

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

IN RE NEO WIRELESS, LLC
PATENT LITIG.

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2:22-MD-03034-TGB

HON. TERRENCE G. BERG

**DECLARATION OF WILLIAM ALBERTH IN SUPPORT OF NEO WIRELESS'S
OPENING CLAIM CONSTRUCTION BRIEF**

TABLE OF CONTENTS

- I. INTRODUCTION 1
- II. QUALIFICATIONS 2
- III. LEGAL STANDARD..... 3
 - A. Person of Ordinary Skill in the Art 4
 - B. Patent Claims and Claim Construction 4
- IV. LEVEL OF ORDINARY SKILL IN THE ART 5
- V. THE '366 PATENT 6
- VI. THE '941 PATENT 9
- VII. THE '450 PATENT 11
- VIII. THE '908 PATENT 13
- IX. THE '302 PATENT 14
- X. THE '512 PATENT 15
- XI. CONCLUSION..... 17

I. INTRODUCTION

1. My name is William P. Alberth, Jr. I am an expert in mobile telecommunications and wireless technology. As further detailed below and exhibited in my filed Curriculum Vitae, Dkt. 118, I have over 25 years of experience in the design, development, implementation, and manufacturing of mobile telephones, smartphones, and other electronic equipment in addition to being an inventor on over 100 patents, including those related to telecommunications and wireless communications.

2. I have been retained by Neo Wireless LLC (“Neo”) to provide opinions concerning the claim construction and definiteness of certain limitations in the asserted claims of U.S. Patent Nos. 8,467,366 (“the ’366 patent”), 10,075,941 (“the ’941 patent”), 10,447,450 (“the ’450 patent”), 10,833,908 (“the ’908 patent”), 10,771,302 (“the ’302 Patent”), and 10,965,512 (“the ’512 Patent”) (collectively “the asserted patents”). For my work on this case, I am being compensated for my time at my typical consulting rate of \$200 per hour. I am also being reimbursed for expenses that I incur during the course of this work. My compensation does not depend on the substance of my opinions or the outcome of any issues in this case.

My opinions regarding the proper construction of the terms at issue are set forth below. I understand that the Defendants in this case may submit arguments and expert declarations in support of their proposed constructions at a later date, and I reserve the right to supplement my opinions in response to those arguments.

3. I have personal knowledge of the facts and opinions set forth in this declaration, and, if called upon to do so, I would testify competently thereto.

4. In forming my opinions, I understand that the claims should be interpreted as they would be understood by a person of ordinary skill in the art of the patents at the times their respective

applications were filed. I understand that the claims are to be construed with reference to the patent's specification, the claims, the prosecution history, in light of the plain meaning of the terms used in the claims, and with reference to other sources of information, such as dictionaries, textbooks, and literature or other patents in the same or related fields.

5. My analysis of the materials produced in this matter is ongoing and I will continue to review any new material as it is provided. This declaration represents only those opinions I have formed to date. I reserve the right to amend or supplement my opinions based on additional documents or evidence I am presented, including without limitation any arguments or expert declarations advanced by Defendants in this case.

II. QUALIFICATIONS

6. I believe that I am qualified to be an expert witness in this matter as I possess the requisite knowledge, skill, experience, training and education relating to the subject matter covered by the asserted patents.

7. In summary, I have over 25 years of experience in the design, development, implementation, and manufacturing of mobile telephones, smartphones, and other electronic equipment. The majority of my career was spent at Motorola where my final role was serving as the Chief Technology Officer for Motorola Mobile Devices. I held that position from 2007 until August 2012, and in that role, I led the development of differentiating technology that was integrated into Motorola's commercial mobile telephone products.

8. During the early stages of my career with Motorola (between 1987 and 2006, covering the Priority Dates of the asserted patents), I was employed as an engineer, working on developing cutting-edge chipsets to enable cellular devices, and in the development of many products that changed the way people communicated, including the development of the Motorola

MicroTAC, StarTAC and RAZR mobile telephones. I worked on or directed work on evaluating transmitter technologies and architectures to mitigate the effects of PAPR (Peak to Average Power Ratio) on the current drain of the devices. Some of the techniques evaluated include for example: pre-distortion; envelope following; EER (Envelope Elimination and Restoration); and Adaptive biasing.

9. My educational background includes a B.S. in Electrical Engineering from the University of Illinois Urbana-Champaign (1985), and a M.S. in Electrical Engineering from Illinois Institute of Technology (1992).

10. I am inventor or co-inventor on over 100 patents issued or pending, including patents related to my work on transmitter architectures involved for wireless communications.

11. In forming my opinions here, I am relying on my education and experience, including my over 25 years of experience in a variety of technologies and industries related to various wireless communications systems.

12. Additional information concerning my background, qualifications, publications, conferences, honors, and awards are described in my Curriculum Vitae, a copy of which has been submitted to the Court. *See* Dkt. 118.

III. LEGAL STANDARD

13. I am not a lawyer, and I do not intend to offer any opinions as to the interpretation of the law. However, I have a general understanding of claim construction based on my experience with patents, my work as an expert in other cases, and my conversations with counsel. I have been informed by counsel of various legal standards related to claim construction and indefiniteness. I set forth my understanding below.

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