

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

IN RE NEO WIRELESS, LLC
PATENT LITIGATION

2:22-MD-03034-TGB
Hon. Terrence G. Berg

DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

Table of Contents	i
Table of Authorities	iii
List of Common Abbreviations	vi
Index of Exhibits	viii
Table of Competing Constructions	x
Table of Agreed Constructions	xiv
I. Technical Background	1
II. Applicable Legal Principles.....	1
III. Level of Ordinary Skill in the Art	2
IV. The '366 Patent.....	3
A. “the ranging signal exhibits a low peak-to-average power ratio in the time domain” (Claims 1, 17).....	3
B. “a ranging sequence selected from a set of ranging sequences” (Claims 1, 17).....	7
V. The '908 Patent.....	11
A. “wherein the portion of the frequency band used for transmission of the random access signal does not include control channels” (Claim 4)	11
B. “associated with” (Claims 1-2, 9)	13
C. “random access signal” (Claims 1-2, 4, 6-9).....	16
VI. The '450 Patent.....	21
A. “time-frequency resource unit” (Claims 7, 11).....	21
VII. The '941 Patent.....	24
A. “the antenna transmission scheme comprising a transmission diversity scheme or a multiple-input multiple-output (MIMO) scheme” (Claims	

8, 13).....	24
B. “the mobile station-specific transmission parameters indicate . . . a corresponding subchannel configuration . . . the corresponding subchannel configuration characterized by distributed subcarriers or localized subcarriers in the frequency domain” (Claims 8, 13).....	27
VIII. The ’302 Patent.....	31
A. “probing signal” (Claims 23-24, 26, 28).....	31
B. The Antecedent Basis Terms in Claim 23: [1] “the probing signal is configured to occupy a portion of spectrum in the uplink frequency band not designated for transmission of uplink control signals in the system” [2] “a receiver configured to receive a request for a probing signal from a base station in the system” [3] “the probing signal is configured to overlap, in the time domain, with uplink signals transmitted over an uplink frequency band by other mobile devices in the system”	33
IX. The ’512 Patent.....	34
A. “wherein the first plurality of subcarriers and the second plurality of subcarriers are received in at least one of the time slots” (Claims 15, 23).....	34
B. “second pilots of a second type” (Claims 15, 23).....	36
X. Conclusion	40

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>ACTV, Inc. v. Walt Disney Co.</i> , 346 F.3d 1082 (Fed. Cir. 2003)	9
<i>Advanced Software Design Corp. v. Fiserv Inc.</i> , 641 F.3d 1368 (Fed. Cir. 2011)	13
<i>Allen Eng'g Corp. v. Bartell Indus., Inc.</i> , 299 F.3d 1336 (Fed. Cir. 2002)	36
<i>Alloc, Inc. v. Int'l Trade Comm'n</i> , 342 F.3d 1361 (Fed. Cir. 2003)	38
<i>American Calcar, Inc. v. American Honda Motor Co., Inc.</i> , 651 F.3d 1318 (Fed. Cir. 2011)	20
<i>Ariad Pharm. Inc. v. Eli Lilly & Co.</i> , 598 F.3d 1336 (Fed. Cir. 2010)	10
<i>Aylus Networks, Inv. v. Apple Inc.</i> , 856 F.3d 1353 (Fed. Cir. 2017)	13, 14, 21, 30
<i>Berkheimer v. HP Inc.</i> , 881 F.3d 1360 (Fed. Cir. 2018)	3, 4
<i>Biosig Instr., Inc. v. Nautilus, Inc.</i> , 783 F.3d 1374 (Fed. Cir. 2015)	3
<i>Braintree Labs., Inc. v. Novel Labs., Inc.</i> , 749 F.3d 1349 (Fed. Cir. 2014)	7, 40
<i>Hill-Rom Servs., Inc. v. Stryker Corp.</i> , 755 F.3d 1367 (Fed. Cir. 2014)	36
<i>Honeywell Int'l, Inc. v. ITT Indus., Inc.</i> , 452 F.3d 1312 (Fed. Cir. 2006)	39
<i>Huawei Techs. Co. Ltd., v. Samsung Elecs. Co. Ltd.</i> , 2018 WL 1364022 (PTAB Mar. 15, 2018).....	12, 13

<i>Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.</i> , 381 F.3d 1111 (Fed. Cir. 2004)	24
<i>Interval Licensing LLC v. AOL, Inc.</i> , 766 F.3d 1364 (Fed. Cir. 2014)	2
<i>Kustom Signals, Inc. v. Applied Concepts, Inc.</i> , 264 F.3d 1326 (Fed. Cir. 2001)	25, 28
<i>Kyocera Senco Indus. Tools Inc. v. Int'l Trade Comm'n</i> , 22 F.4th 1369 (Fed. Cir. 2022)	40
<i>Mangosoft, Inc. v. Oracle Corp.</i> , 525 F.3d 1327 (Fed. Cir. 2008)	39
<i>Markman v. Westview Instruments, Inc.</i> , 52 F.3d 967 (Fed Cir. 1995) (en banc)	1
<i>Medicines Co. v. Mylan, Inc.</i> , 853 F.3d 1296 (Fed. Cir. 2017)	8
<i>Microsoft Corp. v. Multi-Tech Sys., Inc.</i> , 357 F.3d 1340 (Fed. Cir. 2004)	18, 37
<i>Moleculon Rsch. Corp. v. CBS, Inc.</i> , 793 F.2d 1261 (Fed. Cir. 1986)	26
<i>Multiform Desiccants, Inc. v. Medzam, Ltd.</i> , 133 F.3d 1473 (Fed. Cir. 1998)	20
<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 572 U.S. 898 (2014).....	2, 3, 6, 7
<i>O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.</i> , 521 F.3d 1351 (Fed. Cir. 2008)	1
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (en banc)	1, 8, 10
<i>Retractable Techs., Inc. v. Becton, Dickinson & Co.</i> , 653 F.3d 1296 (Fed. Cir. 2011)	9

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.