

Case IPR2025-00756  
Patent No. 10,764,803  
Patent Owner's Preliminary Response

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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

v.

PANTECH CORPORATION,  
Patent Owner

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**Case: IPR2025-00756**

**U.S. Patent No. 10,764,803**

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**PATENT OWNER'S PRELIMINARY RESPONSE**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

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**PATENT OWNER’S EXHIBIT LIST**

| <b>Exhibit No.</b> | <b>Description</b>   |
|--------------------|--|
| 2001               | Second Amended Docket Control Order, <i>Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 58) (May 13, 2025)            |
| 2002               | United States District Courts – National Judicial Caseload Profile   |
| 2003               | Pantech Corporation’s July 9, 2021 Notice Letter to OnePlus Technology Co., Ltd.   |
| 2004               | Third Amended Docket Control Order, <i>Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 86) (July 17, 2025)            |
| 2005               | Order Modifying Dates in Docket Control Order, <i>Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 85) (July 17, 2025) |
| 2006               | Jury Verdict, <i>Pantech Corp. v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:22-cv-00069-RWS (E.D. Tex.) (Dkt. 259) (April 1, 2024)   |
| 2007               | Final Judgment, <i>Pantech Corp. v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:22-cv-00069-RWS (E.D. Tex.) (Dkt. 499) (Jan. 23, 2025)   |
| 2008               | Kiri Gupta & Urska Petrovcic, <i>Evidence of Systematic “Patent Holdout”</i> , 38 Berkeley Tech. L. J. (2023)  |

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| 2009 | Richard A. Epstein & Kayvan B. Noroozi, <i>Why Incentives for “Patent Holdout” Threaten to Dismantle FRAND, and Why It Matters</i> , 32 Berkeley Tech. L.J. 1381 (2017)          |
| 2010 | Kalyan Dasgupta & David J. Teece, <i>Protecting Innovation in the Mobile Wireless Ecosystem: Understanding &amp; Addressing “Hold-Out”</i> , 38 Berkeley Tech. L.J. 313 (2023)   |
| 2011 | <i>Markman Order, Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.</i> , No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 90) (July 30, 2025) |
| 2012 | U.S. Patent Application Publication No. 2005/0111389   |

## I. INTRODUCTION

Patent Owner Pantech Corporation (“Pantech”) respectfully requests that United States Patent and Trademark Office (“USPTO” or the “Office”) Patent Trial and Appeal Board (“PTAB” or the “Board”) deny institution of *inter partes* review of claims 1, 2, 5-8, 11, and 12 (the “challenged claims”) of U.S. Patent No. 10,764,803 (“the ’803 Patent”). Petitioner OnePlus Technology (Shenzhen) Co., Ltd.’s (“Petitioner” or “OnePlus”) has failed to demonstrate a reasonable likelihood of prevailing with respect to at least one challenged claim.

More specifically, all of Petitioner’s references for Ground 1 are not prior art to the challenged claims of the ’803 Patent, and Petitioner’s primary reference for Grounds 2 and 3—Ericsson—lacks critical elements of the independent challenged claims, and these critical deficiencies are not overcome by the secondary references relied upon under a theory of obviousness. Ericsson, whether in combination with TS 25.311 alone or with both TS 25.311 and Sebire, fails to render obvious each challenged claim of the ’803 Patent, whereby the WTRU is connected to a “primary cell” and “one or more non-primary cells.” *See* ’803 Patent at claims 1 and 7.

Accordingly, Petitioner has failed to meet its burden of showing a reasonable likelihood of prevailing with respect to the invalidity of any of the challenged claims. The Board should deny Petitioner’s request to institute *inter partes* review.

## **II. BACKGROUND**

### **A. Background of the '803 Patent**

The '803 Patent relates to the field of wireless communications. More particularly, the invention of the '803 Patent is related to operation during a soft handover in a wireless communication system. '803 Patent at 1:23-25. The '803 Patent is directed to solving problems arising because then-current standards did not define specific protocols to transfer necessary information which are imperative in operation of enhanced uplink (EU) during soft handover so that radio resources may be scheduled and EU connections are properly handed over. *See id.* at 2:48-3:13. The '803 Patent is entitled “Enhanced uplink operation in soft handover,” issued on September 1, 2020, and claims priority to U.S. Patent Application No. 15/212,403, filed on Jul. 18, 2016; U.S. Patent Application No. 13/236,133, filed on Sep. 19, 2011; U.S. Patent Application No. 10/925,426, filed on Aug. 25, 2004; U.S. Provisional Application No. 60/497,747 filed on Aug. 25, 2003; U.S. Provisional Application No. 60/507,554 filed on Oct. 1, 2003; U.S. Provisional Application No. 60/508,797 filed on Oct. 3, 2003; U.S. Provisional Application No. 60/520,207 filed on Nov. 14, 2003; and U.S. Provisional Application No. 60/585,174 filed on Jul. 2, 2004.

### **B. Relevant '803 Patent Prosecution History**

During the prosecution of the application that led to the '803 Patent, the claims

at issue were examined at length for their novelty, including in view of U.S. Patent No. 7,606,205 (“Ranta-Aho”), U.S. Patent No. 6,970,716 (“Rune ’716”), U.S. Patent No. 6,650,905 (“Toskala”), U.S. Patent No. 7,266,384 (“Kim”), U.S. Patent No. 6,829,482 (“Rune ’482”), U.S. Application Publication No. 2003/0147370 (“Wu”), U.S. Patent No. 8,023,463 (“Dick”), and U.S. Patent No. 7,372,898 (“Shin”). In response to a rejection of the initial set of claims based on Ranta-Aho and Wu (*see* EX1002 at 151-54), the applicant pointed out to the examiner the limitations of Ranta-Aho (namely, the lack of any teaching of a network node or base station having multiple cells or a handset receiving transmissions from multiple cells). *See* EX1002 at 109-14. In response to a final rejection that largely repeated the grounds for alleged invalidity (*id.* at 81-85), the applicant amended the claims to, inter alia, clarify that the primary cell is associated with a wireless network node and one or more non-primary cells are associated with the wireless network node, to emphasize the distinction from Ranta-Aho. *Id.* at 49-61.

Following this response, the claims were allowed and the examiner quoted this amendment in the reasons for allowance, among other claim language. *See id.* at 30-31.

### **C. Summary of Petitioner’s Proposed Grounds for Unpatentability**

Petitioner contends that claims 1, 2, 5-8, 11, and 12 of the ’803 Patent would have

been obvious under both pre- and post-AIA 35 U.S.C. § 103 (the applicable provision depends on the effective filing date of the challenged claims, which is disputed). The Petition raises three grounds of alleged unpatentability based on the following references:

1. 3GPP Technical Document R2-020088 (“Ericsson”);
2. 3GPP TS 25.331 V5.5.0 (“TS 25.331”);
3. PCT Application No. PCT/IB02/04293 (“Sebire”);
4. 3GPP TS 36.300 V10.6.0 (“TS 36.300”);
5. 3GPP TS 36.321 V10.6.0 (“TS 36.321”);
6. 3GPP TS 36.331 V10.6.0 (“TS 36.331”).

The specific grounds of alleged invalidity are summarized as follows:

| Ground | Basis           | Claims               | References                                |
|--------|-----------------|----------------------|---|
| 1      | §103 (post-AIA) | 1, 5-7, 11, and 12   | TS36.300 in view of TS36.321 and TS36.331 |
| 2      | §103 (pre-AIA)  | 1, 2, 5-8, 11 and 12 | Ericsson in view of TS 25.331             |
| 3      | §103 (pre-AIA)  | 5-6 and 11-12        | Ericsson in view of TS 25.331 and Sebire  |

**D. Petitioner’s Relied-Upon References**

The six references relied upon by Petitioner are summarized as follows:

1. ***Overview of Ericsson (Ex. 1005)***

3GPP Technical Document R2-020088 (“Ericsson”) is a submission to 3GPP’s servers on January 4, 2002 from Ericsson. EX1005. Ericsson is associated with 3GPP TSG-RAN WG2#26. *Id.* Ericsson’s title is “Mobility examples when the UE has an HS-PDSCH assignment.” *Id.*

2. ***Overview of TS 25.331 (Ex. 1006)***

3GPP TS 25.331 V5.5.0 (“TS 25.331”) is a technical specification from the 3<sup>rd</sup> Generation Partnership Project published in June, 2003. EX1006. TS 25.331 specifies the Radio Resource Control protocol for the UE-UTRAN radio interface. *See id.* at 27.

3. ***Overview of Sebire (Ex. 1007)***

PCT Application No. PCT/IB02/04293 (“Sebire”) is an international patent application published on April 24, 2003 as WO 03/034766. EX1007 at 1. Sebire is titled “A Handover Method” and purports to set forth “[a] method of handing over user equipment from a source cell to a target cell in a cellular communications network comprises the steps of sending to the user from the source Temporary Block Flow (TBF) link information for the target cell, while the user is associated with said source.” *Id.*

4. ***Overview of TS 36.300 (Ex. 1008)***

3GPP TS 36.300 V10.6.0 (“TS 36.300”) is a technical specification from the

3<sup>rd</sup> Generation Partnership Project published in December, 2011. TS 36.300 provides an overview and overall description of the E-UTRAN radio interface protocol architecture. *See* EX1008 at 13.

**5. Overview of TS 36.321 (Ex. 1009)**

3GPP TS 36.321 V10.6.0 (“TS 36.321”) is a technical specification from the 3<sup>rd</sup> Generation Partnership Project published in September, 2012. TS 36.321 specifies the E-UTRA MAC protocol. *See* EX1009 at 6.

**6. Overview of TS 36.331 (Ex. 1010)**

3GPP TS 36.331 V10.6.0 (“TS 36.331”) is a technical specification from the 3<sup>rd</sup> Generation Partnership Project published in June, 2012. TS 36.331 specifies the Radio Resource Control protocol for the radio interface between UE and E-UTRAN as well as for the radio interface between RN and E-UTRAN.” *See* EX1010 at 14.

**III. CLAIM CONSTRUCTION**

Petitioner requested a claim construction of the terms “wireless network node,” “primary cell,” “one or more non-primary cells,” and “downlink shared channel transmission” in the parallel District Court Action (*Pantech Corp. et al. v. OnePlus Tech. (Shenzhen) Co., Ltd.*, No. 5:24-cv-00038-RWS-JBB (E.D. Tex.)). The Magistrate Judge has rejected Petitioner’s proposed constructions, and applied a plain and ordinary meaning for the first three terms, and applies a construction of “a transmission in a downlink shared channel” for the final term (“downlink shared

channel transmission”). *See* EX2011 at 38. For purposes of this Preliminary Response, Patent Owner also applies the plain and ordinary meaning of all terms except for “downlink shared channel transmission,” for which it applies a meaning of “a transmission in a downlink shared channel” according to the reasoning set forth by the Magistrate Judge. *See* EX2011 at 36-37 (“[downlink shared channel transmission] has an ordinary meaning in the art, which is ‘a transmission in a downlink shared channel.’”).

#### **IV. LEGAL STANDARDS FOR INVALIDITY**

##### **A. Obviousness under 35 U.S.C. § 103**

A claim is not patentable if the differences between it and the prior art are such that the subject matter as a whole would have been obvious to a person of ordinary skill in the art at the time of the invention. 35 U.S.C. § 103(a).<sup>1</sup> Obviousness requires assessing (1) the “level of ordinary skill in the pertinent art,” (2) the “scope and content of the prior art,” (3) the “differences between the prior art and the claims at issue,” and (4) “secondary considerations” of non-obviousness such as “commercial success, long felt but unsolved needs, failure of others, etc.” *KSR Int’l*

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<sup>1</sup> Differences between pre- and post- AIA § 103 are not pertinent to this section as written.

*Co. v. Teleflex Inc.*, 550 U.S. 398, 406 (2007) (quoting *Graham v. John Deere Co. of Kansas City*, 383 U.S. 1, 17-18 (1966)).

It is a petitioner’s burden “to demonstrate both ‘that a skilled artisan would have been motivated to combine the teachings of the prior art references to achieve the claimed invention, and that the skilled artisan would have had a reasonable expectation of success in doing so.’” *Intelligent Bio-Systems, Inc. v. Illumina Cambridge Ltd.*, 821 F.3d 1359, 1367-68 (Fed. Cir. 2016) (quotations and citations omitted). However, a petitioner must first show that all of the claimed elements are disclosed in the prior art. *See Medichem, S.A. v. Rolabo, S.L.*, 437 F.3d 1157, 1164 (Fed. Cir. 2006) (considering motivation to combine and reasonable expectation of success only “if all the elements of an invention are found in a combination of prior art references”).

**V. THE PETITION DOES NOT SHOW A REASONABLE LIKELIHOOD OF PREVAILING WITH RESPECT TO ANY CHALLENGED CLAIM**

In addition to the grounds already presented in Patent Owner’s Request for Discretionary Denial, institution should be denied because Petitioner does not establish a reasonable likelihood of prevailing against either challenged claim.

**A. Ground 1: Petitioner Fails To Establish that the Effective Filing Date of the Challenged Claims Post-Dates Its Prior Art.**

It is undisputed that the prior art references on which Ground 1 relies were published between December, 2011 (for TS 36.300) and September, 2012 (for TS

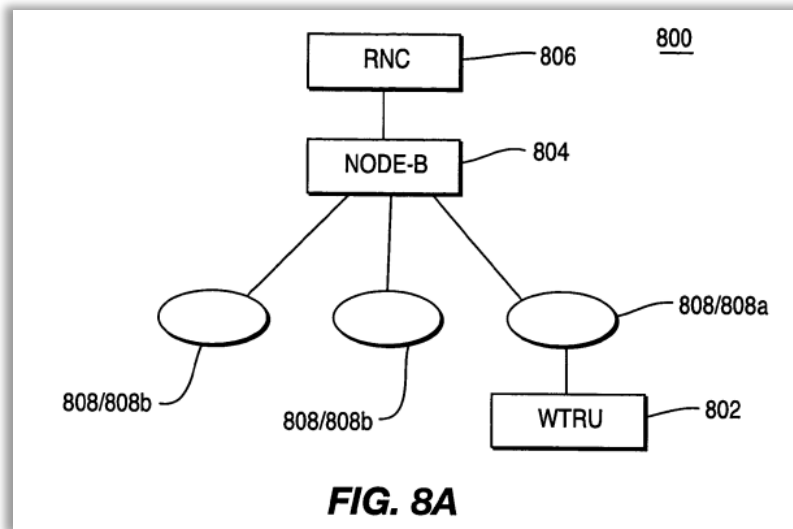
36.321). *See* Pet. at 18-20. It is also undisputed that these references (TS 36.300, TS 36.321, and TS 36.331) are also relied upon in Patent Owner's infringement contentions in the related District Court litigation. *See id.*

Thus, a key dispute for Ground 1 is the effective filing date of the Challenged Claims of the '803 Patent, and specifically whether this effective filing date comes before September 21, 2012 (the publication date of TS 36.321). It does. A secondary dispute may arise because Petitioner makes no allegations of effective priority date applicable to Challenged Claims 7, 8, 11, and 12.

Petitioner's arguments for why the Challenged Claims of the '803 Patent do not receive the effective filing date of the patent applications from which the '803 Patent is a continuation (namely, U.S. Patent App. No. 15/212,403, filed on Jul. 18, 2016, which is a continuation of U.S. Patent App. No. 13/236,133 filed on Sep. 19, 2011, which is a continuation of U.S. Patent App. No. 10/925,426, filed on Aug. 25, 2004) is that, allegedly, there is not written description support for the claim elements from claim 1 of (1) "a primary cell is associated with a wireless network node and one or more non-primary cells are associated with the wireless network node," and (2) causing a WTRU to "receive configuration information for the

primary cells and the one or more non-primary cells.” *See* Pet. at 10.<sup>2</sup>

But this is incorrect. The ’803 Patent discloses that the WTRU will “establish[] connections with more than one cell 808 which are controlled by the same Node-B 804” (*see* ’803 Patent at 8:42-52), and that “[o]ne of the cells 808 may be designated as a primary cell 808a, while other cells are designated as non-primary cells 808b” (*id.* at 9:4-6), referencing Figure 8A:



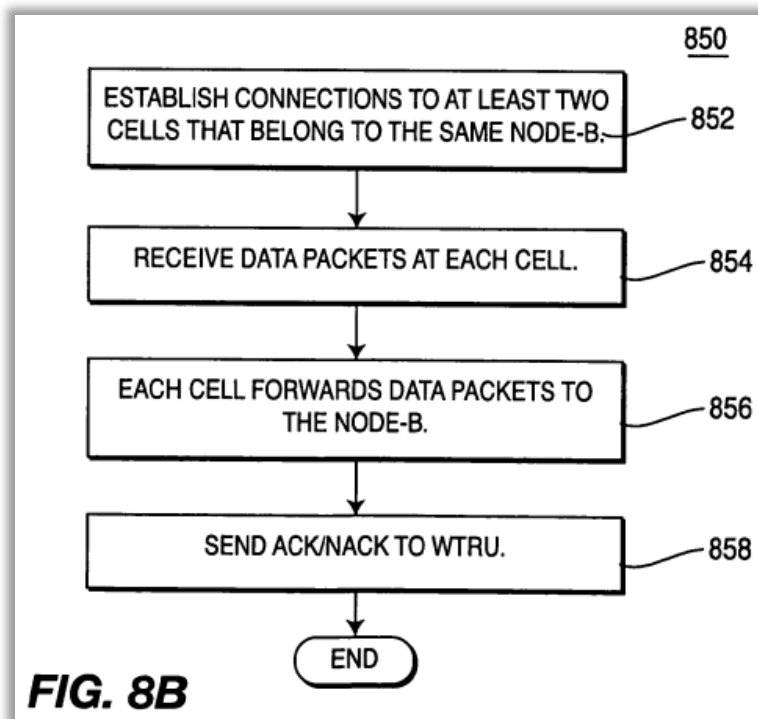
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<sup>2</sup> Petitioner makes no other allegations for any other claims, including independent claim 7, on which Challenged Claims 8, 11, and 12 depend. On this basis, Petitioner cannot carry its burden to show invalidity regarding claims 7, 8, 11, and 12. Nevertheless, to the extent that claim 7 has similar limitations to claim 1, the same written description support as identified for claim 1 applies to claim 7.

'803 Patent at Fig. 8A.

Identical disclosures are made in U.S. Patent App. Pub. No. 2005/0111389 (the publication of U.S. Patent App. No. 10/925,426 (the "'426 App."), filed on Aug. 25, 2004, from which the '803 Patent derives through an unbroken chain of priority applications). See EX2012 (the '426 App.) at ¶¶ [0049], [0053]; Fig. 8A.

Establishing connections to at least two cells belonging to the same base station is also set forth in Fig. 8B of the '803 Patent, with corresponding disclosures in the '426 App.:



'803 Patent at Fig. 8B; EX2012 at Fig. 8B.

Petitioner does not acknowledge Figures 8A and 8B, but acknowledges (as it

must) at least part of the corresponding description in the written specification. *See* Pet. at 11-12 (citing '803 Patent at 8:44-50). Petitioner then concedes that “[w]hile the above quoted passage from the '803 patent specification and its parent priority patent applications arguably teaches that a WTRU establishes a connection with more than one cell, there is no description of a WTRU ‘*receiving configuration information*’ for the more than one cell, as recited in claim 1 of the '803 patent.” Pet. at 12.

Petitioner’s argument about reception of configuration information by the WTRU is deeply flawed, both factually and legally. For purposes of written description support, “the test for sufficiency is whether the disclosure of the application relied upon reasonably conveys to those skilled in the art that the inventor had possession of the claimed subject matter as of the filing date.” *Ariad Pharms., Inc. v. Eli Lilly & Co.*, 598 F.3d 1336, 1352 (Fed. Cir. 2010) (en banc). Furthermore, it is well established that there is no requirement that “the specification recite the claimed invention *in haec verba*.” *Id.*; *see also LizardTech, Inc. v. Earth Resource Mapping, Inc.*, 424 F.3d 1336, 1345 (Fed. Cir. 2005) (“[T]he patent specification is written for a person of skill in the art, and such a person comes to the patent with the knowledge of what has come before . . . . Placed in that context, it is unnecessary to spell out every detail of the invention in the specification; only enough must be

included to convince a person of skill in the art that the inventor possessed the invention and to enable such a person to make and use the invention without undue experimentation.”).

First, the '803 Patent (and the '426 App.) discloses that the WTRU receives configuration information for the relevant cells: “[o]nce the RNC 1006 selects cells for the active set, the RNC 1006 sends messages to the Node- Bs 1004a, 1004b and the WTRU 1002 to inform the selected cells for the active set.” *See* '803 Patent at 9:66-10:2; EX2012 at ¶ [0057] (same). This disclosure is not addressed by Petitioner.

Furthermore, even without this disclosure from the '803 Patent at 9:66-10:2, 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. Such a disclosure, combined with disclosures such as that “[i]n order to implement this scheme [in Figs. 8A and 8B], there is a timing offset between the transmission of the shared channel indicator from the primary cell 808a and the transmission of messages from non-primary cells 808b” ('803 Patent at 9:10-14; EX2012 at ¶ [0053]), make clear that the inventors recognized that the WTRU would “receive configuration information for the primary cells and the one or more non-primary cells,” as set forth in claim 1.

The mere fact of sending configuration information to “establish connections”

with cells is the sort of background information about the inherent functioning of base stations that comes with the “knowledge of what has come before” of a POSITA and is “unnecessary to spell out [in] every detail.” *See LizardTech*, 424 F.3d at 1345. As just one example, Petitioner’s secondary reference for Grounds 2 and 3 makes clear the known purpose of the widespread Radio Resource Control (RRC) protocol: “Establishment, reconfiguration and release of Radio Bearers.” *See EX1006* at 35. Petitioner even acknowledges this with regard to TS 25.331. *See Pet.* at 42-43. The inventors certainly possessed knowledge of this fundamental knowledge: “Under the current 3GPP standards, the RNC applies RRC radio bearer (RB) control procedures to coordinate active set cells with the WTRU.” ’803 Patent at 2:42-45; EX2012 at [0010].

Indeed, it is implausible that connections could be established with any cells without configuration information being received by the WTRU. Petitioner has cited no way in which this could occur, it is contrary to the established knowledge of the time regarding the RRC protocol, and Petitioner’s expert’s opinion in this regard (*see EX1003* at ¶¶ 113-17) is a conclusory echo of the petition that misses the mark by focusing only on the explicit disclosure and not what this disclosure shows was possessed by the inventors. *See Ariad*, 598 F.3d at 1352.

In short, Petitioner does not address the full scope of written description

support for the challenged terms, both in terms of the full explicit disclosures of the '803 Patent and its priority applications and in terms of the fundamental knowledge of a POSITA regarding RRC protocols. Accordingly, Ground 1 has no likelihood of success.

**B. Grounds 2-3: Petitioner Fails to Establish that Ericsson in View of TS 25.331 or Sebire Renders Obvious Any Challenged Claim.**

Petitioner has not shown a reasonable likelihood of prevailing on Ground 2 because Ericsson concerns a different concept than the invention claimed by the Challenged Claims of the '803 Patent, and accordingly does not disclose or render obvious at least the limitations whereby there are “primary” and “non-primary” cells. Petitioner does not rely on either TS 25.331 or Sebire as secondary references for these limitations, and accordingly they cannot cure the deficiencies of Ericsson.

Ericsson concerns, at most, a handover process whereby “[t]he serving HS-DSCH cell is changed without change of the active set.” Ericsson does not make explicitly clear what an “active set” is, but does say that “[t]he same Node B controls source and target HS-HSCH cells.” EX1005 at 1.

But what Ericsson lacks is connection by a UE to more than one cell. This deficiency means that Ericsson does not teach the use of a “primary cell” and “one or more non-primary cells,” as required by claims 1 and 7 (and therefore all Challenged Claims). These claim limitations require that the WTRU be connected

to more than one cell (one of which is the primary cell, and one or more of which are the non-primary cells), and Ericsson fails to teach or render obvious this aspect of the claimed invention of the Challenged Claims.

According to the '803 Patent, the WTRU is taught as being connected “with more than one cell [] which are controlled by the same Node-B,” and “[o]ne of the[se] cells 808 may be designated as a primary cell 808a, while other cells are designated as non-primary cells 808b.” '803 Patent at 8:44-46, 9:4-6 (both describing Figures 8A and 8B). The plain and ordinary meaning of “primary” and “non-primary” cells, and indeed the only meaning applied by the '803 Patent, is that the “primary” and “non-primary” cells are all cells that the WTRU is connected to. There is no other basis for the primary/non-primary distinction.<sup>3</sup>

Ericsson teaches multiple cells that are associated with a wireless network node, but the WTRU of Ericsson is not connected to them at the same time, and thus they are not “primary” or “non-primary” cells. Instead, the relevant cells in Ericsson

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<sup>3</sup> Indeed, the requirements set forth by dependent claims 3-6 and 9-12 are nonsensical if the primary cell is the only cell that the WTRU is connected to at a given time. This is not so much a matter of claim construction as the only possible plain and ordinary meaning.

are “source” and “target” HS-DSCH cells. *See* EX1005 at 1. Ericsson teaches a “transition from source to target HS-DSCH cell [which] is performed synchronised, *i.e.* at a given activation time.” *Id.* at 4; *see also id.* at Figure 3 (“start tx/rx for HS-DSCH in target HS-DSCH cell, stop tx/rx for HS-DSCH in source HS-DSCH cell at the given activation time”); *id.* at Figure 2 (no overlap in connections for the source cell or the target cell for “synchronized serving HS-DSCH cell change”). In other words, there is a transition in Ericsson from a source to a target cell, but never a connection to both.

Because there is never a connection to both the source and target HS-DSCH cells, they cannot be primary and non-primary cells. Petitioner ignores this requirement in its allegations regarding primary and non-primary cells: “Ericsson teaches a UE [] undergoing a serving cell change where the source cell (*i.e.*, primary cell) is changed to a target cell (*i.e.*, one or more non-primary cells).” Pet. at 40. But there is nothing primary or non-primary about the cells Petitioner points to in Ericsson; one cell is the “primary” cell at a given time, and the other cell is the “primary cell” at a later time. There is never a non-primary cell that the WTRU is connected to.

Accordingly, Ericsson does not teach the use of “primary” or “non-primary” cells, and therefore cannot render obvious the Challenged Claims. Petitioner does

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not rely on any secondary reference for these claim requirements. *See* Pet. at 40, 57.

Grounds 2 and 3 therefore have no likelihood of success with respect to any Challenged Claim.

## **VI. CONCLUSION**

For at least the foregoing reasons, the Board should deny institution.

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Respectfully submitted,

/James A. Fussell Reg No 54885 /  
Amanda S. Bonner  
Registration No. 65,224  
Mayer Brown LLP  
71 S. Wacker Drive  
Chicago, IL 60606  
Telephone: 312-782-0600  
Facsimile: 312-706-8157  
asbonner@mayerbrown.com

James A. Fussell, III  
Registration No. 54,885  
Clark S. Bakewell  
Registration No. 71,615  
Mayer Brown LLP  
1999 K Street NW  
Washington, D.C. 20006  
Telephone: 202-263-3000  
Facsimile: 202-263-3300  
jfussell@mayerbrown.com  
cbakewell@mayerbrown.com

*Attorneys for Pantech Corporation*

Case IPR2025-00756  
Patent No. 10,764,803  
Patent Owner Preliminary Response

**CERTIFICATE OF SERVICE**

I hereby certify that on this 12th day of September, 2025, a copy of the attached **PATENT OWNER'S PRELIMINARY RESPONSE** was served by electronic mail to the attorneys of record, at the following addresses:

Wesley O. Mueller  
Christopher J. Gass  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, Illinois 60601-6745  
Tel: (312) 616-5600  
Fax: (312) 616-5700  
[wmueller@leydig.com](mailto:wmueller@leydig.com)  
[cgass@leydig.com](mailto:cgass@leydig.com)  
  
[OneplusLitigation@leydig.com](mailto:OneplusLitigation@leydig.com)

Respectfully submitted,

Date: September 12, 2025

By: /James A. Fussell Reg No 54885/  
James A. Fussell (Reg. No. 54,885)

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**CERTIFICATION PURSUANT TO 37 C.F.R. § 42.24(d)**

Pursuant 37 CFR 42.24(d), the undersigned certifies that this Preliminary Response complies with the type-volume limitation of 37 CFR §42.24(a). The word count application of the word processing program used to prepare this Preliminary Response indicates that the Preliminary Response contains 3,618 words, excluding the parts of the brief exempted by 37 C.F.R. § 42.24(a).

Respectfully submitted,

Date: September 12, 2025

By: /James A. Fussell Reg No 54885/  
James A. Fussell (Reg. No. 54,885)