is designated”); *see also id.* at Fig. 14 (disclosing Step S80 as “Transfer Request (GW IP)”).

As Vasu explained to the Office to distinguish the claims of the '154 Patent's parent ('181 Patent) from prior art during examination, rerouting a connection is not the same as establishing a second connection for at least two reasons. *See* § II.C, *supra*; Ex. 2017 at 135; *see* § V, *supra*; Ex. 2014 at 15-18. First, rerouting a first connection without the establishment of a second connection fails to satisfy the district court's claim construction (which Petitioners proposed and urged the district court to adopt) in the parallel litigation that the second communication link be “distinct from the first communication link.” *See* § V, *supra*; Ex. 2014 (Claim

Construction Order) at 15-18. Second, by rerouting the first connection at S81, the first communication link has been disrupted:

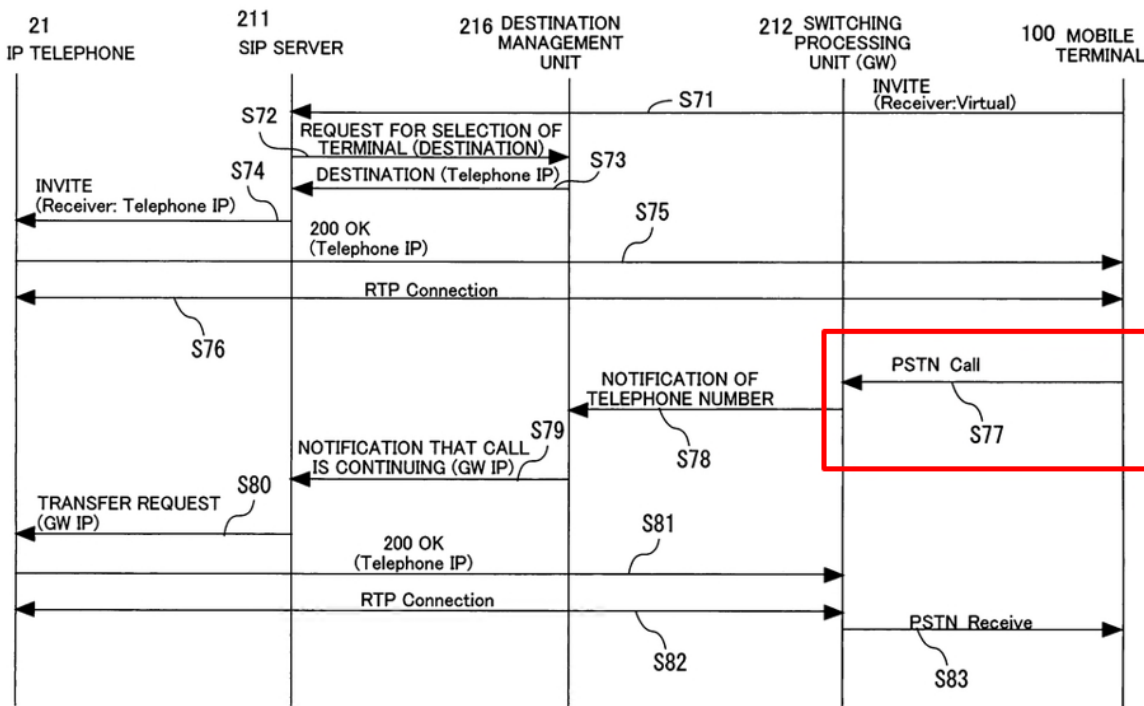


FIG. 14

Iizuka at Fig. 14 (annotated).

At best, Petitioners could argue that Iizuka discloses establishing a second connection in S77 (highlighted in red above), but this connection is between mobile terminal 100 (the alleged “mobile communication device”) and switching processing unit 212 of call-management server 200 (the alleged “interface server”). Iizuka at [0170] (stating “the mobile terminal 100 originates a PSTN call to the switching processing unit 212 by dialing”); *see also id.* at [0160] (disclosing “Step S63” in which “[t]he call switch unit 114 originates a call to the switching processing unit

212 in the call-management server 200 by dialing”); *id.* at Fig. 14 (annotated). As a result, Iizuka's second connection at S77 fails to satisfy the claim limitation of establishing a second communication link between the interface server and the end destination device without disrupting the first communication link. The Petition's annotations of Figures 13 and 14 ignore this step S77 completely. *See* Pet. at 32-33, 42-43.

For at least the foregoing reasons, Iizuka does not teach or suggest “establishing a second communication link between the interface server and the end destination device without disrupting the first communication link, with a client.”

2. Disclosure of a VoIP Call that “Still Continues” Does Not Satisfy Establishing a Second Communication Link Without Disrupting a First Communication Link

Petitioners argue that Iizuka's disclosure that the “VoIP call . . . still continues” satisfies the claim requirement of “without disrupting the first communication link.” Pet. at 41 (citing Iizuka at [0162]). This is incorrect and unsupported by the record because Petitioners incorrectly cross-reference steps at different stages in Iizuka's switching process to support their theory that Iizuka discloses “establishing a second communication link between the interface server and the end destination device without disrupting the first communication link.” *Id.* (citing steps disclosed in Iizuka [0160]-[0162] and steps disclosed in Iizuka [0170]-[0175]).

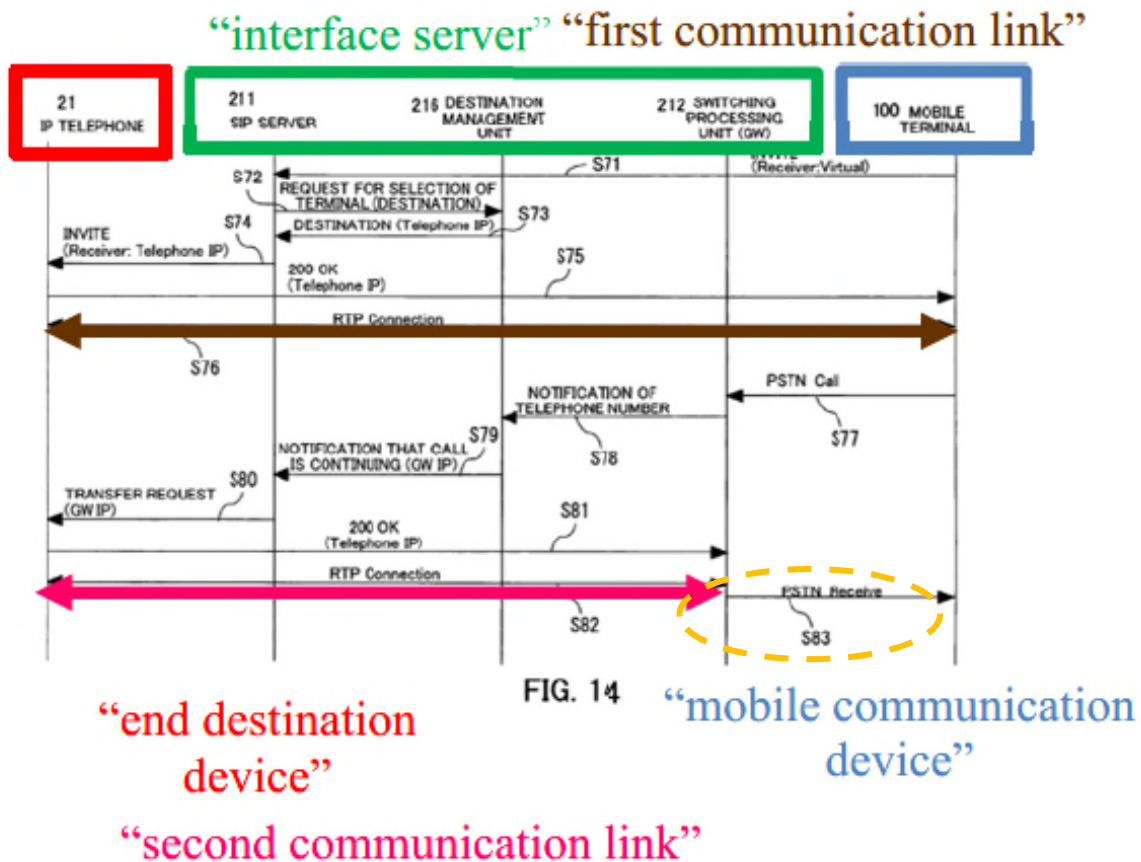
The “still continues” phrase refers to a step in Iizuka’s switching process that occurs after the alleged first communication link has already been transferred, *i.e.*, disrupted. Iizuka at [0162], [0176]. The full context of the “still continues” phrase is in Iizuka’s “Step S65,” which reads: “[t]he switching processing unit 212 realizes a voice call through the mobile telephone network 10 while the VoIP call which has already been established *still continues*.” *Id.* at [0162] (emphasis added). Thus, while the VoIP call “still continues” between the switching processing unit and the IP telephone, the mobile device’s communication link was already disrupted. *Id.*

Petitioners argue in a footnote that Iizuka describes “the same switching embodiment in connection with Figure[s] 13 . . . and Figure 14” for a switching process and therefore the Petition uses parallel citations to the relevant disclosures for both Figures 13 and 14. Pet. at 19, n.3. But, assuming that Figures 13 and 14 do describe the same embodiment, the Petition incorrectly cites to out-of-order steps at different stages in the switching process to support their theory. Specifically, the Step S65 of Figure 13 corresponds to Step S83 of Figure 14, as demonstrated by comparing the texts in the below table.

Iizuka’s Figure 13 embodiment	Iizuka’s Figure 14 embodiment
[0162]: “[Step S65] <i>The switching processing unit 212</i> realizes a voice call <i>through the mobile telephone</i>	[0176]: “[Step S83] <i>The switching processing unit 212</i> returns to the mobile terminal 100 a response to the

<p><i>network 10</i> while the VoIP call which has already been established still continues.”</p>	<p>origination of the call by dialing, and establishes a connection <i>through the mobile telephone network 10</i>. Thus, a call between the IP telephone 21 and the mobile terminal 100 becomes possible.”</p>
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Iizuka at [0162], [0176] (emphasis added). Like Step S65, Step S83 of Figure 14 occurs after Steps S80, S81, and S82 (*i.e.* after the RTP connection has already been transferred and disrupted). This timing is seen in Petitioners’ annotated figure reproduced below.



Pet. at 43 (citing Fig. 14 of Iizuka) (further annotations added in orange dashed circle). The Petition's reliance on Figure 13's Step S65 and paragraph [0162] is also problematic because the Petition later relies on essentially the same step for meeting limitation [1.e] (the "re-directing..." limitation). *Id.* at 51-54 (citing Iizuka, [0176]). That is, the Petition points to Figure 14's Step S83, which again corresponds to Step S65 already relied on for limitation [1.c], for satisfying limitation [1.e]. *Id.* (citing Iizuka, [0176]).

The Petition does not explain how the phrase "still continues" demonstrates that Iizuka teaches a second communication link is established without disrupting the first communication link. Pet. at 2, 17, 22, 39, 41, 50, 54 (citing to the phrase "still continues" without explanation). The Petition also does not explain how the phrase "still continues" demonstrates no disruption to a first communication link contrary to the surrounding paragraphs and accompanying Figures 13 and 14 that plainly describe that a first RTP connection is transferred (i.e., disrupted) and rerouted between the call-management server 200 and the IP telephone, as discussed above. *See* Iizuka at [0173]-[0174]; *see* § VI.A.1, *supra*. Nor does Petitioners' expert provide any analysis or explanation of the phrase "still continues" in his declaration. *See* Ex. 1003 at ¶¶ 100-110 (Petitioners' expert parroting the Petition's arguments).

Accordingly, Iizuka does not disclose “when a second context is preferred over the context of the first communication link, notifying an interface server and establishing a second communication link between the interface server and the end destination device without disrupting the first communication link, with a client,” and therefore cannot render obvious any of the Challenged Claims.

B. Inoue Does Not Qualify as Prior Art (Grounds 2, 4)

Inoue is not prior art to the '154 Patent under pre-AIA § 102. Petition asserts that Inoue is prior art “under at least §§ 102(a) and/or 102(e),” but that is incorrect. Pet. at 5-6.³

The earliest date for which Inoue could be relied upon is *June 28, 2007*, under 35 U.S.C. § 102(a) or § 102(b), the actual publication date of Inoue. Ex. 1012 at 1. Inoue is a national phase of an international patent application that cannot rely on its International Filing Date of November 19, 2003 as a basis for priority under pre-AIA § 102(e) because the international application was not published in English.

³ Applying the Petition's asserted filing date of the '154 Patent, the Challenged Claims of the '154 Patent have an effective filing date of at least *January 11, 2006*. Pet. at 5-6. This effective filing date predates enactment and effective date of the AIA, and thus the pre-AIA version of 35 U.S.C. § 102 applies to this proceeding.

Ex. 2012 (WO 2005/051029 A1) (published in Japanese). Section 102(e) provides, in pertinent part, that a “person shall be entitled to a patent,” unless:

(e) the invention was described in . . . (2) a patent granted on an application for patent by another filing in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and *was published under Article 21(2) of such treaty in the English language*; . . .

35 U.S.C. § 102(e) (emphasis added); *see also* MPEP § 2136.03(II)(B) (“If the international application was filed on or after November 29, 2000, but did **not** designate the United States or was **not** published in English under PCT Article 21(2), do **not** treat the international filing date as a U.S. filing date.”) (emphasis original); *see also* MPEP § 2136 (II) (describing an “Example 5” with circumstances identical to Inoue: “All references, whether the WIPO publication, the U.S. patent application publication or the U.S. patent, of an international application (IA) that was filed on or after November 29, 2000, but was **not** published in **English** under PCT Article 21(2) have no 35 U.S.C. 102(e) prior art date at all.”) (emphasis original).

Because Inoue has no 35 U.S.C. § 102(e) and its 35 U.S.C. § 102(a) date of June 28, 2007, post-dates January 11, 2006 (Petitioners’ alleged effective filing date of the ’154 Patent), Inoue does not qualify as prior art to the ’154 Patent under

35 U.S.C. § 102(e) in this proceeding. And Petitioners' Grounds 2 and 4 which rely on Inoue are deficient.

VII. CONCLUSION

For all of these reasons, Vasu accordingly requests that the Board deny institution of *inter partes* review of the Challenged Claims of the '154 Patent.

Respectfully submitted,

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CERTIFICATE OF COMPLIANCE WITH 37 C.F.R. § 42.24

The undersigned hereby certifies that the foregoing **PATENT OWNER'S PRELIMINARY RESPONSE** has 4,420 words in compliance with the 14,000 word limit set forth in 37 C.F.R. § 42.24(b). This word count was prepared using the Microsoft Word word-processing system used to prepare this paper.

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), and pursuant to agreement by the parties that filing with the Board through the Patent Trial and Appeal Case Tracking System (P-TACTS) constitutes electronic service, service was made on Petitioner as detailed below.

<i>Date of service</i>	May 27, 2025
<i>Manner of service</i>	Electronic Filing with the Board (james.l.davis@ropesgray.com; alexander.middleton@ropesgray.com; christopher.bonny@ropesgray.com; Samsung-Vasu-IPR-Ropes@ropesgray.com)
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