

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.,  
Petitioner,

v.

PANTECH WIRELESS, LLC,  
Patent Owner.

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U.S. Patent No. 10,764,803  
Filed: August 6, 2019  
Issued: September 1, 2020  
Inventors: Stephen G. Dick, et al.

TITLE: ENHANCED UPLINK OPERATION IN SOFT HANDOVER

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*Inter Partes* Review No. IPR2025-00756

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**PETITIONER'S REPLY TO  
PATENT OWNER'S PRELIMINARY RESPONSE**

**EXHIBIT LIST**

<b>Exhibit</b>	<b>Description</b>
1001	U.S. Patent No. 10,764,803 (“the ’803 Patent”)
1002	File History of the ’803 Patent
1003	Declaration of Apostolos K. Kakaes, Ph.D.
1004	Declaration of Friedhelm Rodermund
1005	Publication “R2-020088 – Mobility examples when the UE has an HS-PDSCH assignment” (“Ericsson”)
1006	3GPP Technical Specification 25.331, v5.5.0 (“TS 25.331”)
1007	International Application Publication No. WO2003034766A2 to Sebire et al. (“Sebire”)
1008	3GPP Technical Specification 36.300, v10.6.0 (“TS36.300”)
1009	3GPP Technical Specification 36.321, v10.6.0 (“TS36.321”)
1010	3GPP Technical Specification 36.331, v10.6.0 (“TS36.331”)
1011	Shu Lin and Daniel Costello, Jr.; Error Control Coding: Fundamentals and Applications; (Excerpts) Prentice Hall, 1983 (“Lin”)
1012	Michel Mouly and Marie-Bernadette Pautet; The GSM System for Mobile Communications; 1992 (“Mouly”)
1013	Dimitri Bertsekas and Robert Gallager; Data Networks; Second Edition (Excerpts) Prentice Hall 1992 (“Bertsekas”)
1014	Regis J. “Bud” Bates; GPRS; General Packet Radio Service; (Excerpts); McGraw-Hill 2002 (“Bates”)
1015	Jhong Sam Lee and Leonard E. Miller; CDMA Systems Engineering Handbook; Artech House Publishers 1998 (“Lee”)

Exhibit	Description
1016	Harri Holma and Antti Toskala; WCDMA for UMTS; Radio Access For Third Generation Mobile Communications; John Wiley, 2000
1017	U.S. Patent No. 8,023,463 (the “’463 patent”)
1018	U.S. Patent No. 9,438,381 (the “’381 patent”)
1019	U.S. Patent No. 10,390,279 (the “’279 patent”)
1020	Plaintiff’s Infringement Contentions for the ’803 Patent from <i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.)
1021	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex., filed March 14, 2024), Dkt. No. 1, Complaint for Patent Infringement
1022	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Dkt. No. 49, Joint Claim Construction Chart and Prehearing Statement
1023	Correspondence with Patent Owner dated June 3, 2025
1024	Excerpt of Federal Trade Commission, “The Evolving IP Marketplace: Aligning Patent Notice and Remedies with Competition,” March 2011
1025	<i>In the Matter of Certain Mobile Cellular Communications Devices</i> , Inv. No. 337-TA-3835 (ITC, filed July 2, 2025), Complaint
1026	“Albright Worried Multipatent Trials Ask Too Much Of Jurors,” Law360 (Dec. 18, 2020), at <a href="https://www.law360.com/articles/1337976/albrightworriedmultipatent-trials-ask-too-much-of-jurors">https://www.law360.com/articles/1337976/albrightworriedmultipatent-trials-ask-too-much-of-jurors</a>
1027	<i>Sonos Inc. v. D&amp;M Holdings, Inc.</i> , 1:14-cv-01330-WCB (D. Del.), Dkt. No. 418, Discovery Dispute Letter Brief
1028	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex.), Plaintiffs’ Patent Infringement Contentions dated Nov. 27, 2024

Exhibit	Description
1029	USPTO Recordation of Patent Assignment Document, Reel: 056682 Frames: 0095-0191
1030	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:25-cv-00089 (E.D. Tex., July 3, 2025), Dkt. No. 1, Complaint for Patent Infringement
1031	Docket Navigator Statistics for Judge Schroeder in E.D. Tex.
1032	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv- 00038-RWS-JBB (E.D. Tex., June 17, 2024), Dkt. No. 12, Joint Motion to Stay Proceedings
1033	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv- 00069-RWS (E.D. Tex., Apr. 1, 2024), Dkt. No. 259, Verdict Form
1034	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv- 00069-RWS (E.D. Tex., Jan. 23, 2025), Dkt. No. 499, Final Judgment
1035	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:22-cv- 00069-RWS (E.D. Tex., Jan. 29, 2025), Dkt. No. 502-1, Redacted Version of Court's Order (Dkt. No. 498)
1036	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038- RWS-JBB, (E.D. Tex., July 17, 2025), Dkt. No. 85, Order
1037	<i>Pantech Corp. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038- RWS-JBB, (E.D. Tex., July 17, 2025), Dkt. No. 86, Third Amended Docket Control Order
1038	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv- 00038-RWS-JBB (E.D. Tex., August 20, 2025), Dkt. No. 96, OnePlus Opposed Motion to Stay Proceedings
1039	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv- 00038-RWS-JBB (E.D. Tex., August 27, 2025), Dkt. No. 99, Report and Recommendation of United States Magistrate Judge

<b>Exhibit</b>	<b>Description</b>
1040	<i>Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.</i> , 5:24-cv-00038-RWS-JBB (E.D. Tex., Sept. 29, 2025), Dkt. No. 112, Order Adopting Joint Stipulation and Staying Case Pending Resolution of the ITC Action

Pursuant to the Board’s email of November 10, 2025, Petitioner submits this reply to Patent Owner’s (“PO”) Preliminary Response (“POPR”; Paper 8), in which PO argues that U.S. Patent No. 10,764,803 (the “’803 patent”) should be entitled to an effective filing date before September 21, 2012. PO’s attorney argument ignores the intrinsic record.

**I. PO’S WRITTEN DESCRIPTION ARGUMENTS ARE INCORRECT**

In arguing that the challenged claims are entitled to an earlier priority date, POPR 8–15, PO ignores that the ’803 patent makes no mention of carrier aggregation, which PO contends the challenged claims cover. *See, e.g.*, EX1020 (Plaintiff’s infringement contentions in related litigation); Pet. 9–12 (discussing same). The written description requirement ensures that a patentee does not “attempt to preempt the future before it has arrived.” *Fiers v. Revel*, 984 F.2d 1164, 1171 (Fed. Cir. 1993). PO has failed to demonstrate where the parent priority applications describe carrier aggregation, as PO now contends is covered by the challenged claims. *See Dynamic Drinkware, LLC v. Nat’l Graphics, Inc.*, 800 F.3d, 1375, 1379–80 (Fed. Cir. 2015) (holding patent owner must demonstrate entitlement to a priority date when the patent owner relies on that priority date to overcome an anticipation or obviousness argument); EX1003, ¶¶ 113–114; Pet. 9–12 (discussing EX1020).

PO relies on a description of “soft handover” from the ’803 specification to argue that “configuration information” is found in the following passage: “once the RNC 1006 selects cells for the active set, the RNC 1006 sends messages to the NBode-Bs 1004a, 1004b and the WTRU 1002 to inform the selected cells for the active set.” POPR 13 (quoting EX1001, 9:66–10:2). PO omits the remainder of the sentence, which explains that this action is “to support soft handover for EU.” EX1001, 10:2. For this case, the specification teaches that the “WTRU 402 establishes a separate connection with at least two cells controlled by different Node- Bs 404a, 404b in an active set.” EX1001, 7:39–41. “Configuration information” is not mentioned at all, much less in the context of carrier aggregation.

By contrast, the challenged claims of the ’803 patent require “configuration information” in the context of “softer handover” for a single primary node. The claims require “a primary cell is associated with **a** wireless network node and one or more non-primary cells are associated with **the** wireless network node.” EX1001, 10:42–45; *see also* 11:12–13 (emphasis added). Two cells from a same Node-B are used for “softer handover,” *see, e.g.*, EX1001, 8:44–46, which is different from “soft handover” relied on by PO. POPR 13; *see* EX1001, 9:49–51 (“FIG. 10 is a diagram of a system 1000 for transferring information among network entities during soft handover.”). PO’s reliance on the teachings in the

specification do not show possession of “configuration information” in the context of the challenged claims.

PO makes the unsupported argument that “any POSITA would know that ‘establish[ing] connections with more than one cell [] which are controlled by the same Node-B’ (’803 Patent at 8:42-52) requires receiving configuration information for those cells.” POPR 13. PO relies on teachings of the ’803 patent relating to “timing offset between the transmission[s]” from a primary cell and non-primary cell. *See* EX1001, 9:10–14. Nowhere does the specification disclose that a “timing offset” of a primary and non-primary cell of a single Node-B qualifies as “configuration information,” or that such timing offset shows possession of the subject matter now contended by PO to have invented.

PO’s reliance on EX1006 (TS 25.331) to show a POSITA’s knowledge of Radio Resource Control (RRC) procedures for coordinating active sets of cells is also misplaced. *See* POPR 14. PO does not explain how EX1006 shows possession by the inventors of the claimed subject matter—including the claim limitation of “receiv[ing] configuration information for the primary cell and the one or more non-primary cells”—within the patent specification itself.

## II. PETITIONER ARGUED ALL CHALLENGED CLAIMS LACK WRITTEN DESCRIPTION

Contrary to PO's argument (*see* POPR 10, n.2), Petitioner argued that all challenged claims—including method claims 7, 8, 11, and 12—lack written description in the priority applications. *See, e.g.*, Pet. 9 (“[t]he challenged ’803 patent claims lack written description.”). Claims 1 and 7 share the same claim features which the Petition explains lack written support in the parent priority applications, namely the “[receive/receiving] configuration information.” *Compare* EX1001, 10:41–47 (claim 1: “the transceiver and the processor are configured to cause the [wireless transmit/receive unit (WTRU)] to, while a primary cell is associated with a wireless network node and one or more non-primary cells are associated with the wireless network node[,] ... receive configuration information for the primary cell and the one or more non-primary cells”) *with id.* at 11:11–16 (claim 7: “receiving , by a wireless transmit / receive unit (WTRU), configuration information for a primary cell and one or more non-primary cells, wherein the primary cell is associated with a wireless network node and the one or more non-primary cells are associated with the wireless network node”). The Petition makes clear the priority date discussion is applicable to all challenged claims, *see* Pet. 9–12 at 12 (“The earliest date in the ’803 patent family history that the claim requirement of ‘receiving of configuration information’ for

primary cells and non-primary cells is the filing of the '320 application, namely August 6, 2019.”), and further explains how claims 7, 8, 11, and 12 are unpatentable. *Id.* at 31–33, 57–59, 67.

### III. CONCLUSION

The priority date of the '803 patent is no earlier than August 6, 2019. Institution of trial is warranted.



Respectfully Submitted,

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Date: November 17, 2025

**CERTIFICATE OF SERVICE**

I hereby certify that on November 17, 2025, a true and correct copy of  
Petitioner's Reply To Patent Owner's Preliminary Response was served in its  
entirety by email to Patent Owner's counsel of record at the following email  
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