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November 10, 2015

The Honorable Thomas B. Pender
Administrative Law Judge
International Trade Commission
500 E Street, S.W.
Washington, D.C. 20436

**Re: *Certain Audio Processing Hardware and Software and Products Containing Same,*
Inv. No. 337-TA-949**

Dear Judge Pender:

I write on behalf of all of the parties with respect to the upcoming claim construction hearing scheduled for November 16-17. Following the completion of *Markman* briefing, the parties have conferred extensively in a cooperative effort to decrease the number of disputed claims and generally streamline the claim construction hearing. I am pleased to report that the parties have now agreed on constructions for the majority of the terms, dramatically reducing the number of disputed claim terms requiring construction by the Court by two-thirds.

The following are the claim terms previously in dispute (and briefed in the parties' claim construction papers) for which the private parties and the Staff have now come to agreement.

| '345 Patent | |
|--|---|
| Claim Term | Status |
| Current Minimum Value | No dispute: the parties have agreed to adopt the Staff's construction |
| Future Minimum Value | No dispute: the parties have agreed to adopt the Staff's construction |
| Subtractor for subtracting said noise elements/subtracting said noise elements | No dispute: Respondents have agreed to adopt the construction offered by Staff and Complainant |

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*In association with Mohammed Buhashem Advocates & Legal Consultants

| '637 Patent | |
|----------------------|---|
| Claim Term | Status |
| Canceled | No dispute: The parties have agreed to drop this term from construction |
| '607 Patent | |
| Claim Term | Status |
| Main Signal | No dispute: Respondents have agreed to drop their position that this term is indefinite. The parties all agree on construction for this term. |
| Transform Function | No dispute: Respondents have agreed to drop their position that this term is indefinite. The parties all agree on construction for this term. |
| Band-limited | No dispute: The parties agree on a new construction of this term: "Signals limited to a band of frequencies that are a subset of frequencies of the original target and interference signals." |
| Adaptively Filtering | No dispute: Complainant has agreed to adopt the construction offered by Staff and Respondents |

The parties will be filing an Amended Joint Claim Construction Chart to reflect the newly agreed-upon constructions for each of these terms.

The result of the parties' agreement is that only four claim terms are now in dispute and require construction by the Court. The parties' proposed constructions for each of these four terms remain unchanged from the claim construction briefs. The remaining terms in dispute are as follows:

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|--|
| '345 Patent |
| Magnitude |
| '607 Patent |
| Interference Signal |
| beam splitter for beam-splitting said target signal into a plurality of band-limited target signals and beam-splitting said interference signal into band-limited interference signals . . . |
| beam-splitting said target signal into a plurality of band limited target signals; beam splitting said interference signal into band-limited interference signals . . . |

The parties believe that their diligent efforts to resolve the majority of the disputed claims in this investigation will help to simplify the claim construction hearing next week and assist the Court in construing the remaining claims.

Please let me know if you require any further clarification with respect to the agreement between the parties.

Sincerely,

/s/ Eric S. Namrow
Eric S. Namrow

*Counsel for Respondent Hewlett-Packard
Company*

cc: All counsel of record

United States International Trade Commission
Investigation No. 337-TA-949
In the Matter of
CERTAIN AUDIO PROCESSING HARDWARE AND
SOFTWARE AND PRODUCTS CONTAINING SAME

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Letter to The Honorable Thomas B. Pender was served as indicated to the parties listed below, this 10th day November, 2015:

| | |
|---|--|
| The Honorable Lisa R. Barton SECRETARY U.S. INTERNATIONAL TRADE COMMISSION 500 E Street SW, Room 112 Washington, DC 20436 | <i>(Filed via EDIS)</i> |
| The Honorable Thomas B. Pender ADMINISTRATIVE LAW JUDGE U.S. INTERNATIONAL TRADE COMMISSION 500 E Street SW, Room 317-E Washington, DC 20436 Attorney Advisor: Gregory Moldafsky gregory.moldafsky@usitc.gov | <i>(Via Electronic Mail to Attorney Advisor and Two Courtesy Copies via Hand Delivery)</i> |
| Lisa Murray Investigative Attorney OFFICE OF UNFAIR IMPORT INVESTIGATIONS U.S. INTERNATIONAL TRADE COMMISSION 500 E Street SW, Room 317 Washington, DC 20436 lisa.murray@usitc.gov | <i>(Via Electronic Mail)</i> |
| Counsel for Complainant Andrea Electronics Corp. Goutam Patnaik PEPPER HAMILTON LLP 600 Fourteenth Street NW Washington, DC 20005 Pepper_Andrea_ITC@pepperlaw.com | <i>(Via Electronic Mail)</i> |
| Counsel for Respondents Acer Inc. and Acer America Corp. Craig Kaufman TECHKNOWLEDGE LAW GROUP LLP 100 Marine Parkway, Suite 200 Redwood Shores, CA 94065 Acer.AndreaITC@tklg-llp.com | <i>(Via Electronic Mail)</i> |

United States International Trade Commission
Investigation No. 337-TA-949
In the Matter of
CERTAIN AUDIO PROCESSING HARDWARE AND
SOFTWARE AND PRODUCTS CONTAINING SAME

| | |
|--|------------------------------|
| Counsel for Respondents ASUSTeK Computer Inc. and ASUS Computer International Li Chen CHEN MALIN LLP 1700 Pacific Avenue, Suite 2400 Dallas, Texas 75201 ChenMalin_Andrea_Litigation@chenmalin.com | <i>(Via Electronic Mail)</i> |
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