CONTAINS CONFIDENTIAL BUSINESS INFORMATION
SUBJECT TO PROTECTIVE ORDER

THE UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.
Before the Honorable David P. Shaw
Administrative Law Judge

In the Matter of **CERTAIN WIRELESS DEVICES WITH 3G Capabilities AND COMPONENTS THEREOF**	**Investigation No. 337-TA-800**

REBUTTAL WITNESS STATEMENT OF

DR. HARRY BIMS

JANUARY 18, 2013

> If the first wireless digital communication mode is available, a communication session between the first and second sites using the first wireless digital communication path is established.
>
> On the other hand, if the first wireless digital communication path is not available, a communication session between the first and second sites using the second wireless digital communication path is established.

This path extends from, e.g. a portable computer to the intended "peer" computer with which it is communicating over the path which runs from through the base station to the peer computer. This shown at 4:6-14 of JX-0005 (970 Patent):

> [T]he second wireless digital communication path is provided by establishing a logical connection using a higher layer protocol, such as a network layer protocol, from a subscriber unit, such as may be connected to a portable computer node, to an intended peer node, such as another computer. The network layer logical connection is made through a wireless channel which provides a physical layer connection between the portable computer node, through a base station, and the intended peer node.

If the physical connection is released, a connection no longer exists; at best the appearance of a connection can be maintained. This shown at 4:14-18 of JX-0005 (970 Patent): 4:14-18:

> In response to relatively low utilization of the wireless channel, the physical layer channel is released while maintaining the appearance of a network layer connection to the higher level protocols.

Q275) Is maintaining a PDP Context the same thing as maintaining a communication session?

A) It follows from the analysis I just testified about, that a collection of information that merely describes a communication path (a PDP Context) is not a "connection" within the meaning of the 970 Patent, and thus not a communication session even under InterDigital's construction. Thus, after the release of all physical layer channels, the mere existence of a PDP Context establishes neither "the appearance to higher layers in the cellular layered communications protocol of an active physical layer connection is

maintained" (Respondents' construction of this limitation), nor is "a connection above the physical layer maintained" (InterDigital's construction).

(2) In CDMA2000 preserving a CDMA2000 session is not "maintaining a communication session" even under InterDigital's proposed constructions.

Q276) Let's turn to CDMA2000. What is Dr. Stark's opinion about a "communication session" in CDMA2000?

A) In forming his opinion on this claim limitation, Dr. Stark limits his analysis to a "session" in the CDMA2000 standard, for example, in CX-1306C (Stark Direct Stmt.) at Q.1351.

Q277) Is the CDMA2000 Session a communication session within InterDigital's construction?

A) No. Although the terminology is similar, under InterDigital's proposed construction, a communication session is an actual connection. Preserving a CDMA2000 "session" does not maintain a connection as required by InterDigital's construction.

Q278) Why not?

A) In CX-1306C (Stark Direct Stmt.) at Q.2082 Dr. Stark describes what a CDMA2000 "session" is:

> In CDMA2000 EV-DO Rev. A, a session is a shared state maintained between a subscriber unit and the access network as described in Exhibit JX-0038 (3GPP2 C.S0024-A) at § 7.1.1. This "session" includes information such as a unicast address (UATI) assigned to the user device, a set of protocols used by the user device and the access network to communicate, configuration settings for these protocols, and an estimate of the current user device location as described in Exhibit JX-0038 (3GPP2 C.S0024-A) at §§ 1.9, 7.1.1 and Exhibit CX-0410 (A.S0008-A) at §§ 1.12.1, 3.3.1, 3.3.2.

In other words, this CDMA2000 "session" is a collection of information including addresses, protocols and location.

replacement. Both suggest that Tantivity did not envision its I-CDMA products as mobile phones as of August of 1999.

Also, the next slide, slide 9, suggests wireless LANs were considered to be separate from Tantivity's offerings. That suggests that nothing in the presentation materials, other than the future business plans on slide 29, refers to dual-mode devices with WLAN.

Another slide, slide 26, refers to reverse link "heartbeat" capability. That reference suggests that the I-CDMA protocol included a reverse link, or uplink, channel that was always assigned and not released.

Slide 26 also suggest that improvements in the RF link margin allowed for higher data rates are due to the antenna array in the subscriber unit.

Q658) Are your answers to these questions true and correct to the best of your knowledge and belief?

A) Yes.

Q659) Does this witness statement contain your answers to questions from counsel?

A) Yes.

January 18, 2013

Dr. Harry Bims