

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

INTERDIGITAL COMMUNICATIONS, INC., a Delaware corporation, INTERDIGITAL TECHNOLOGY CORPORATION, a Delaware corporation, IPR LICENSING, INC., a Delaware corporation, and INTERDIGITAL HOLDINGS, INC., a Delaware corporation,,

Plaintiffs and Counterclaim Defendants,

v.

HUAWEI TECHNOLOGIES CO., LTD., a Chinese corporation, FUTUREWEI TECHNOLOGIES, INC. D/B/A HUAWEI TECHNOLOGIES (USA), a Texas corporation, and HUAWEI DEVICE USA, INC., a Texas corporation,,

Defendants and Counterclaim Plaintiffs.

Civil Action No.: 1:13-cv-00008-RGA

**JURY TRIAL DEMANDED**

INTERDIGITAL COMMUNICATIONS, INC., a Delaware corporation, INTERDIGITAL TECHNOLOGY CORPORATION, a Delaware corporation, IPR LICENSING, INC., a Delaware corporation, and INTERDIGITAL HOLDINGS, INC., a Delaware corporation,

Plaintiffs and Counterclaim Defendants,

v.

ZTE CORPORATION, a Chinese corporation, and ZTE (USA) INC., a New Jersey corporation,

Defendants and Counterclaim Plaintiffs.

Civil Action No.: 1:13-cv-00009-RGA

**JURY TRIAL DEMANDED**

INTERDIGITAL COMMUNICATIONS, INC., a Delaware corporation, INTERDIGITAL TECHNOLOGY CORPORATION, a Delaware corporation, IPR LICENSING, INC., a Delaware corporation, and INTERDIGITAL HOLDINGS, INC., a Delaware corporation,

Plaintiffs and Counterclaim Defendants,

v.

NOKIA CORPORATION, and NOKIA, INC.,

Defendants and Counterclaim Plaintiffs.

Civil Action No.: 1:13-cv-00010-RGA

**JURY TRIAL DEMANDED**

**AMENDED JOINT CLAIM CONSTRUCTION CHART**

# EXHIBIT A<sup>1</sup>

	Claim Terms	Plaintiffs' Proposed Claim Constructions and Intrinsic Evidence <sup>2</sup>	Defendants' Proposed Claim Constructions and Intrinsic Evidence
1	U.S. Patent No. 7,286,847 carry no data/ not providing data/does not include data	<p><b>Proposed Construction:</b> not modulated by data</p> <p><b>Intrinsic Evidence:</b> '847 patent, claims 1, 2, 4; 5:9-13, 7:44-49. '010 patent, 12:1-4, 20:14-16, 21:14-16, 24:42-47; Fig. 2d. '768 patent, 4:59-67, 7:28-37. U.S. Patent No. 6,493,563, 5:4, 7:45.</p>	<p><b>Proposed Construction:</b> not modulated by an information signal</p> <p><b>Intrinsic Evidence:</b> 847/966 Patents: 2:1-5; 3:25-36; 5:5-13; 6:18-24; 7:15-25; 7:41-49; 8:5-14; 8:15-22; 8:32-35; 8:54-66; 9:14-28; 9:54-61; Fig 3; Fig. 6A; Fig. 8.  To the extent that the common specification incorporates by reference the disclosure of U.S. Patent No. 5,799,010 ("the 010 Patent"), support for Defendants' proposed claim</p>

<sup>1</sup> The parties have provided examples of intrinsic evidence, and the parties reserve the right to rely on additional evidence as needed, including evidence cited by the other parties and rebuttal evidence. Citations to a figure should be construed as including the text in the specification describing that figure. Likewise, citation to text in the specification describing a figure should be construed as including the figure.

<sup>2</sup> The '847 and '966 Patents share a common specification. Thus, citations to the specification of one of the patents is equally applicable to the other patent and vice versa.

			construction may be found as follows in the '010 Patent: <sup>3</sup> 1:53-54; 17:47-48; 25:51-55.
2	function of a same code	<p><b><u>Proposed Construction:</u></b> produced from a same code</p> <p><b><u>Intrinsic Evidence:</u></b> '847 patent, claims 6, 9, 11; 9:20-21, 10:3-13. '010 patent, 4:38-49, 6:10-12, 12:1-4, 17:15-60, 17:52-19:22, 21:36-48, 22:15-18. NK868ITCSG000031057 at 31160 (U.S. Patent No. 5,022,049 at 5:61-6:9).</p>	<p><b><u>Proposed Construction:</u></b> selected from [a same / a portion of a / a remainder of the] code</p> <p><b><u>Intrinsic Evidence:</u></b> 847/966 Patents: st14-28; Fig. 8.</p>
3	code of a second type	<p><b><u>Proposed Construction:</u></b> No construction necessary, but if construed, plain meaning should apply, i.e., “of a second type” modifies the claim term “code” as per the plain and ordinary meaning of “of a second type”</p>	<p><b><u>Proposed Construction:</u></b> sequence of chips or bits of a type different from the first type, not modulated by a data signal, transmitted during power ramp-up to facilitate the initiation of communications</p> <p><b><u>Intrinsic Evidence:</u></b></p>

<sup>3</sup> The identification of sections of the '010 Patent in this chart is in no way an admission that any of the sections identified are incorporated by reference into the common specification of the '966 and '847 Patents. It is Defendants' position that the only subject matter that is incorporated by reference into the common specification is a detailed description of a closed loop power control algorithm. It is Plaintiffs' position that the '010 patent is incorporated by reference into the common specification of the '966 and '847 Patents in its entirety.

	<p><b><u>Intrinsic Evidence:</u></b></p> <p>See “code.”</p> <p>’847 patent, claims 7, 8, 10; 3:7-11, 8:5-14, 8:32-45.</p> <p>’010 patent, 14:34-37, 24:42-47, 58:3-8.</p> <p>U.S. Patent No. 7,117,004, claims 3-5.</p>	<p>847/966 Patents:</p> <p>2:1-5; 3:30-36; 5:9-10; 6:20-23; 7:15-25; 7:41-49; 8:5-14; 8:15-20; 8:32-35; 9:14-28; 9:54-61; Fig. 8.</p> <p>To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants’ proposed claim construction may be found as follows in the 010 Patent:</p> <p>1:53-54; 17:47-48; 25:51-55.</p>
<p>4</p> <p>access signal</p>	<p><b><u>Proposed Construction:</u></b></p> <p>No construction necessary, but if construed, plain meaning should apply, i.e., “a signal for gaining access to a communication channel” where “signal” means “a measurable quantity (e.g., a voltage) which varies in time in order to transmit information”</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>’847 patent, claims 2, 5, 6, 9, 11; 4:15-17, 4:51-54, 4:64-5:2-4, 5:10-13, 6:67-7:2, 8:5-14, 8:32-45, 8:66-9:4-6, 9:36-49, 9:54-61, 10:10-19, 10:40-46, 10:49-53, Figs. 1, 4, 9, 10.</p> <p>’966 patent, claims 1, 9-11.</p> <p>’010 patent, 1:10-16, 1:50-60, 1:65-2:3,</p>	<p><b><u>Proposed Construction:</u></b></p> <p>sequence of chips or bits, not modulated by a data signal, transmitted during power ramp-up to facilitate the initiation of communications</p> <p><b><u>Intrinsic Evidence:</u></b></p> <p>847/966 Patents:</p> <p>1:31-34; 2:1-5; 2:38-42; 3:19-23; 3:30-36; 5:2-4; 5:9-10; 5:63-67; 6:1-6; 6:20-23; 7:15-25; 7:41-49; 8:5-14; 8:15-20; 8:23-45; 9:14-28; 9:54-61; Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8.</p> <p>To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants’ proposed claim construction may be found as follows in the 010 Patent:</p>

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