

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

KONINKLIJKE KPN N.V.,  
Patent Owner.

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Case IPR2025-00502  
Patent 9,667,669

**PATENT OWNER'S PRELIMINARY RESPONSE**

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**Other Authorities**

35 U.S.C. § 112(d).....14, 17, 31, 39  
37 C.F.R. § 42.107(e).....13  
37 C.F.R. § 42.100(b).....32  
MPEP § 2143.01(VI).....39

**PATENT OWNER’S EXHIBIT LIST**

<b>Exhibit</b>	<b>Description</b>
2001	Declaration of Regis J. “Bud” Bates, Jr. in Support of Patent Owner
2002	Curriculum Vitae of Regis J. “Bud” Bates, Jr.
2003	Change Request, 182 027 CR 088 rev3.1.2, 19tTD080r4, ETSI TISPAN#19-Ter, Sophia Antipolis, 19-23 January 2009
2004	Excerpt of Expert Report of Kevin Jeffay Regarding the Invalidity Of The Asserted Claims Of U.S. Patent No. 8,881,235 and U.S. Patent No. 9,667,669
2005	Claim Construction Memorandum and Order, D.N. 80, <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson et al.</i> , Case No. 2:21-cv-113 (E.D. Tex.)
2006	S. Donovan, The SIP INFO Method, RFC 2976 (Oct. 2000)
2007	Draft ETSI RTS 182 027 V3.1.3 (2009-01)
2008	ETSI TISPAN#19 Ter Sophia Antipolis, 19-23 January 2009 WG 2 Meeting Report
2009	Change Request, 183 063 CR 011, 21bTD104r1, ETSI TISPAN#21-bis, Sophia Antipolis, 17-21 August 2009
2010	Draft ETSI TS 183 063 V3.4.2 (2010-09)
2011	ETSI TISPAN#21bis Sophia Antipolis, 17-21 August 2009 WG3 Final Meeting Report
2012	Disclaimer of Claim 14
2101	KPN’s Original Petition and Request for Disclosure in <i>Koninklijke KPN N.V. v. Samsung Elecs. Co.</i> , No. 25-0237 (71st Dist. Ct. Harrison Cty. Tex., March 3, 2025).
2102	2016 Settlement, License and Non-Assertion Agreement between Koninklijke KPN N.V. and Samsung Electronics Co., Ltd. (“Financial Conditions” Redacted)
2103	Ericsson’s Nov. 16, 2021 Invalidity Contentions in <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson et al.</i> , No. 2:21-CV-00113-JRG
2104	Signed Jury Verdict Form (Dkt. 245) in <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson et al.</i> , No. 2:21-CV-00113-JRG (Aug. 26, 2022)
2105	Amended Final Judgment (Dkt. 325) in <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson et al.</i> , No. 2:21-CV-00113-JRG (Aug. 9, 2023)
2106	KPN’s Original Petition and Request for Disclosure in <i>Koninklijke</i>

	<i>KPN N.V. v. Samsung Elecs. Co.</i> , No. 22-0762 (71st Dist. Ct. Harrison Cty. Tex., Sept. 28, 2022) (redacted)
2107	Signed Jury Verdict Form in <i>Koninklijke KPN N.V. v. Samsung Elecs. Co.</i> , No. 22-0762 (71st Dist. Ct. Harrison Cty. Tex., Feb. 23, 2024) (redacted)
2108	Final Judgment, <i>Koninklijke KPN N.V. v. Samsung Elecs. Co.</i> , No. 22-0762 (71st Dist. Ct. Harrison Cty. Tex., May 2, 2024) (redacted)
2109	Samsung’s Complaint for Declaratory Judgment of Non-Infringement (Dkt. 2) in <i>Samsung Electronics Co., Ltd. v. Koninklijke KPN N.V.</i> , No. 24-cv-01433-CFC (Dec. 31, 2024) (redacted)
2110	Samsung’s Complaint for Declaratory Judgment of Non-Infringement in <i>Samsung Electronics Co., Ltd. v. Koninklijke KPN N.V.</i> (Dkt. 2) (redacted), No. 25-cv-00001-CFC (January 1, 2025) (redacted)
2111	Opening Brief in Support of Motion to Dismiss First Amended Complaint (Dkt. 30) in <i>Samsung Electronics Co., Ltd. v. Koninklijke KPN N.V.</i> , No. 24-cv-01433-CFC (Apr. 7, 2025) (redacted)
2112	Opening Brief in Support of Motion to Dismiss First Amended Complaint (Dkt. 31) in <i>Samsung Electronics Co., Ltd. v. Koninklijke KPN N.V.</i> , No. 25-cv-00001-CFC (Apr. 7, 2025) (redacted)
2113	Amended Complaint (Dkt. 26) in <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson et al.</i> , No. 2:22-CV-00282-JRG (Nov. 15, 2022) (redacted)
2114	Order of Dismissal (Dkt. 236) in <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson et al.</i> , No. 2:22-CV-00282-JRG (Jan. 17, 2024)
2115	Docket Navigator Search Results for All IPR or PGR Petitions Filed Between Jan. 1, 2025 and April 17, 2025
2116	Docket Navigator Search Results for IPR or PGR Petitions Filed by Samsung Between Jan. 1, 2025 and April 17, 2025
2117	Emails between counsel dated April 29, 2022 to April 28, 2022 regarding agreement to dismiss claims and counterclaims of the ’669 Patent in <i>Koninklijke KPN N.V. v. Telefonaktiebolaget LM Ericsson et al.</i> , Case No. 2:21-CV-113

## I. INTRODUCTION

Patent Owner Koninklijke KPN N.V. (“KPN”) submits this Preliminary Response to the Petition for *Inter Partes* Review filed by Petitioner seeking review of Claims 2-9, 13-18, 20, and 23 of U.S. Patent No. 9,667,669 (EX1001) (“the ’669 Patent”). The Board has already upheld the patentability of Claims 2, 3, 6, and 8 of the ’669 Patent in a previous IPR,<sup>1</sup> and the bulk of the Petition focuses on challenging these claims again.

The Petition presents a weak case of unpatentability. Contrary to Petitioner’s arguments, dependent Claims 2, 3, 6, and 8, and elements of independent Claims 1 and 15 recite limitations not taught or suggested by the alleged prior art Widegren, Widegren-793, Astrom, and ETSI TS 183 063.

With respect to the Petition’s Ground 1 (obviousness over Widegren and Widegren-793), Widegren does not teach or suggest Claims 2, 3, 6, and 8. For Claim 2, the Petition layers a design choice argument for limitation [2a] on an inherency

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<sup>1</sup> *Ericsson Inc. v. Koninklijke KPN NV*, IPR2022-00557.

argument for limitation [2b].<sup>2, 3</sup> Even though Widegren teaches that the session identifier/authorization token (that the Petition alleges is a “composition session identifier”) is generated at a network element, the Petition asserts that it would have been obvious to generate the session identifier/authorization token at the user equipment (UE) for limitation [2a]. But there are many choices for an element to generate the “composition session identifier,” and Petitioner’s proposed technical expert, Dr. Almeroth, provides no evidence to suggest that the result of generating a session identifier/authorization token at the claimed location (the UE) is predictable.

Claim 2 depends from Claim 1, and for limitation [1b], the Petition relies on a global session identifier, which Dr. Almeroth explains is generated “remotely” (i.e., the same session identifier is used in a particular session). But the Petition’s reliance on a global session identifier for limitation [1b] contradicts the Petition’s arguments about the UE generating the session identifier/authorization token when describing limitation [2a]. The Petition’s shifting arguments on generation ignore the antecedent basis of the Claim 1 limitations recited in Claim 2.

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<sup>2</sup> Limitation [2a] recites “wherein providing the composition identifier comprises: the user equipment generating the composition session identifier.”

<sup>3</sup> Limitation [2b] recites “sending a request for initiating the composition session from the user equipment to the network element, the request comprising the composition session identifier.”

And the Petition’s proposed modification of Widegren’s UE generating the session identifier/authorization token is nonsensical, would not work, and would change a basic principle of operation of Widegren—having the *network* authorize services requested by UEs. The Petition does not provide any reason why a person of ordinary skill in the art (“POSITA”) would have modified Widegren so that the UE generates the session identifier/authorization token. Instead, Dr. Almeroth just asserts that the alleged design choice “could have been implemented by a POSITA.”<sup>4</sup> But what a POSITA could have done is not the test for obviousness.<sup>5</sup>

Further, the Petition makes an inherency argument for “the request comprising the composition identifier” as recited in limitation [2b]; namely, that if the session identifier is generated at the UE, then the UE would have to send the session identifier to a network element as part of the multimedia session initiation request. It does not follow, however, that a session identifier hypothetically generated at the UE in Widegren must necessarily be sent as part of a multimedia session. Indeed, there are other ways that the session identifier may be provided to other entities in the network.

For Claim 3, the Petition’s mapping of the “‘session signaling’ for initiating the multimedia session” in Widegren to “the request for initiating the composition

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<sup>4</sup> EX1003 ¶105.

<sup>5</sup> *Personal Web Techs., LLC v. Apple, Inc.*, 848 F.3d 987, 993-94 (Fed. Cir. 2017).

session” recited in Claim 3 is not consistent with Claim 3’s dependency on Claim 2. Further, the multimedia session request identified by the Petition is sent from the UE to the Policy Control Function (PCF) *before* the authorization token has been generated by the network because the PCF generates the authorization token *based on* the multimedia session request. Thus, the multimedia session initiation request identified by the Petition cannot include both the authorization token (the Petition’s alleged “composition session identifier”) and the “resource allocation information associated with the one or more sessions identified by the session identifiers” (the Petition’s alleged “resource reservation information and/or resource allocation information”). Claim 3 is also patentable over Widegren and Widegren-793 for at least the same reasons that Claim 2 is patentable.

For Claim 6, the Petition’s mapping of the packet data protocol (PDP) context activation/creation in Widegren to “two or more session initiation requests for a session” in Claim 6 is flawed because the PDP context activation/creation does not initiate any media streams, which are the Petition’s alleged “two or more associated sessions” in Claim 6.

For Claim 8, the Petition makes another unsupportable design choice argument. Widegren teaches the PDP context activation/creation (the Petition’s alleged “two or more requests for a session” in Claim 8) is sent from the UE to a network element; the Petition asserts that it would have been obvious to generate the requests at the network

element and send them to the UE. Again, Dr. Almeroth does not provide any reason why a POSITA would have modified Widegren so that the network element sends the PDP context activation to the UE. He again simply asserts that the alleged design choice “could have been implemented by a POSITA.”<sup>6</sup>

Widegren also fails to teach or suggest multiple limitations of Claim 1, which also supports the patentability of Claims 2, 4, 6, and 8, and the claims that depend from each. First, the Petition alleges that the plural media data streams of Widegren are the “associated sessions” recited in [1pre] and other limitations of Claim 1. But a POSITA would not have considered Widegren’s media streams to be “sessions” in Claim 1. Widegren distinguishes between a multimedia session and one or more media data streams in the session. The Board in IPR2022-00557 rejected the petitioner’s argument that “there is no difference between a media stream and an RTSP session,” and credited KPN’s expert testimony in the rejection.<sup>7</sup> The Petition’s citation of the ’669 Patent to argue that Widegren’s media streams are the “sessions” recited in Claim 1 is inapt because that would improperly read the ’669 Patent into the prior art with hindsight.

Second, Widegren does not teach or suggest “managing associated sessions”

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<sup>6</sup> EX1003 ¶119.

<sup>7</sup> *Ericsson*, IPR2022-00557, Paper 34, at 32.

recited in limitation [1pre]. The Petition alleges that session level control in Widegren is the same as the “managing associate sessions” recited in limitation [1pre]. But Widegren teaches control of bearers *individually* and not “managing associated sessions.” The session level control in Widegren applies at most to individual bearer control, which differs from the Board’s construction of the word “associated” in “associated sessions” in IPR2022-00557.

Third, Widegren does not teach or suggest “associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time” recited in limitation [1c]. Citing Figure 26 of Widegren, the Petition appears to have compiled a mixed bag of alleged “exchanges” in Widegren that—in some combination that neither the Petition nor Dr. Almeroth explain—allegedly correspond to the first and (at least) second exchanges of the “composition session identifier” recited in Claim 1. However, no mapping of the Petition’s alleged “exchanges” in Widegren leads to limitation [1c].

Widegren teaches associating media streams in a multimedia session with respective media packet access bearers by combining the authorization token with a “media stream identifier” for each stream to generate “media binding information” or an “MBI” for each stream. The Petition’s arguments on limitation [1c] effectively rewrite the limitation to be “associating two or more sessions with the composition session identifier *by generating an MBI.*” But for Ground 1, Petitioner must prove

by a preponderance of evidence that Widegren teaches limitation [1c], as written. Petitioner has not done so. Widegren-793 does not cure the deficiencies of Widegren as to Claims 2, 3, 6, 8, the “sessions” recited in Claim 1, the “managing associated sessions” recited in limitation [1pre], and limitation [1c].

Further, with respect to Ground 1, Widegren does not teach or suggest Claims 15-18 and 20. Widegren does not teach or suggest limitation [15d(i)] “wherein the user equipment is configured to (i) provide the composition session identifier.” The Petition relies on its arguments regarding limitation [1a] for its arguments on limitation [15d(i)], but these limitations are different. Limitation [1a] recites “providing a composition session identifier for associating sessions in the network”—without referring to the UE. Widegren also does not teach or suggest Claim 15 for all the reasons that Widegren does not teach or suggest Claim 1.

Widegren-793 does not cure the deficiencies of Widegren as to Claim 15. Claims 16-18 and 20 depend from Claim 15, and they are patentable over Widegren and Widegren-793 for the same reasons that Claim 15 is patentable.

The Petition’s Ground 2 (obviousness over Widegren, Widegren-793, and ETSI TS 183 063) and Ground 3 (obviousness over Widegren, Widegren-793, and Astrom) are directed to dependent Claims 7 and 9 and Claims 13 and 23, respectively. Claims 7 and 9 are patentable for all the reasons Claims 6 and 8 are patentable with respect to Ground 1. Further, Widegren and Widegren-793 do not teach or suggest

Claims 13 and 23 for all the reasons that Widegren and Widegren-793 do not teach or suggest Claim 1 in Ground 1. Neither Astrom nor ETSI TS 183 063 cure the deficiencies of Widegren and Widegren-793 for Claims 7, 9, 13, and 23.

Objective indicia of nonobviousness further supports the patentability of the Challenged Claims. In the prior IPR, the Board found that ETSI TISPAN's adoption of KPN's Change Request to ESTI TISPAN 182.027 was industry praise and supported the conclusion of nonobviousness.<sup>8</sup> Petitioner has offered no evidence to discount these findings by the Board, and KPN has resubmitted this evidence on the Change Request from IPR2022-00557 here and has expanded on it below. Further, KPN submitted a second Change Request to ETSI TISPAN TS 183.063 (one of Petitioner's asserted references), and ETSI TISPAN also adopted the second Change Request.

Comparison of the Change Requests to Claims 1 and 21 and Claims 2, 3, and 6-9 show the Change Requests have nexus to, and are reasonably commensurate with, these claims. ETSI TISPAN's adoption of both KPN Change Requests is industry praise and supports the nonobviousness of the Challenged Claims.

The arguments outlined above are all supported by testimony of Regis (Bud) Bates, Jr. (EX2001, referred to as "BatesDec"), a best-selling author of

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<sup>8</sup> *Ericsson*, IPR2022-00557, Paper 34, at 27-29.

telecommunications technology books and educator in the field. EX2002. The Board credited Mr. Bates's expert testimony in the prior IPR against the '669 Patent in upholding the patentability of Claims 2, 3, 6, and 8.<sup>9</sup>

For at least these reasons, the Board should deny the Petition and not institute trial.

## **II. THE '669 PATENT**

### **A. Challenges of Managing Associated Sessions in a Network**

IP Multi-Media Subsystem (IMS) enabled services can combine sessions from various sources such as audio, video, and other media. EX1001, 1:23-37. Using such services, for example, an end user or network operator can compose a multimedia session from different underlying media sessions (e.g., TV broadcast (BC), content-on-demand (CoD), and user-generated content (UGC)) originating from different sources in the network. *Id.* 1:38-49; BatesDec ¶62.

But, at the time of the invention of the '669 Patent, "IMS standards" did not allow for "an end-user and/or the network to compose associated multimedia sessions and to collectively control and/or manage these associated multimedia sessions and their used network resources." EX1001, 2:57-60; BatesDec ¶63.

One prior art arrangement required setting up multiple parallel sessions for

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<sup>9</sup> *Ericsson*, IPR2022-00557, Paper 34, at 27-29, 32.

the underlying media sessions. EX1001, 2:47-53. That is, the end user would individually request the transmission of each desired underlying media session, and each parallel session would typically involve the exchange of multiple signaling messages between user equipment and a network element. BatesDec ¶64.

This prior art arrangement had limitations. The network element is unaware of the association between the various underlying media sessions that are combined to make up these multimedia services. EX1001, 2:10-15. Without knowing the association between the different underlying media sessions, the network element may not treat each underlying media session uniformly or in a manner conducive to the multimedia services, which could impact quality of service. BatesDec ¶65.

When the network element operates merely as a conduit for underlying media sessions from external sources to the user equipment, the network element would not know that the different underlying media sessions are associated with one another and could not simultaneously pause them. *See* EX1001, 2:17-20. Further, the network element would not know the association between the different underlying media sessions and might not reserve sufficient bandwidth to accommodate all of them. *See id.* 2:23-24. The network element could, for example, allocate bandwidth for a video stream of a multimedia session but might not allocate bandwidth for a corresponding audio stream of the multimedia session. BatesDec ¶66.

## **B. The Invention of the '669 Patent**

The '669 Patent describes a method and system for managing associated sessions in a network using a composition session. EX1001, 4:7-10, 7:50-55; BatesDec ¶68. The method and system of the '669 Patent improves over the prior art by allowing multiple underlying media sessions to be associated and managed using a composition session, which enables “network centric administration of groups of sessions.” EX1001, 3:25-43, 4:54-55; BatesDec ¶70. The network element manages “the associated sessions upon request from the network and/or upon triggers initiated by events in the network, without the prior intervention from the user equipment.” EX1001, 4:59-62; BatesDec ¶70.

In one embodiment, the method and system of the '669 Patent are implemented in an IMS-based Internet Protocol Television (IPTV) system. EX1001, 6:66-67. The example IPTV system uses Session Initiation Protocol (SIP) to setup and control media sessions between user equipment (UE) and a network element, such as a Service Control Function (SCF) or a Media Function (MF). *Id.* 7:39-42, 7:22-26, 7:29-30, 7:9-10. The IPTV system also includes an IMS Core. *Id.* 7:2-3. Further, the IPTV system uses “Session Description Protocol (SDP) carried by SIP signaling . . . to describe and negotiate media components in the session,” and Real Time Streaming Protocol (RTSP) messaging for media control. *Id.* 7:42-45; BatesDec ¶71.

Figure 2 of the '669 Patent, reproduced below, shows one example of a protocol flow for initiating a composition session using a composition session identifier. EX1001, 8:59-64; BatesDec ¶72.

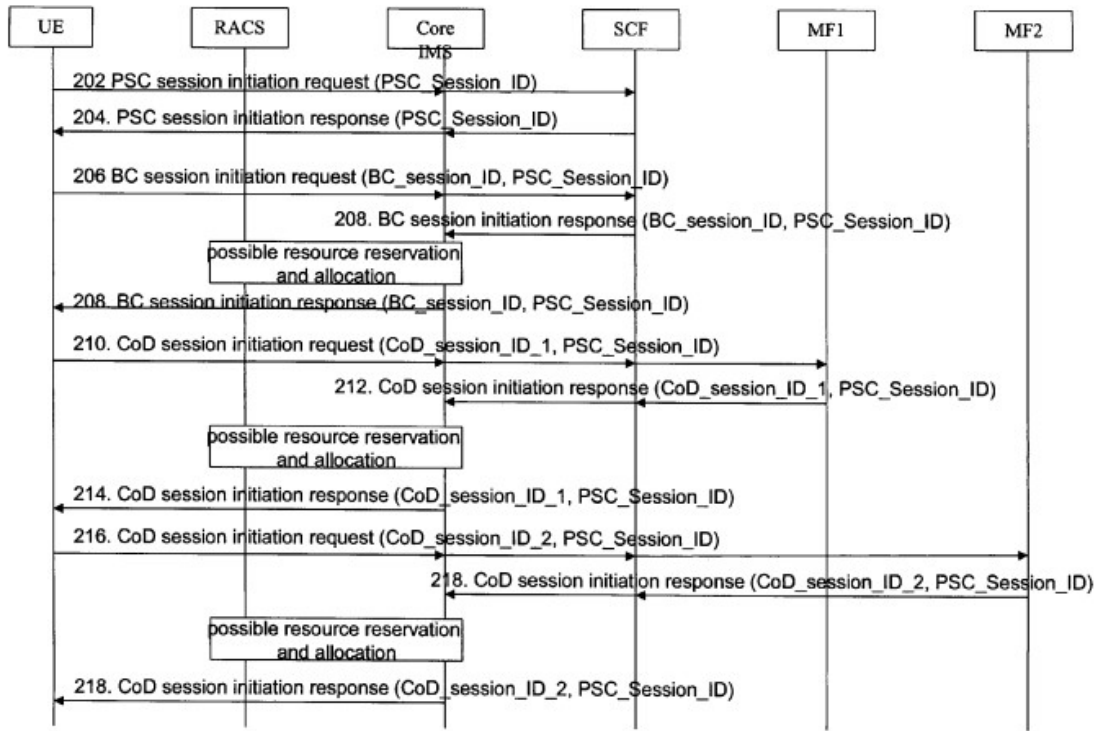


Figure 2

In Figure 2, the composition session is a personalized stream or service composition (PSC) session, and the composition session identifier is referred to as PSC\_Session\_ID. BatesDec ¶73. The composition session identifier may be generated or created by the UE or the network element, or provided by a third party, such as an application server via an Electronic Programming Guide. EX1001, 8:1-5. The method associates underlying media sessions by exchanging the composition

session identifier between the UE and the network element (for example, network elements SCF or MF1/MF2), which can initiate the composition session and initiate the associated media sessions. BatesDec ¶73.

Figure 3 of the '669 Patent, reproduced below, is an example data model of a composition session. EX1001, 6:51-52, 11:59-63; BatesDec ¶79.

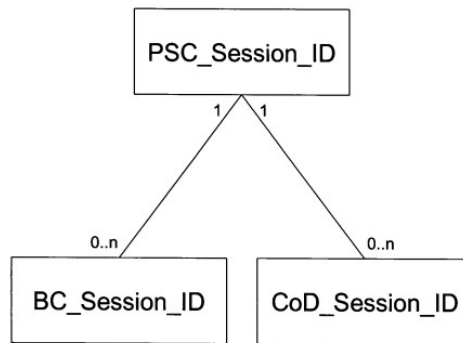


Figure 3

In Figure 3, the composition session is the PSC session, which may be empty or contain one or more BC sessions or one or more CoD sessions. EX1001, 11:63-65. Both the SCF and the UE “may keep track of the PSC session and which media sessions it contains.” EX1001, 11:61-63; BatesDec ¶80.

### C. Claims of the '669 Patent

KPN has disclaimed Claim 14. EX2014. No IPR can be instituted based on this disclaimed claim. 37 C.F.R. § 42.107(e). It is “treated as if [it] never existed.” *Raytheon Techs. Corp. v. Gen. Elec. Co.*, 993 F.3d 1374, 1379 n.4 (Fed. Cir. 2021).

The remaining Claims 2-9, 13, 15-18, 20, and 23 challenged in the Petition (“the Challenged Claims”) are described below.

**1. Claims 2-9 and 13**

Claim 1 was cancelled as a result of the prior IPR. EX1001, *Inter Partes* Review Certificate. Claims 2, 4, 6, 8, and 13 depend from Claim 1 and, therefore, include the limitations of cancelled Claim 1. 35 U.S.C. § 112(d).

Claim 1 recites:

[1pre] A method for managing associated sessions in a network, the network having a network element configured for managing associated sessions between the network and at least one user equipment, the method comprising:

[1a] providing a composition session identifier for associating sessions in the network;

[1b] after providing the composition session identifier, exchanging the composition session identifier between a user equipment and the network element a first time;

[1c] associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time, wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with the user equipment;

[1d] initiating establishment of a composition session, the composition session being a signaling session for facilitating management of the two or more sessions and exchanging the

composition session identifier between the user equipment and the network element as part of said establishment, the composition session being different from the two or more sessions; and

[1e] modifying the composition session, wherein modifying the composition session comprises using signaling in the composition session to terminate all of the two or more sessions.

EX1001, 16:38-63 (the Petition's notation of limitations added in brackets).

Figure 2 of the '669 Patent, reproduced again below with annotations added, illustrates one example protocol flow corresponding to exchanges of the “composition session identifier” between the “user equipment” and the “network element,” and to “sessions” thereby initiated as recited in Claim 1. Specifically, the example protocol flow of Figure 2 illustrates at least portions of limitations [1pre], [1b], [1c], and [1d]. As stated above, in Figure 2, the recited “composition session identifier” is represented by the “PSC\_Session\_ID.”<sup>10</sup> BatesDec ¶83.

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<sup>10</sup> The annotated version of Figure 2 includes annotations, in blue, presented during prosecution and cited in the Petition in the prior IPR. *Ericsson*, IPR2022-00557, Paper 2, at 11. Additional annotations added to Figure 2, in green, are described below. Figure 2 does not necessarily include a protocol step for every limitation of Claim 1.

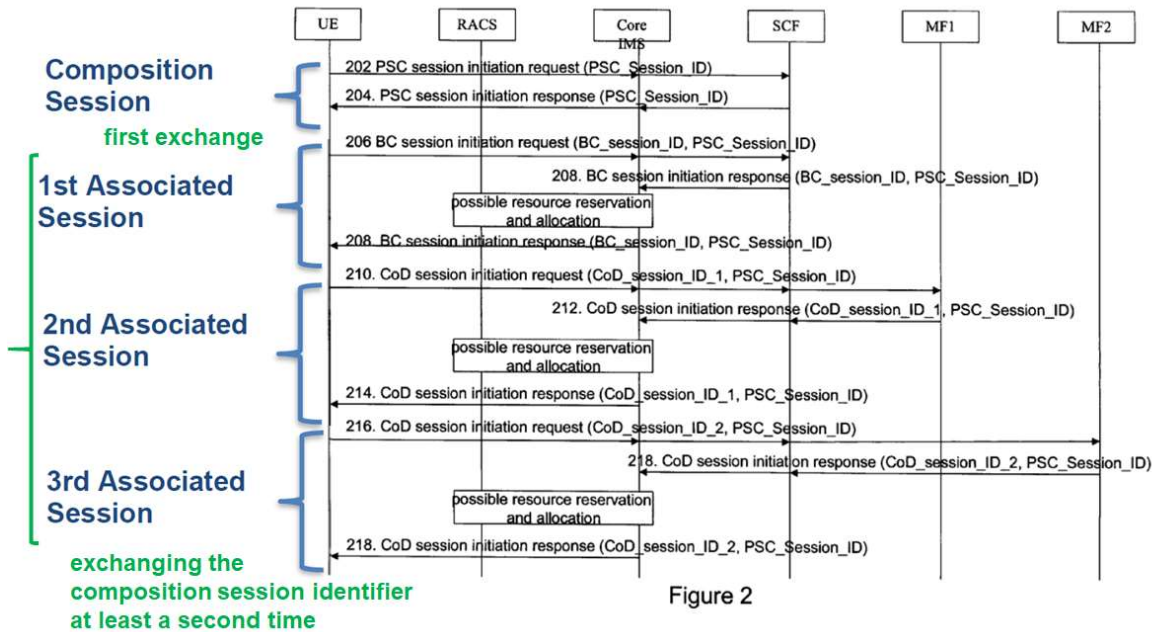


Figure 2

Limitations [1b] and [1d] (or portions thereof) are illustrated by the exchange of the PSC\_Session\_ID between the UE and the SCF in a PSC session initiation request and PSC session initiation response (steps 202-204). This exchange in Figure 2 represents “exchanging the composition session identifier between a user equipment and the network element a first time” and “initiating establishment of a composition session . . . exchanging the composition session identifier between the user equipment and the network element as part of said establishment” as recited in limitation [1b] and [1d]. The annotation of Figure 2 indicates the “Composition Session” with an additional label of “first exchange.” *Id.* ¶84.

Limitation [1c] is illustrated by the three exchanges of the “PSC\_Session\_ID” between the UE and one or another of the SCF, MF1, or MF2. In Figure 2, these exchanges are depicted in steps 206-208, 210-214, and 216-218, respectively. Each

one individually initiates a different multimedia session, which is associated “with the composition session identifier by exchanging the composition session identifier at least a second time,” as recited in limitation [1c]. Further annotations of Figure 2 indicate the “1st Associated Session,” “2nd Associated Session,” and “3rd Associated Session,” with an additional common label of “exchanging the composition session identifier at least a second time.” *Id.* ¶85.

Limitation [1pre] is illustrated by all of the exchanges in Figure 2:

- the “associated sessions” recited in limitation [1pre] are the “two or more sessions” recited in limitation [1d], and
- “the composition session [that is] a signaling session for facilitating management of the two or more sessions” recited in limitation [1d] meets, at least in part, the goal of the method recited in limitation [1pre], namely “for managing associated sessions in a network.”

*Id.* ¶86.

Claim 3 depends from Claim 2, Claim 5 depends from Claim 4, Claim 7 depends from Claim 6, and Claim 9 depends from Claim 8.

## **2. Claim 23**

Claim 21 was cancelled as a result of IPR2022-00557. EX1001, *Inter Partes* Review Certificate. Claim 23 depends from Claim 21 and, therefore, includes the limitations of cancelled Claim 21. 35 U.S.C. § 112(d).

Claim 21 recites the same limitations as Claim 1, except for the last limitation of Claim 21, which the Petition designates as [21e]. Limitation [21e] recites: “modifying, using signaling in the composition session, all of the two more sessions.” Limitation [1e], in contrast, recites: “modifying the composition session, wherein modifying the composition session comprises using signaling in the composition session to terminate all of the two or more sessions.” BatesDec ¶89.

The Petition does not distinguish between Claims 1 and 21. Pet., 54 (stating for each of limitations [21a] through [21d] “*See* identical Limitations, 1pre-1d, respectively”); *id.* (stating for limitation [21e] “*See* Limitation 1e”).

### **3. Claims 15-18 and 20**

Claim 15 recites a system for managing associated sessions in a network. Claims 16-18 and 20 depend from Claim 15.

Claim 15 recites:

[15pre] A system for managing associated sessions in a network,  
the system comprising:

[15a] a network element; and

[15b] a user equipment,

[15c(i)] wherein the network element is configured to (i) manage sessions between the network element and the user equipment,

[15c(ii)] (ii) exchange a composition session identifier with the user equipment a first time, and

[15c(iii)] (iii) associate two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time, wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with either the user equipment or a second user equipment different from the user equipment,

[15d(i)] wherein the user equipment is configured to (i) provide the composition session identifier and

[15d(ii)] (ii) after providing the composition identifier, exchange the composition session identifier with the network element, and

[15e] at least one of the network element or the user equipment is configured to initiate a composition session, the composition session being a signaling session for facilitating management of the two or more sessions and exchanging the composition session identifier between the user equipment and the network element, the composition session being different from the two or more associated sessions, and

[15f] wherein the network element is configured to modify the composition session using signaling in the composition session to terminate all of the two or more sessions.

EX1001, 18:26-56 (the Petition's notation of the limitations added in brackets).

The Petition does not distinguish between Claim 1 and Claim 15. Pet., 46-48 (citing arguments for Claim 1 for Claim 15). For example, Petitioner refers to its arguments for limitation [1a] for limitation [15d(i)], Pet., 47; however, those

limitations are demonstrably different. BatesDec ¶93. Limitation [1a] recites “providing a composition session identifier for associating sessions in the network,” whereas limitation [15d(i)] recites “the user equipment is configured to (i) provide the composition session identifier.” EX1001, 16:42-43, 18:42-43. Limitation [15d(i)] is more similar to limitations in Claim 2 than limitation [1a]. BatesDec ¶93. For this reason alone, Petitioner has not shown by a preponderance of the evidence that Claims 16-18 or 20 are unpatentable.

**D. ETSI TISPAN (Twice) Adopted the Invention of the '669 Patent**

Dr. Almeroth asserts that “ETSI is a well-known organization that has promulgated well-known telecommunications standards.” EX1003 ¶68.

The invention of the '669 Patent involved changes to ETSI TISPAN Technical Specifications. BatesDec ¶95. According to the '669 Patent, “[i]nitiation of the BC session may be realized by using adapted standard procedures as defined in ETSI TS 182 027 section 8.[3.1] and ETSI TS 183 063 section 5.3.1” and “[t]he adaptation of the standard procedures regards the inclusion of the initiation request of the PSC-ID of the PSC session of which the BC multimedia session is part.” EX1001, 11:10-15. Further, the '669 Patent discloses with respect to setting up a first CoD session that “[t]his may be done e.g. by using adapted standard procedures as defined in ETSI TS 182 027 section 8.4.1 and ETSI TS 183 063 section 5.3.2” and “[t]he adaptation of the standard procedures regards the inclusion in the CoD initiation request of the PSC-

ID of the PSC session of which the CoD session is part.” *Id.* 11:31-36. The ’669 Patent also discloses that “[i]n a similar manner a second CoD session is setup.” *Id.* 11:52.

KPN submitted change requests to two ETSI TISPAN standards related to the ’669 Patent, and ETSI TISPAN adopted the change requests and updated the standards. First, KPN submitted a Change Request to ETSI TISPAN TS 182.027. *Ericsson*, IPR2022-00557, Paper 2, at 8; EX2003. The expert of a different petitioner, Ericsson, stated in district court litigation that KPN “submitted an ETSI TISPAN Change Request related to the invention claimed in the ’669 Patent in January 2009, a few days after the alleged foreign priority date on the face of the ’669 Patent” and that “this proposal was ultimately adopted in Section 8.22 Personalized Service Composition (PSC) procedures of ETSI TISPAN TS 182.027 ‘IPTV functions supported by the IMS subsystem’ (version 3.1.3).” EX2004, at 5.

Second, KPN submitted a second Change Request to ETSI TISPAN TS 183.063. EX2009. The second Change Request was ultimately adopted by ETSI TISPAN in Section 5.1 and 5.3 Procedures using SIP/SDP for IMS-based IPTV of ETSI TISPAN TS 182.063 “IMS-based IPTV stage 3 specification” (version 3.4.2). EX2010.

The Petition does not address ETSI TISPAN’s adoption of KPN’s Change Requests to update these two ETSI TISPAN standards. *See Pet.*, 12 n.2.

### III. THE PREVIOUS IPR AGAINST THE '669 PATENT

In IPR2022-00557, the Board found that the petitioner, Ericsson, had not proven that Claims 2, 3, 6, and 8 of the '669 Patent are unpatentable. *Ericsson, IPR2022-00557*, Paper 34.<sup>11</sup> The instant Petition challenges these same claims. Pet., 2. The Petition also challenges Claims 4, 16, 17, and 20 based on its arguments against Claim 2, and the Petition challenges Claim 5 based on its arguments against Claim 3 (which depends from Claim 2). *Id.* at 39, 41, 48-52, 54.

#### A. The Board Rejected Ericsson's Argument about Media Streams

With respect to Claim 6, the Board in IPR2022-00557 rejected Ericsson's assertion that "there is no difference between a media stream and an RTSP session" and credited the testimony of KPN's same expert, Mr. Bates, over the testimony of Ericsson's expert, Mr. Wechselberger:

As Mr. Bates has testified, 'adding a media stream is not the same as adding an RTSP session . . . . because a single RTSP session may be associated with multiple media streams by virtue of their inclusion in the session description (SDP).' Ex. 2009 ¶ 218 (citing Ex. 1008, 22). We are not persuaded by Mr. Wechselberger's responsive testimony that '[t]his a distinction without a difference' (Ex. 1026 ¶ 79), because

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<sup>11</sup> Ericsson appealed the Board's judgment in IPR2022-00557, but later voluntarily dismissed the appeal before briefing. *Ericsson, Inc. v. Koninklijke KPN N.V.*, 24-1240, ECF No. 9, 10 (Fed. Cir.).

we agree with Patent Owner it does not appear to be supported by any evidence in the record. PO Sur-reply 8.

*Ericsson*, IPR2022-00557, Paper 34, at 32. Based on the Board’s findings with respect to Claim 6, the Board found that Ericsson did not prove that Claims 2, 3, and 8 are unpatentable. *Id.* at 32-33.

Similar to Ericsson equating the prior art’s teaching of a media stream with an RTSP session (which the Board rejected), the Petition asserts that “plural media data streams” in the primary reference Widegren teaches “associated sessions” recited in the Challenged Claims. *Infra* VII.A.5.a.

**B. The Board Found Industry Praise Supported Nonobviousness**

Further, in IPR2022-00557, the Board found that ETSI TISPAN’s adoption of KPN’s Change Request to update ETSI TISPAN TS 182.027 was industry praise, which supported the nonobviousness of Claims 2, 3, 6, and 8. *Ericsson*, IPR2022-00557, Paper 34, at 27-29. In this regard, the Board found that:

- “Petitioner acknowledges, and Patent Owner emphasizes, that Patent Owner submitted a European Telecommunications Standards Institute (ETSI) Telecommunications Internet Converged Services and Protocols for Advanced Networking (TISPAN) Change Request related to the embodiments recited in the ’669 Patent”;
- “Patent Owner provides a showing that the Change Request ‘has nexus to and is reasonably commensurate with’ independent claims 1 and 21”;
- “Separate aspects of the Change Request are reflected in the dependent claims,

discussed below, and are more relevant in showing the nonobviousness of those claims.”

*Id.* at 27-29. Again, the Petition does not address the Board’s findings related to ETSI TISPAN’s adoption of KPN’s Change Request. *See* Pet., 12 n.2; *infra* X. Instead, the Petition relies on another ETSI TISPAN standard, ETSI TISPAN TS 183 063, as a secondary reference. Pet., 2. But KPN submitted a second Change Request to update this ETSI TISPAN standard as well, and ESTSI TISPAN adopted it. *Infra* IV.D; X.

**C. Judge Weinschenk’s Dissenting Opinion on Limitation [1c]**

In IPR2022-00557, Judge Weinschenk submitted a separate opinion dissenting-in-part and concurring-in-part. *Ericsson*, IPR2022-00557, Paper 34. Judge Weinschenk concurred with the majority’s decision on Claims 2, 3, 6, and 8, but he wrote separately to explain that the petitioner had not shown sufficiently that the asserted references teach “associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time, wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with the user equipment” recited in limitation [1c]. *Id.* at 1-4 (Weinschenk, J., dissenting-in-part and concurring-in-part). Judge Weinschenk stated that the petitioner did “not show sufficiently that the 200 OK message 74 in Foti’s Figure 4 includes information linking two or more RTSP sessions IDs with the SIP session ID.” *Id.* at

2.

The references now relied on by Petitioner also do not teach or suggest limitation [1c]. *Infra* VII.A.5.c.

#### **IV. THE ALLEGED PRIOR ART**

The Petition asserts three proposed grounds of unpatentability:

- Ground 1 alleges obviousness of Claims 2-6, 8, 14-18, and 20 over Widegren and Widegren-793;
- Ground 2 alleges obviousness of Claims 7 and 9 over Widegren, Widegren-793, and ETSI TS 183 063; and
- Ground 3 alleges obviousness of Claims 13 and 23 over Widegren, Widegren-793, and Astrom.

Pet., 2.

##### **A. Widegren**

Widegren is a published U.S. patent application. EX1005. Widegren describes session-based control of a plurality of “media packet access bearers” that support a corresponding plurality of “media data streams” of a given “multimedia session.” *Id.* [0198] (“Setting up a multimedia session . . . using the media binding information to associate each media data stream in the session to one of the media packet access bearers to provide session-based control of each of the media packet access bearers.”). Media packet access bearers provide lower-layer support for the media streams. *Id.* [0018] (“A bearer is a logical connection between two entities through

one or more interfaces, networks, gateways, etc., and usually corresponds to a data stream.”).

In Widegren, each media packet access bearer corresponds to the bearer between a user equipment (UE) and a Gateway General Packet Radio Service Node (GGSN), and it is established by a packet data protocol (PDP) context activation sent from the UE to the General Packet Radio Services (GPRS) network. *Id.* [0020], [0021], [0111]. A PDP context activation message includes a PDP context data, which provides parameters used to authorize the session or identify necessary resources. *Id.* [0111].

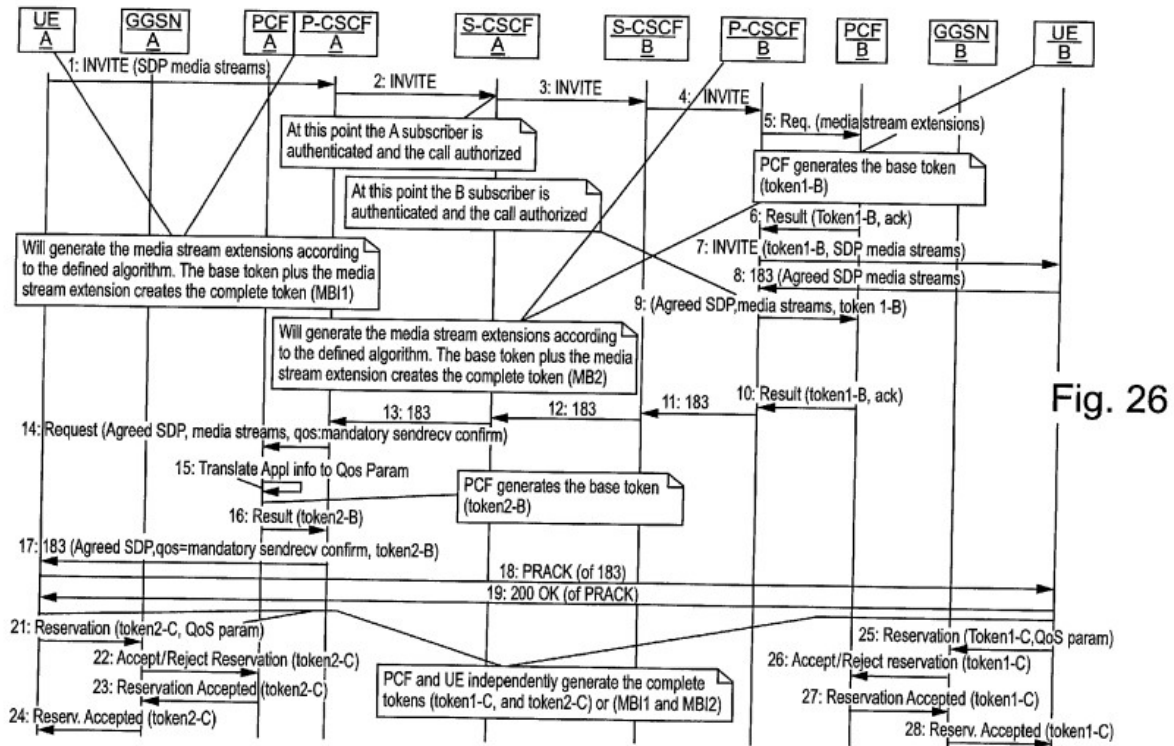
The UE first establishes a “session signaling GPRS bearer” for session signaling. *Id.* The session signaling GPRS bearer is established “using well-established GPRS PDP context activation messages.” *Id.* The GPRS bearer may, like “media packet access bearers,” be associated with a single media stream. *See id.* [0106], [0116]. The media packet access bearers must be set up before the actual media streams are initiated. BatesDec ¶116 (citing EX1005 [0106]). That is, the media packet access bearers are established and made operational at layers below the media streams. *Id.* The media packet access bearers support and, thus are not themselves, the media streams. EX1005 [0018] (“A bearer is a logical connection between two entities through one or more interfaces, networks, gateways, etc., and usually corresponds to a data stream.”).

To enable session level control of the media packet access bearers, Widegren describes “media binding information” (MBI) is created for each media data stream in a session. *Id.* [0112]. “The media binding information *associates* each media data stream in the session to one of the media packet access bearers and is used to provide session-based control of each of the media packet access bearers.” *Id.* Abstract (emphasis added). The MBI is included in the PDP context data. *Id.*

Widegren describes two methods for generating MBIs for inclusion in the PDP Context data. In the first method, MBIs for each media stream are directly generated in the network and included in the SDP for a session. *Id.* [0114], [0119], [0122]. Thus, when a UE receives the SDP in a SIP INVITE, it can retrieve the MBIs and include them in the PDP Context Activation requests. BatesDec ¶118. The first method is illustrated in Widegren Figure 23, and a call flow for this method is illustrated in Figure 25. *Id.* Widegren describes that the MBI in the first method can be “local” or “global.” EX1005 [0122].

In the second method, the network generates a base “session identifier” or “authorization token” and includes it in the session SDP. *Id.* [0120], [0133]. When a UE and other network entities (e.g., PCF or GGSN) receive the session SDP, it generates an MBI for each stream by combining a stream identifier with the authorization token. *Id.* The generated MBIs can then be included in the PDP Context Activation requests. *Id.* [0112], [0114]. The second method is illustrated

in Widegren Figure 24, and a call flow for this method is illustrated in Widegren Figure 26. BatesDec ¶119. The Petition repeatedly relies on Widegren Figure 26. See, e.g., Pet., 25, 27, 37, 41, 44. Widegren Figure 26 is reproduced below.



EX1005, Fig. 26.

Widegren does not show establishing any media streams—only the media packet access bearers. BatesDec ¶120. Neither Figure 25 nor Figure 26 of Widegren include a SIP OK that is responsive to the initial SIP INVITE from UE-A. EX1005, Fig. 25, Fig. 26. Accordingly, Widegren does not show completion of the session setup. BatesDec ¶120.

**B. Widegren-793**

Widegren-793 is a U.S. patent. EX1006. Widegren-793 describes “filtering and gating data in packet data networks using policy mechanisms.” *Id.* 1:16-17. The Petition only relies on Widegren-793 only for limitation [1e] and dependent Claim 13. Pet., 33-34, 54, 66-68.

**C. Astrom**

Astrom is a published U.S. patent application. EX1007. Astrom describes “time-shifting and chase-play for an IPTV system.” *Id.* 3:4-5. The Petition only relies on Astrom in Ground 3 for dependent Claims 13 and 23. Pet., 2.

**D. ETSI TS 183 063**

ETSI TS 183 063 is a standards document. EX1008. The Petition only relies on ETSI TS 183 063 in Ground 2 for dependent Claims 7 and 9. Pet., 2.

The '669 Patent refers to ETSI TS 183 063 in the specification, and ETSI TS 183 063 is cited on the face of the '669 Patent. EX1001, 11:10-15, 11:31-36; *id.* at 2, Code 56. KPN submitted a second Change Request to ETSI TISPAN TS 183.063 after the invention date of the '669 Patent, which was adopted by ETSI TISPAN. *Supra* II.D; BatesDec ¶124.

The '669 Patent cites three other ETSI TISPAN standards and an Open Mobile Alliance (OMA) Service Guide. BatesDec ¶126.

## V. LEVEL OF ORDINARY SKILL IN THE ART

For purposes of the Preliminary Response, KPN submits that the Board’s definition of a POSITA in IPR2022-00557 applies in this IPR. *Ericsson*, IPR2022-00557, Paper 34, at 7; BatesDec ¶44.

The Petition proposes a different definition of a POSITA, but Petitioner does not explain why it is proposing a different definition of a POSITA from the definition that the Board adopted in IPR2022-00557. *Compare* Pet., 3, with *Ericsson*, IPR2022-00557, Paper 34, at 7; BatesDec ¶46.

The Challenged Claims are patentable under either the Board’s definition of a POSITA in IPR2022-00557 or Petitioner’s proposed definition. BatesDec ¶48.

## VI. CLAIM CONSTRUCTION

For purposes of the Preliminary Response, KPN identifies for construction the following terms recited in the Challenged Claims.

### A. “Associated Sessions”

In IPR2022-00557, the Board construed “associated sessions” to mean “sessions that should not be managed independent from each other.” *Ericsson*, IPR2022-00557, Paper 34 at 8. For purposes of the Preliminary Response, and consistent with the Petition, KPN has applied this construction of “associated sessions.” Pet., 7; BatesDec ¶105.

The Board’s construction in IPR2022-00557 of “associated sessions” shows

that the term is a limitation of the Challenged Claims. *Ericsson*, IPR2022-00557, Paper 34 at 8. Claims 1 and 21, which were cancelled as a result of IPR2022-00557, recited “associated sessions” in the preamble. Claims 2, 4, 6, 8, 13, and 23 depend from Claims 1 or 21 and, therefore, include this limitation. 35 U.S.C. § 112(d). The term “associated sessions” gives life, meaning, and vitality to the rest of the claim, including the recitation of “associating two or more sessions” and “providing a composition session identifier for associating sessions in the network” in the body of the claim. *Catalina Mktg. Int’l, Inc. v. Coolsavings, Inc.*, 289 F.3d 801, 808 (Fed. Cir. 2002) (citation omitted); BatesDec ¶107.

The connection between the terms “associated sessions” and “two or more sessions” is further shown by the recitation of “the two or more associated sessions” in Claims 6-10, 13, 15, and 18. BatesDec ¶108. In all, the term “associated sessions” is referred to over 30 times in the ’669 Patent, including the title: “Managing Associated Sessions.” EX1001; BatesDec ¶109.

**B. “Composition Session”**

In IPR2022-00557, the Board construed “composition session” to mean “a separate signaling session for managing the associated sessions that is initiated using a different signaling session than the associated sessions.” *Ericsson*, IPR2022-00557, Paper 34 at 8-9. For purposes of the Preliminary Response, and consistent with the Petition, KPN has applied this construction of “composition session.” Pet.,

7; BatesDec ¶110.

**C. “Exchanging the Composition Session Identifier”**

In IPR2022-00557, the Board construed “exchanging the composition session identifier” to mean “sending the composition session identifier in either direction.” *Ericsson*, IPR2022-00557, Paper 34 at 10. For purposes of the Preliminary Response, and consistent with the Petition, KPN has applied this construction of “exchanging the composition session identifier.” Pet., 7; BatesDec ¶111.

**D. Other Terms**

For purposes of the Preliminary Response, KPN submits that the other terms recited in the Challenged Claims can each be given its plain and ordinary meaning, and that no express constructions of these terms are needed. 37 C.F.R. § 42.100(b).

**VII. GROUND 1: CLAIMS 2-6, 8, 15-18, AND 20 ARE PATENTABLE**

**A. Widegren and Widegren-793 Do Not Teach Claims 2-6 and 8**

Claims 2-6 and 8 are patentable over Widegren and Widegren-793. BatesDec ¶129. Aside from limitation [1e], the Petition relies only on Widegren for Claims 2-6 and 8. Pet., 34-46. As described below, Widegren does not teach or suggest Claim 2, Claim 3, Claim 6, and Claim 8, and Widegren does not teach or suggest multiple limitations of Claim 1, which are each recited in Claims 2-6 and 8. Widegren-793 does not cure these deficiencies of Widegren.

The Board already adjudicated the patentability of Claims 2, 3, 6, and 8 in

IPR2022-00557 and found that these claims are patentable. *Supra* III. The Board’s judgment in IPR2022-00557 supports the patentability of the Challenged Claims. BatesDec ¶130. The Petition has failed to establish a reasonable likelihood that any of Claims 2-6 and 8 are unpatentable.

**1. Widegren does not teach or suggest Claim 2**

Claim 2 depends from Claim 1 and adds the limitations “wherein providing the composition identifier comprises: the user equipment generating the composition session identifier [2a]; and sending a request for initiating the composition session from the user equipment to the network element, the request comprising the composition session identifier [2b].” EX1001, 16:64-17:3.

In district court litigation between Ericsson and KPN, Ericsson argued that Claim 2 was indefinite, and the District Court rejected that argument. EX2005, at 92-95. The District Court construed “‘wherein providing the composition session identifier comprises . . . sending a request for initiating the composition session from the user equipment to the network element, the request comprising the composition session identifier’ to have its plain meaning.” *Id.* at 95 (emphasis in original omitted).

Limitation [1a] recites “providing a composition session identifier for associating sessions in the network,” limitation [1b] recites “after providing the composition session identifier, exchanging the composition session identifier

between a user equipment and the network element a first time,” and Claim 2 recites, in part, “wherein the providing the composition identifier comprises: the user equipment generating the composition session identifier; and sending a request for initiating the composition session identifier from the user equipment to the network element, the request comprising the composition session identifier.” Further, limitation [1c] recites, in part, “wherein exchanging the composition session identifier at least a second time comprises the network element exchanging the composition session identifier with the user equipment.”

Widegren does not teach or suggest this arrangement. BatesDec ¶133. Instead, the Petition makes a design choice argument for limitation [2a] and makes an inherency argument for limitation [2b]. Pet., 34-38. These arguments are weak and do not support institution of *inter partes* review.

**a. Widegren does not teach or suggest [2a]**

The Petition asserts that the session identifier (also called authorization token) in Widegren is the “composition session identifier” recited in Claim 2. Pet., 34. Limitation [2a] recites “the user equipment generating the composition identifier.” But Widegren does not teach or suggest this arrangement. BatesDec ¶134.

Paragraph [0186] of Widegren, cited by the Petition, teaches that the session identifier/authorization token is generated at the Policy Control Function (PCF), which is a network element, and not at the user equipment. Pet., 34 (citing EX1005

[0186]; BatesDec ¶135. Widegren paragraph [0186] states “[a] session ID/authorization token is received from SIP signaling, (e.g., generated at the PCF and stored at the P-CSCF), at session level/SIP entities in the network and at the mobile terminal.)”

Other portions of Widegren confirm that the session identifier/authorization token is generated at the PCF (and not the UE). BatesDec ¶136. For example, Widegren [0111] describes “the Policy Control Function 100 generates an authorization ‘token’ for the session (session identifier) and sends it to UE-A and UE-B (block 115). The multimedia session is authorized, and the policy control function 100 stores session information for each of the media flows in the session,” and Widegren [0185] describes “[a] SIP session identifier (sometimes called an authorization token) is determined for the multimedia session, (e.g., generated at the PCF and stored at the P-CSCF.” EX1005, [0111], [0185]. There is no teaching or suggestion in Widegren of the user equipment (UE) generating the session identifier/authorization token. BatesDec ¶136.

Despite this, the Petition asserts that “[i]t would have been obvious to a POSITA to generate the session identifier (*composition session identifier*) at the user equipment because that is one of a limited number of predictable options as to where the session identifier can be generated.” Pet., 34 (emphasis in original).

According to Petitioner’s expert Dr. Almeroth, this is “a straightforward design choice.” EX1005 ¶105. This is incorrect for at least three reasons.

First, Dr. Almeroth’s assertion that the UE is “one of a limited number of predictable options as to where the session identifier can be generated,” *id.* ¶104, is mistaken. There are many choices for an element to generate the composition session identifier: for example, the user equipment, multiple different network elements (e.g., PCF and GGSN), and elements outside of the network. BatesDec ¶138. Dr. Almeroth has provided no evidence to suggest that the result of generating the composition session identifier at another location is predictable. *Id.* The Petition’s citation of *Uber Techs., Inc. v. X One, Inc.*, 957 F.3d 1334 (Fed. Cir. 2020) is inapt for this reason. *Uber* involved “two predictable choices,” *id.* at 1340, whereas here there are more than two choices, and the results of those choices are not predictable. BatesDec ¶138.

The Petition’s detailed annotations of Figures 19 and 26 of Widegren are inconsistent with Dr. Almeroth’s position that it would have been “a straightforward design choice” (EX1003 ¶105) for the UE in Widegren to generate the session identifier/authorization token:

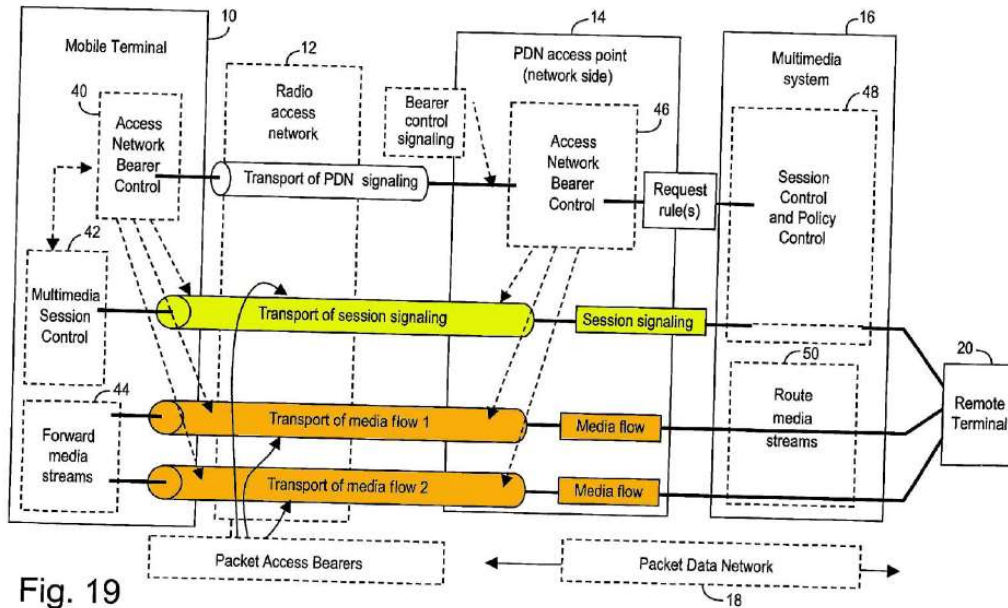


Fig. 19

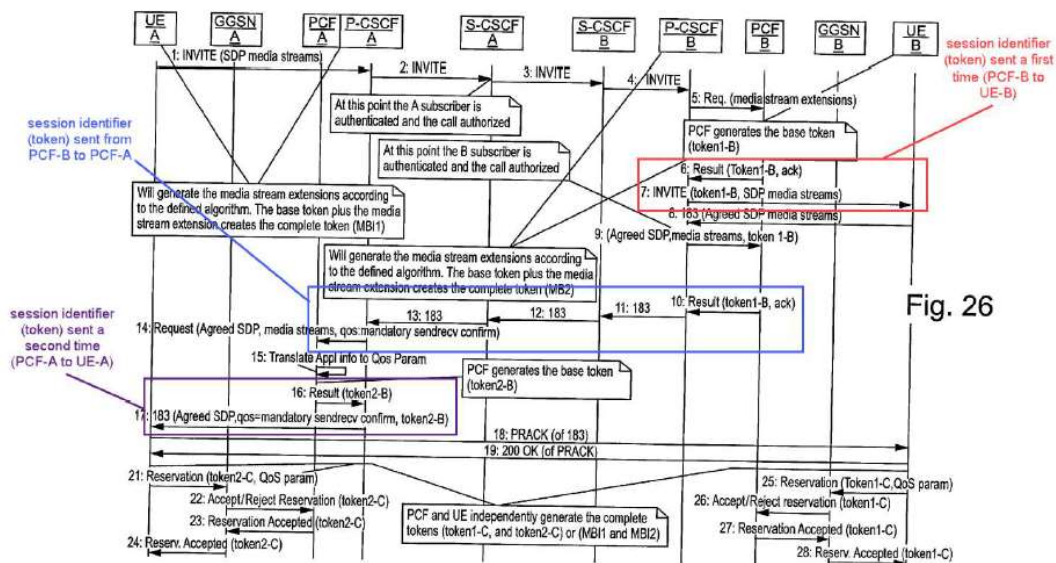


Fig. 26

Pet., 23, 25; BatesDec ¶138.

Further, there are advantages to limitation [2a]’s recitation of “the user equipment generating the composition identifier.” BatesDec ¶139. Claim 2 allows the UE to set up the composition session and the media sessions in parallel, which

allows all of the sessions to be set up in a shorter amount of time than if the network generated the composition session identifier. *Id.* By contrast, in Widegren, the set up takes longer, as the system or user would need to wait until message 21 to start a session. EX1005 [0187]-[0191], Fig. 25; BatesDec ¶139.

Second, for limitation [1b], the Petition relies on a global session identifier, which “may be” generated remotely. Pet., 25 (citing EX1003 ¶90). Dr. Almeroth asserts that:

Widegren discloses that the session identifier may be generated ‘locally’ (i.e., a different session identifier for each network element in a particular session) or ‘globally’ or ‘remotely’ (i.e., the same session identifier for all network elements in a particular session). EX1005 [0122]. In other words, if a global session identifier is used, then the same composition session identifier would be sent (i.e., *exchanged*) to all of the UEs in a particular multimedia session.

EX 1003 ¶ 90 (emphasis in original)). The Petition relies on a global session identifier for limitation [1b] because local tokens—token1-B sent from PCF-B to UE-B via PCSF-B and token2-B sent from PCF-A to UE-A via PCFSF-A—are different. EX1005 [0193], [0194], Fig. 26; BatesDec ¶140. Different tokens on the

A and B sides do not map to exchanging the “composition session identifier” recited in limitations [1b] and [1c]; BatesDec ¶140.<sup>12</sup>

The Petition’s reliance on a global session identifier for limitation [1b] contradicts the Petition’s arguments for limitation [2a]: the Petition jumps from asserting that “session identifier” is a remotely generated session identifier when referring to limitation [1b] asserting that the same “session identifier” is a UE generated session identifier in Claim 2. *Compare* Pet., 25, with *id.* 35; BatesDec ¶141. The Petition’s shifting arguments on the session identifier overlook the antecedent basis of the Claim 1 limitations recited in Claim 2. 35 U.S.C. § 112(d); BatesDec ¶141.

Third, if the proposed modification would change a basic principle of operation of the reference being modified, “the teachings of the references are insufficient to render the claim obvious.” *Ex parte Rudy*, No. 2022-003071, 2023 WL 2608862, at \*3-5 (PTAB Mar. 22, 2023) (citing *In re Ratti*, 270 F.2d 810, 813 (CCPA 1959)). MPEP § 2143.01(VI) similarly states that, “[i]f the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not

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<sup>12</sup> Widegren paragraph [0122] states that a “global MBI could be generated” and used at both A and B sides, but Widegren does not disclose how the global MBI is generated. BatesDec n.4.

sufficient to render the claims *prima facie* obvious.” Here, that is the case. The Petition’s proposed modification of Widegren’s UE generating the session identifier/authorization token contradicts the fundamental purpose of Widegren. BatesDec ¶142.

In Widegren, the *network* controls and authorizes the resources for the multimedia sessions. *See, e.g.*, EX1005 [0111] (“The Policy Control Function 100 authorizes, if appropriate, the required quality of service resources for the session and installs an IP bearer level policy for the session and each media flow”); *id.* [0189] (“The proxy-CSCF-A forwards the INVITE message to UE-A’s serving-CSCF-A which authenticates UE-A and authorizes the multimedia call.”); BatesDec ¶142. Widegren’s session-based control of media packet access bearers would not work if resource policy decisions are made by the UEs. BatesDec ¶142.

Specifically, it makes no sense for the UEs, the elements required to ask for authorization, to be able to give themselves the authorization they are requesting. *Id.* And nothing in Widegren suggests this illogical arrangement. Having the *network* authorize the services requested by UEs is a principle of operation of Widegren’s teachings. *Id.* ¶143. The Petition’s proposed modification of Widegren would change a principle of operation of Widegren by the UEs asking for authorization to give themselves that authorization. *Id.*; *Rudy*, 2023 WL 2608862, at \*3-5.

Yet, Dr. Almeroth asserts that “when multiple different media access bearers are used, it makes more sense for the UE to generate the composition session identifier.” EX1003 ¶105. But Dr. Almeroth does not provide any reason why a POSITA would have modified Widegren so that the UE generates the session identifier/authorization token. BatesDec ¶144. Instead, Dr. Almeroth asserts that the alleged design choice “could have been implemented by a POSITA with predictable results.” EX1003 ¶105. The only predictable result of the Petition’s proposed modification of Widegren would be to undermine the principle of network authorization, which is a basic principle of operation of Widegren. BatesDec ¶144.

Dr. Almeroth’s reliance on what “could have been implemented,” EX1005 ¶105, is telling because what *could* have been done is not the test for obviousness. *Personal Web Techs.*, 848 F.3d at 993-94; BatesDec ¶144. For Ground 1, Petitioner must prove by a preponderance of the evidence that a POSITA *would* have modified Widegren to achieve Claim 2. *Personal Web Techs.*, 848 F.3d at 993-94. Petitioner has not done so.

**b. Widegren does not teach or suggest [2b]**

The Petition cites Widegren Figure 26 and alleges that the SIP INVITE from UE-A (step 1 in Fig. 26) is “sending a request for initiating the composition session from the user equipment to the network” recited in limitation [2b]. Pet., 36.

The Petition then makes an inherency argument for “the request comprising the composition identifier” recited in limitation [2b]. *Id.* at 37. In this regard, the Petition asserts that “if the session identifier is generated at the user equipment, then the session identifier *would have* to be provided to the other SIP entities in the network as part of the multimedia session initiation request,” and “[t]hat is *necessarily true* because subsequent steps of the multimedia session initiation process include, for example, storing the session identifier at the P-CSCF.” *Id.* (emphases added). This does not meet the “high standard” for inherency in an obviousness analysis. *PAR Pharm., Inc. v. TWi Pharm., Inc.*, 773 F.3d 1186, 1195-96 (Fed. Cir. 2014).

Even adopting, *arguendo*, the session identifier being generated at the UE, it is not inherent in Widegren that the UE would have to send the session identifier to a network element as part of the multimedia session initiation request (i.e., in the SIP INVITE). BatesDec ¶148. In other words, it does not necessarily follow that a session identifier hypothetically generated at the UE in Widegren must necessarily be sent as part of a multimedia session initiation request. *Id.* Positing a possibility or even probability that this would occur in Widegren is not enough for the Petition’s inherency argument. *PAR*, 773 F.3d at 1195-96; BatesDec ¶148.

Indeed, there are other ways that the session identifier may be provided to other SIP entities in the network. BatesDec ¶149. For example, the UE could use

the SIP INFO message for carrying the session identifier to a network element. *Id.* (citing EX2006). The SIP INFO message follows the existing SIP routing, so the UE could use the SIP INFO message to send the session identifier to wherever the SIP INVITE could go. EX2006, at 3 (“The signaling path for the INFO method is the signaling path established as a result of the call setup.”). Consequently, the SIP INFO message would achieve sending the session identifier to a network element in a way that does not map to Claim 2. BatesDec ¶149.

## **2. Widegren does not teach or suggest Claim 3**

Claim 3 depends from Claim 2 and adds the limitation “wherein the request for initiating the composition session further comprises one or more session identifiers and, optionally, resource reservation information and/or resource allocation information associated with the one or more sessions identified by the session identifiers.” EX1001, 17:4-9. Claim 3 is patentable over Widegren and Widegren-793 for at least the same reasons that Claim 2 is patentable over Widegren and Widegren-793. *Supra* VII.A.1; *infra* VII.A.5. (limitations of Claim 1).

Further, Claim 3 is separately patentable over Widegren and Widegren-793 for two additional reasons. BatesDec ¶152.

First, the Petition maps the “‘session signaling’ for initiating the multimedia session” in Widegren to the “the request for initiating the composition session” recited in Claim 3. Pet., 38. This is incorrect. BatesDec ¶153. Such mapping is

inconsistent with Claim 3's dependency on Claim 2. BatesDec ¶154. Claim 2 recites "sending a request for initiating the composition session . . . the request comprising the composition session identifier." Because Claim 3 depends from Claim 2, "the request for initiating the composition session" recited in Claim 3 includes the "composition session identifier" recited in Claim 2. The Petition alleges that Widegren's "authorization token" is the claimed "composition session identifier." *Supra* VII.A.1.a. But the Petition then refers to Widegren's "'session signaling' for initiating the multimedia session" as the "the request for initiating the composition session" recited in Claim 3. Such session signaling is a multimedia session request from UE-A. Pet., 38.

According to Widegren, however, this multimedia session request does not include the authorization token. *See* EX1005 [0111] ("This request . . . contains sufficient information about the session . . . to trigger an authorization of QoS resources procedure in the Proxy-Call State Control Function 98."); BatesDec ¶155. Thus, the Petition's mapping of Widegren's authorization token to the session identifier of Claim 2 undermines the Petition's arguments regarding Claim 3: Widegren teaches that the "session signaling" *does not* include "authorization token." Claim 3, in contrast, states that the "request for initiating the composition session" *does* include the "composition session identifier."

Second, the Petition alleges that “Widegren discloses that the multimedia session initiation request includes at least *resource allocation information associated with the one or more sessions identified by the session identifiers.*” Pet., 39 (emphases in original). Accordingly, the Petition maps “resource allocation information associated with the one or more sessions identified by the session identifiers” to the “resource reservation information and/or resource allocation information” recited in Claim 3. This is incorrect. BatesDec ¶156.

The multimedia session request identified by the Petition is sent from the UE to the PCF *before* the authorization token has been generated by the network because the PCF generates the authorization token *based on* the multimedia session request. EX1005 [0111]; BatesDec ¶157. Accordingly, the multimedia session initiation request identified by the Petition cannot include both the authorization token (which the Petition alleges is the “composition session identifier”) and the “resource allocation information associated with the one or more sessions identified by the session identifiers” (which the Petition alleges is the “resource reservation information and/or resource allocation information.”). BatesDec ¶157.

### **3. Widegren does not teach or suggest Claim 6**

Claim 6 depends from Claim 1 and adds the limitation “wherein the method further comprises: the user equipment initiating the two or more associated sessions by sending two or more session initiation requests for a session to the network

element, each request comprising the composition session identifier.” EX1001, 17:26-31.

The Petition alleges that media streams in Widegren are “the two or more associated sessions” recited in Claim 6, and that the “PDP context activation/creation requests” in Widegren are the “two or more session initiation requests for a session” recited in Claim 6. Pet., 41-42. This is incorrect. BatesDec ¶160.

Even adopting, *arguendo*, the Petition’s allegation that the media streams in Widegren are “the two or more associated sessions” recited in Claim 6 (which is incorrect as discussed *infra* VII.A.5.a.), Widegren still does not teach or suggest Claim 6 because the PDP context activation/creation requests (the alleged “two or more session initiation requests for a session”) do not initiate any media streams. BatesDec ¶161. Instead, in Widegren, the media streams are created by the SDP in the SIP INVITE. EX1005, [123]; BatesDec ¶161. But the Petition does not argue that any SIP INVITEs are “the two more session initiation requests for a session” recited in Claim 6. Widegren describes one SIP INVITE. BatesDec ¶¶120, 161.

#### **4. Widegren does not teach or suggest Claim 8**

Claim 8 depends from Claim 1 and adds the limitations “wherein the method further comprises: the network element initiating the two or more associated sessions by sending two or more requests for a session to the user equipment, each request comprising the composition session identifier.” EX1001, 17:45-50.

As with Claim 6, the Petition alleges that the “PDP context activation/creation requests” in Widegren are “two or more requests for a session” recited in Claim 8. EX1003 ¶118. For similar reasons discussed above with respect to Claim 6, the PDP context activation/creation requests are not “two or more requests for a session.” *Supra* VII.A.3. But even adopting, *arguendo*, the Petition’s allegation that the PDP context activation/requests are the “two or more requests for a session,” Claim 8 recites “the network element initiating the two or more associate sessions by sending two or more requests for a session to the user equipment,” and Widegren does not teach or suggest this arrangement. BatesDec ¶166.

Paragraph [0194] of Widegren, cited by the Petition, teaches that the PDP context activation/creation is sent from the UE to a network element, the PCF. EX1003 ¶115 (citing EX1005 [0194]). In this regard, citing Widegren paragraph [0194], the Petition asserts that “Widegren further discloses that each of the media streams may be initiated by a separate *request* sent from the *user equipment* to the GGSN and PCF of the multimedia stream (*network element*)” and that “[t]he reservation procedure uses the media binding information to preform ‘PDP context/activation creation’ (*session initiation request*), which initiates each media stream. EX1003 ¶115 (emphases in original).

Despite this, the Petition asserts that “it would have been obvious to a POSITA to generate the requests at the network element and send them to the user equipment

because it is one of two predictable options for initiating a session (*i.e.*, a network element sends a request to a user equipment, or user equipment sends a request to the network element)” and “all would have been well within the skill of a POSITA, and could have been implemented by a POSITA with predictable results.” Pet., 45. According to Dr. Almeroth, this is “a simple design choice.” EX1003 ¶119. This is incorrect. BatesDec ¶168.

Dr. Almeroth does not provide any reason why a POSITA would have modified Widegren so that the network element sends the PDP context/activation to the UE. *Id.* ¶169. Dr. Almeroth’s reliance on “could have been implemented by a POSITA,” EX1003 ¶119, is again telling because that is not the test for obviousness. *Personal Web Techs*, 848 F.3d at 993-94; BatesDec ¶169. For Ground 1, Petitioner must prove by a preponderance of evidence that a POSITA *would* have modified Widegren to achieve Claim 8. *Personal Web Techs*, 848 F.3d at 993-94. Petitioner has not done so.

**5. Widegren does not teach or suggest Claim 1 limitations, which are recited in each of Claims 2, 4, 6, and 8**

Claims 2, 4, 6, and 8 depend from Claim 1 and thus include all limitations of Claim 1. *Supra* II.C.1. Widegren fails to teach or suggest multiple limitations of Claim 1, which also supports the patentability of Claims 2, 4, 6, and 8, and the claims that depend from these claims. BatesDec ¶171. As described below, a POSITA would not have considered Widegren’s media streams to be “sessions” recited in

Claim 1, Widegren does not teach or suggest “managing associated sessions” recited in limitation [1pre], and Widegren does not teach or suggest “associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time” recited in limitation [1c].

**a. A POSITA would not have considered Widegren’s media streams to be “sessions” recited in Claim 1**

The Petition alleges that the “plural media data streams” of Widegren are the “associated sessions” recited in limitation [1pre]. Pet., 16. The Petition also relies on Widegren’s media streams for the “sessions” recited in limitations [1a], [1c], [1d], and [1e]. *Id.* 21, 27-28, 29, 32. This is incorrect. BatesDec ¶172.

Widegren distinguishes between a multimedia session and one or more media data streams in the session. *Id.* ¶173. Widegren paragraph [0067] illustrates the distinction in Widegren between a media stream and a session:

The present invention overcomes these and other problems by providing an efficient and effective mechanism for binding packet access/bearers in the UMTS to the *multimedia streams* in *a session* they support to permit session level control of those bearers.

EX1005 [0067] (emphases added).

As other examples, Widegren paragraphs [0063] and [0121] also illustrate the distinction in Widegren between a media stream and a session. *Id.* [0063] (“SIP is signaling protocol to establish sessions, and SDP is a text-based syntax to *describe the session* and includes, for example, the definition of *each media stream in the*

*session.*” (emphases added); *id.* [0121] (“As *a media stream* is added or deleted from *a session*, the new stream is provided the next number in the series, and numbers are not reallocated.”) (emphases added).

In IPR2022-00557, the Board rejected Ericsson’s argument that “there is no difference between a media stream and an RTSP session,” and credited Mr. Bates testimony over the testimony of Ericsson’s expert, Mr. Wechselberger:

As Mr. Bates has testified, ‘adding a media stream is not the same as adding an RTSP session . . . because a single RTSP session may be associated with multiple media streams by virtue of their inclusion in the session description (SDP).’ Ex. 2009 ¶ 218 (citing Ex. 1008, 22). We are not persuaded by Mr. Wechselberger’s responsive testimony that ‘[t]his a distinction without a difference’ (Ex. 1026 ¶ 79), because we agree with Patent Owner it does not appear to be supported by any evidence in the record. PO Sur-reply 8.

*Ericsson*, IPR2022-00557, Paper 34, at 32.

In support of his opinion in IPR2022-00557, Mr. Bates cited the Session Description Protocol (SDP) standard, RFC 4566. *Ericsson*, IPR2022-00557, EX1008. Widegren describes the SDP standard. *See, e.g.*, EX1005 [0067], [0063].

The Petition’s citation of the ’669 Patent to argue that Widegren’s media streams are the “sessions” recited in [1pre], [1a], [1c], [1d], and [1e] is inapt. Pet., 17 (citing EX1001, 1:55-63, 2:47-53, 8:59-9:8). To read the ’669 Patent into Widegren, as Petitioner proposes, would improperly read the ’669 Patent into the

prior art with hindsight. *Orexo AB v. Actavis Elizabeth LLC*, 903 F.3d 1265, 1271 (Fed. Cir. 2018) (“It is inappropriate to use the template provided by the inventor, to render the inventor’s contribution obvious.”); BatesDec ¶177. This would be a distortion of the obviousness analysis. Obviousness is not determined based on the perspective of the inventor, but from the viewpoint of a person with ordinary skill in the art. *Envtl. Designs, Ltd. v. Union Oil Co. of California*, 713 F.2d 693, 697 (Fed. Cir. 1983).

**b. Widegren does not teach or suggest “managing associated sessions” recited in [1pre]**

The Petition alleges that “session level control” in paragraph [0067] of Widegren is the same as the “managing associated sessions” recited in [1pre]. Pet., 16. This is incorrect. BatesDec ¶179.

Widegren paragraph [0067] states:

The present invention overcomes these and other problems by providing an efficient and effective mechanism for binding packet access/bearers in the UMTS to the multimedia streams in a session they support to permit *session level control of those bearers*, e.g., requesting, reserving, supplying, and enforcing IP level resources needed to support the session.

EX1005 [0067] (emphasis added).

Widegren teaches a bearer “usually corresponds to a data stream.” *Id.* [0018]. Further, Widegren teaches control of bearers individually and not “managing

associated sessions” recited in [1pre]. BatesDec ¶181. For example, Widegren teaches that “[t]he media binding information associates each media data stream in the session to one of the media packet access bearers and is used to provide session-based control of each of the media packet access bearers.” EX1005 Abstract; *see also id.* Fig. 24 (“Use MBI to provide session-based control of each media PAB.”).

At most, Widegren involves individual bearer control, which contrasts with the Board’s construction of the word “associated” in “associated sessions” in IPR2022-00557. BatesDec ¶183. The Board construed the so-identified “more than one media streams” as streams that “should not be managed independent from each other.” *Supra* VI.A. Widegren itself emphasizes this distinction, stating that “[t]he present invention provides different mechanisms to control the media GPRS bearers *individually* on a per media stream basis.” BatesDec ¶183 (quoting EX1005 [0197], emphasis added).

**c. Widegren does not teach or suggest “associating two or more sessions with the composition session identifier by exchanging the composition session identifier at least a second time” recited in [1c]**

The Petition alleges that “Widegren discloses that the session identifier/authorization token (*composition session identifier*) is sent (i.e., *exchanged*) both *from the network element to the UEs*, and *from the UEs to the network element*.” Pet., 24 (emphases in original). Again, the Petition equates the authorization token in Widegren with the “composition session identifier” recited in

Claim 1. The Petition then cites to Figure 26 in Widegren to allege that Widegren teaches “exchanging the composition session identifier” recited in limitations [1b] and [1c]. Pet., 24-29. This is incorrect. BatesDec ¶185.

Like Judge Weinschenk’s explanation in IPR2022-00557 that the petitioner had not sufficiently shown the asserted references teach limitation [1c] (*supra* III.A.3), so too here the Petition also fails to sufficiently show Widegren teaches or suggests limitation [1c].

First, in connection with limitation [1b], the Petition annotates Figure 26 of Widegren (reproduced below) and alleges that steps 6-7 in the red box is the first exchange of the “composition session identifier” recited in limitation [1b] (authorization token, alleged by the Petition), and that steps 16-17 in the purple box is a second exchange of the “composition session identifier.” Pet., 25. In this regard, the Petition relies on Widegren’s disclosure of a possible global authorization token, and asserts that steps 6-7 involve PCF-B sending the global authorization token to UE-B, and that steps 16-17 involve PCF-A sending the global authorization token to UE-A. *Id.* at 25, 29.<sup>13</sup> The Petition then asserts that “[a]ny of these exchanges could be the *first exchange*.” *Id.* at 25 (emphasis in original).

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<sup>13</sup> Again, the Petition’s reliance of a global authorization token in limitation [1b] undermines the Petition’s arguments for limitation [2a]. *Supra* VII.A.1.a.

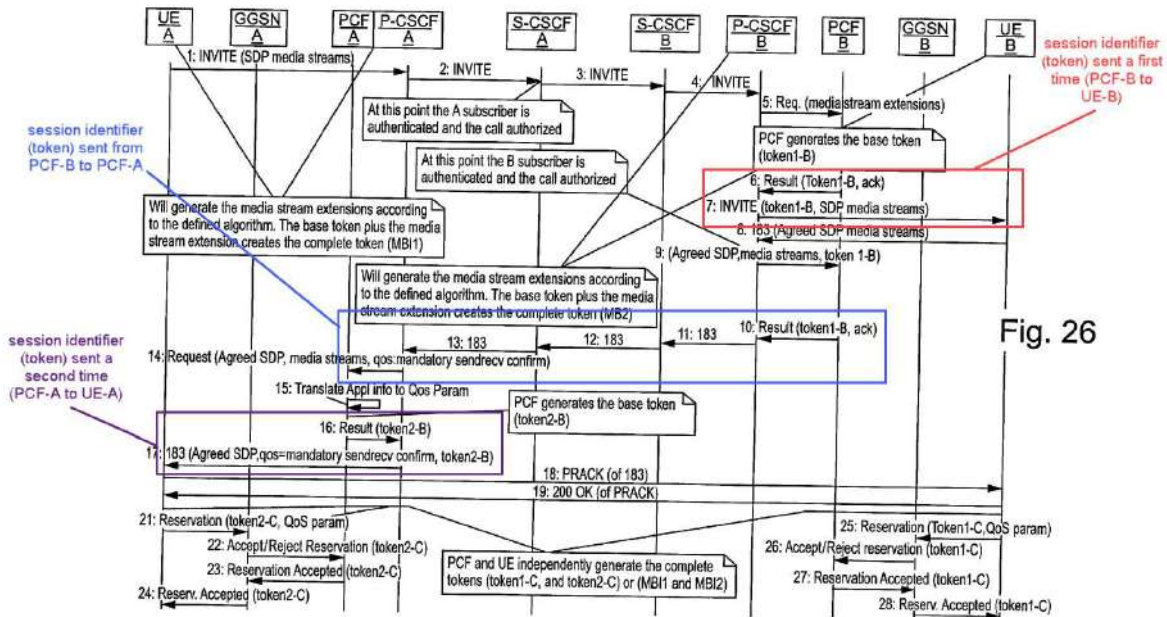
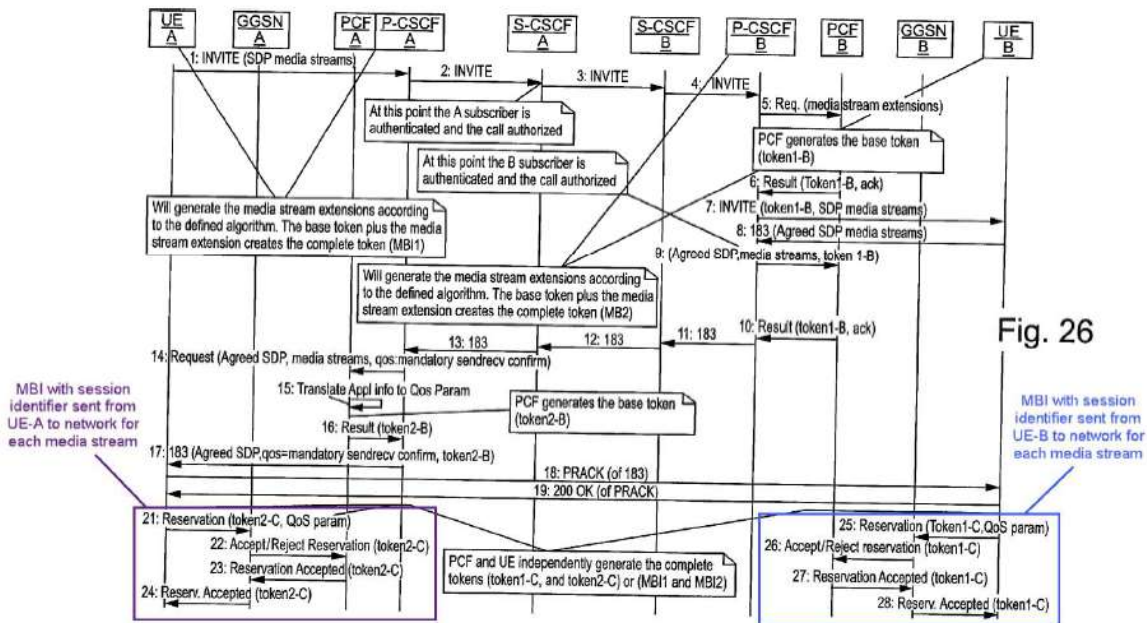


Fig. 26

*Id.* (annotating EX1005 Fig. 26).

Then, the Petition presents another mapping for limitation [1b] by annotating Widegren Figure 26 a second time and, this time, alleging that steps 21-24 in the purple box is the first exchange of the “composition session identifier” recited in limitation [1b] and that steps 25-28 in the blue box correspond to “each UE [sending] (i.e., [exchanging]) the *composition session identifier to the network elements* multiple times, once for each media stream.” Pet., 27.



*Id.* (annotating EX1005 Fig. 26).

The Petition appears to have compiled a mixed bag of alleged “exchanges” in Widegren that—in some combination that neither the Petition nor Dr. Almeroth explain—allegedly correspond to the first and (at least) second exchanges of the “composition identifier” recited in Claim 1. BatesDec ¶188. However, no mapping of the Petition’s alleged “exchanges” in Widegren leads to limitation [1c]. *Id.*

In connection with limitation [1c], the Petition asserts that steps 21-24 in Figure 26 involve UE-A sending the global authorization token to GGSN-A, and that steps 25-28 involve UE-B sending the global authorization token to GGSN-B. Pet., 29. Adopting, *arguendo*, the Petition’s allegations that the global authorization token is the “composition session identifier” recited in limitation [1c] and media streams are the “two or more sessions” recited in limitation [1c], Widegren does not

teach or suggest associating two media streams by exchanging the global authorization token a second time. BateDec ¶189.

Instead, Widegren teaches associating media streams in a multimedia session with respective media packet access bearers by combining the authorization token with a “media stream identifier” for each stream to generate “media binding information” or an “MBI” for each stream. EX1005, Abstract; *see also id.* [0194]; BatesDec ¶190. In other words, in Widegren, associating of two or more media streams—alleged by the Petition to correspond to associated sessions in Claim 1—with the authorization token is achieved by generating the MBI. In the last steps of Figure 26, steps 21-28, the MBIs (“token-1-C and token-2-C”) are generated in each domain (A and B) by the two UEs and the two PCFs. EX1005 [0194]; BatesDec ¶190. The MBIs are then used in the “Reservation” messages, which correspond to the PDP Context Activation requests. *Id.*

The Petition asserts that in Widegren, the UE sends an MBI to the PCF “as a reservation signal that associates that media stream with the multimedia session.” Pet., 28-29. This is incorrect. BatesDec ¶191. While steps 21 and 25 in Fig. 26 of Widegren illustrate UEs A and B sending respective MBIs (also referred to a token2-C and token1-C) to their respective PCFs (A and B), Widegren does not teach or suggest that either action of sending “associates that media stream with the multimedia session.” *Id.* Rather, Widegren teaches that the sending of the

reservation messages that include the MBIs are part of the “GPRS quality of service reservation procedures (PDP context activation/creation)” used to establish the PDP contexts for the media packet access bearers. *Id.* The Petition’s alleged associations are established by the generation of the MBIs, and not by the sending of the reservation messages. *Id.*

This is further demonstrated by Widegren’s teaching in connection with steps 21-24 and 25-28 in Fig. 26: “[a]fter the PRACK messaging is exchanged between the UE-A and UE-B, UE-A, PCF-A, PCF-B, and UE-B [i.e., after these elements possess their respective authorization tokens] each ***independently generate*** a complete local token ‘C’ corresponding to the media binding information.” EX1005 [0194] (emphasis added); BatesDec ¶192. Thus, UE-A and PCF-A each independently generate the same MBI, and similarly for UE-B and PCF-B, so any alleged association between media stream and authorization token is achieved independently of sending the reservation messages Fig. 26. BatesDec ¶192. The UE does not need to send the MBI to the PCF ***in order to*** associate the media stream with the authorization token, because the PCF independently generates the same MBI. *Id.* Petitioner’s assertion that sending the reservation messages containing the MBI establishes the alleged associations is unsupported in Widegren. *Id.*

Adopting, *arguendo*, the Petition’s interpretation of Widegren’s authorization token as corresponding to the “composition session identifier” of Claim 1, and

Widegren’s media streams as corresponding to “sessions” of Claim 1, the Petition effectively rewrites limitation [1c] to be “associating two or more sessions with the composition session identifier *by generating an MBI.*” BatesDec ¶193. But, of course, that is not what is recited by limitation [1c]. *Supra* II.C.

Petitioner must prove by a preponderance of evidence that Widegren teaches limitation [1c], as written. *Personal Web Techs*, 848 F.3d at 993-94. Petitioner has not done so.

**6. Widegren-793 does not cure Widegren’s deficiencies for Claims 2-6 and 8**

The Petition only relies on Widegren-793 for limitation [1e] and Claim 13. *Supra* IV.B. Thus, the Petition does not argue that Widegren-793 teaches or suggests any of Claim 2, Claim 3, Claim 6, Claim 8, the “sessions” recited in Claim 1, the “managing associated sessions” recited in limitation [1pre], nor limitation [1c]. *See* Pet.; BatesDec ¶195. Further, Widegren-793 does not teach or suggest any of Claim 2, Claim 3, Claim 6, Claim 8, the “sessions” recited in Claim 1, the “managing associated sessions” recited in limitation [1pre], nor limitation [1c]. BatesDec ¶196.

**B. Widegren and Widegren-793 Do Not Teach Claims 15-18 and 20**

Claims 15-18 and 20 are patentable over Widegren and Widegren-793. BatesDec IX.B. Widegren does not teach or suggest Claim 15 for all the reasons discussed above that Widegren does not teach or suggest Claim 1. *Supra* VII.A.5. Further, as described below, Widegren does not teach or suggest limitation [15d(i)]

“wherein the user equipment is configured to (i) provide the composition session identifier.” The Petition relies on its arguments relating to limitation [1a] for limitation [15d(i)], but these limitations are different. BatesDec ¶93. Widegren-793 does not cure these deficiencies of Widegren. Claims 16-18 and 20 depend from Claim 15, and they are patentable over Widegren and Widegren-793 for the same reasons that Claim 15 is patentable over Widegren and Widegren-793.

The Petition has failed to establish a reasonable likelihood that any of Claims 15-18 and 20 are unpatentable.

**1. Widegren does not teach or suggest Claim 15**

The Petition relies on its arguments for Claim 1 for Claim 15. Pet., 46-48. Widegren does not teach or suggest Claim 15 for all the reasons discussed above that Widegren does not teach or suggest Claim 1. *Supra* VII.A.5. (Widegren does not teach or suggest “sessions” recited in Claim 1, “managing associated sessions” recited in limitation [1pre], and limitation [1c]).

Claim 15 is patentable over Widegren and Widegren-793 for the additional reason that Widegren does not teach or suggest “wherein the user equipment is configured to (i) provide the composition session identifier” recited in limitation [15d(i)]. Dr. Almeroth asserts that limitation [15d(i)] is “substantially the same as Limitation 1a.” EX1003 ¶127. But that is incorrect. BatesDec ¶199.

Limitation [1a] recites “providing a composition session identifier for associating sessions in the network,” whereas limitation [15d(i)] recites “wherein the user equipment is configured to (i) provide the composition session identifier.” Limitation [15d(ii)] provides context for “provide the composition session identifier” recited in limitation [15d(i)]. Limitation [15d(ii)] recites “(ii) after providing the composition identifier, exchange the composition session identifier with the network element.” If one applies the Board’s construction of “exchanging the composition identifier” to mean “sending the composition session identifier in either direction,” then the term, “provide the composition session identifier” in limitation [15d(i)], means more than sending the composition session identifier. BatesDec ¶200.

For limitation [1a], the Petition does not cite any teaching or suggestion in Widegren that the UE provides the session identifier/authorization token, which the Petition alleges corresponds to the “composition session identifier.” Pet., 21-24. To the contrary, as noted above in connection with limitation [2a], Widegren teaches the session identifier/authorization token is generated at the PCF, which is a network element. *Supra* VII.A.1.a; BatesDec ¶201. The Petition makes a design choice argument for limitation [2a] “the user equipment generating the composition identifier,” but the Petition makes no such argument for limitation [15d(i)]. *Compare* Pet., 34-35, *with id.* at 47.

**2. Widegren-793 does not cure Widegren’s deficiencies for Claim 15**

The Petition relies on its arguments for limitation [1e] for limitation [15f]. Pet., 48. And the Petition only relies on Widegren-793 for limitation [1e] and Claim 13. *Supra* IV.B. The Petition does not argue that Widegren-793 teaches or suggests any of the limitations of Claim 15 that correspond to “sessions” recited in Claim 1, “managing associated sessions” recited in limitation [1pre], and limitation [1c]. Pet., 46-48; *see also* BatesDec ¶203. And the Petition does not argue that Widegren-793 teaches or suggests limitation [15d(i)]. Pet., 47; *see also* BatesDec ¶203. Further, Widegren-793 does not teach or suggest any of the limitations of Claim 15 that correspond to “sessions” recited in Claim 1, “managing associated sessions” recited in limitation [1pre], and limitation [1c], nor limitation [15d(i)]. BatesDec ¶204.

**3. Claims 16-18 and 20 are patentable**

Claims 16-18 and 20 depend from Claim 15. Claims 16-18 and 20 are patentable over Widegren and Widegren-793 for the same reasons that Claim 15 is patentable over Widegren and Widegren-793. *Supra* VII.B; BatesDec ¶205.

**VIII. GROUND 2: CLAIMS 7 AND 9 ARE PATENTABLE OVER WIDEGREN, WIDEGREN-793, AND ETSI TS 183 063**

Claim 7 depends from Claim 6, and Claim 9 depends from Claim 8. Claims 7 and 9 are patentable for all the reasons discussed above that Claims 6 and 8 are patentable over Widegren and Widegren-793. *Supra* VII.A; BatesDec ¶206.

ETSI TS 183 063 does not cure the deficiencies of Widegren and Widegren-793. The only limitation the Petition cites ETSI TS 183 063 for is “broadcast (BC) session associated with a BC identifier broadcast (BC) session associated with a BC identifier (BCServiceID), a content-on-demand (CoD) session associated with a CoD identifier (CoDID), a Targeted Advertisement Insertion (TAI) session associated with a TAI identifier, network personal video content (NPVC) session associated with a NPVR identifier (NPVRContentID), a user generated content (UGC) session associated with a UGC identifier, a Public Switched Telecommunications Network (PSTN) emulation session associated with a PSTN emulation identifier, or a shared content (SC) session associated with a SC identifier” recited in Claims 7 and 9. Pet., 58-59.

Petitioner does not argue that ETSI TS 183 063 teaches or suggests any of Claim 8, “sessions” recited in Claim 1, “managing associated sessions” recited in limitation [1pre], and limitation [1c]. See Pet., 58-59; see also BatesDec ¶208. Further, ETSI TS 183 063 does not teach or suggest any Claim 8, “sessions” recited in Claim 1, “managing associated sessions” recited in limitation [1pre], and limitation [1c]. BatesDec ¶209.

**IX. GROUND 3: CLAIMS 13 AND 23 ARE PATENTABLE OVER WIDEGREN, WIDEGREN-793, AND ASTROM**

Claim 13 depends from Claim 1, and Claim 23 depends from Claim 21. The Petition relies on its arguments for Claim 1 for Claim 21. Pet., 54. Widegren and

Widegren-793 do not teach or suggest Claims 13 and 23 for all the reasons discussed above with respect to Claim 1. *Supra* VII.A.5; BatesDec ¶211.

Astrom does not cure the deficiencies of Widegren and Widegren-793. The Petition only relies on Astrom for: “wherein the network is an IP Multimedia Subsystem (IMS) network comprising an IMS core connected to a Service Control Function (SCF), wherein the SCF is configured for managing associated sessions between the network and the User Equipment, wherein the network element is the SCF” recited in Claim 13; and “wherein modifying the composition session, using the signaling in the composition session, comprises selectively pausing data streams of the two or more sessions in response to a detection of an incoming call destined for the user equipment” recited in Claim 23. Pet., 64-69.

The Petition does not argue that Astrom teaches or suggests any of “sessions” recited in Claim 1, “managing associated sessions” recited in limitation [1pre], and limitation [1c]. See Pet., 64-69; see also BatesDec ¶213. Further, Astrom does not teach or suggest any of “sessions” recited in Claim 1, “managing associated sessions” recited in limitation [1pre], and limitation [1c]. BatesDec ¶214.

## **X. OBJECTIVE INDICIA SUPPORTS NONOBVIOUSNESS**

In IPR2022-00557, the Board found that KPN’s evidence of industry praise supported nonobviousness of Claims 2, 3, 6, and 8. *Ericsson*, IPR2022-00557, Paper 34, at 27-29; *supra* III.B. The Board found that “Patent Owner provides a showing

that the Change Request ‘has nexus to and is reasonably commensurate with’ independent claims 1 and 21,” and “[s]eparate aspects of the Change Request are reflected in the dependent claims, discussed below, and are more relevant in showing the nonobviousness of those claims.” *Ericsson*, IPR2022-00557, Paper 34, at 29.

The Petition and Petitioner’s expert, Dr. Almeroth, discuss the prior IPR (Pet., 6; EX1003 ¶ 54), but simply do not address the Board’s findings regarding ETSI TISPAN’s adoption of KPN’s Change Request to update ETSI TISPAN 182.027. Pet., 12 n.2 (“Petitioners are not aware of any secondary considerations of non-obviousness identified by Patent Owner . . . .”); EX1003, 38 n.2 (“I am not aware of any secondary considerations of non-obviousness identified by Patent Owner”). The Petition instead relies on another ETSI TISPAN standard, ETSI TS 183 063, as a secondary reference for obviousness. Pet., 2.

The Board has already found:

Separate aspects of the change request are reflected in the dependent claims, discussed below, and are more relevant in showing the nonobviousness of those claims.

*Ericsson*, IPR2022-00557, Paper 34, at 29.

Petitioner has offered no evidence to discount these findings by the Board regarding the Challenged Claims. To the contrary, Dr. Almeroth states that “ETSI is a well-known organization that has promulgated well-known communications standards.” EX1003 ¶68.

KPN's Change Request (EX2003) to ESTI TISPAN 182.027 is industry praise and supports the nonobviousness of the Challenged Claims. BatesDec ¶223; *Power-One, Inc. v. Artesyn Techs., Inc.*, 599 F.3d 1343, 1352 (Fed. Cir. 2010) (“[E]vidence of praise ... specifically related to features of the patented invention, linking that ... praise with the patented invention” supported nonobviousness); *see also WBIP, LLC v. Kohler Co.*, 829 F.3d 1317, 1334 (Fed. Cir. 2016).

In IPR2022-00557, Mr. Bates compared the Change Request to Claims 1 and 21 and concluded that the Change Request has nexus to and is reasonably commensurate with Claims 1 and 21, and concluded that the Change Request is evidence of industry praise that supports the nonobviousness of the claims challenged in IPR2022-00557. BatesDec ¶¶218, 224. He reiterates these opinions here. *Id.* ¶¶219, 221.

Further, Mr. Bates has compared the Change Request to Claims 2 and 6-9, and that additional comparison shows that the Change Request has nexus to and is reasonably commensurate with these claims. BatesDec ¶¶225-230. For these additional reasons, the Change Request is evidence of industry praise and that supports the nonobviousness of the Challenged Claims. BatesDec ¶231.

In addition, KPN submitted a second Change Request (EX2009) to ETSI TS 183.063, and ESTI adopted the second Change Request. *Supra* II.D; BatesDec ¶232. Mr. Bates has compared the second Change Request (EX2009) to Claims 2, 3, 6, and

8, and that comparison shows that the second Change Request has nexus to and is reasonably commensurate with these claims. BatesDec ¶¶234-239. Thus, the second Change Request is evidence of industry praise that supports the nonobviousness of Claims 2, 3, 6, and 8. *Id.* ¶240.

## **XI. CONCLUSION**

Because the Challenged Claims recite limitations not taught or suggested by the proposed grounds of unpatentability, Petitioner has not established a reasonable likelihood that the Challenged Claims are unpatentable. KPN respectfully requests that the Board deny the Petition and not institute trial.

Dated: May 27, 2025

Respectfully submitted,

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**CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITS**

The undersigned certifies pursuant to 37 C.F.R. § 42.24 that the foregoing Patent Owner's Preliminary Response, excluding any table of contents, mandatory notices under 37 C.F.R. § 42.8, certificates of service or compliance, or appendix of exhibits, contains 13,720 words according to the word-processing program used to prepare this document (Microsoft Word).

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on May 27, 2025 the foregoing Patent Owner's Preliminary Response is being served electronically by agreement of the parties, by email to the following counsel of record.

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