

UNITED STATES INTERNATIONAL TRADE COMMISSION  
WASHINGTON, D.C.

Before The Honorable Thomas B. Pender  
Administrative Law Judge

\_\_\_\_\_  
In the Matter of )  
 )  
CERTAIN AUDIO PROCESSING HARDWARE )  
AND SOFTWARE AND PRODUCTS )  
CONTAINING THE SAME )  
\_\_\_\_\_ )

Investigation No. 337-TA-949

**COMPLAINANT ANDREA ELECTRONICS CORP.'S  
INITIAL CLAIM CONSTRUCTION BRIEF**

## Table of Contents

I.	Introduction.....	6
II.	Legal Standards.....	16
III.	Background of the Technology.....	7
IV.	The Asserted Patents.....	11
V.	Argument .....	14
A.	Level of Ordinary Skill in the Art.....	18
B.	Complainants' Proposed Constructions of Disputed Terms.....	19
1.	U.S. Patent No. 6,363,345.....	19
a.	Magnitude of the Frequency Bin / Magnitude of the Corresponding Frequency Bin (claims 1, 4, 5, 9, 10, 21, 22, 38, 39, 40, 44) .....	19
b.	Current Minimum Value (claims 4, 6, 8, 10, 11, 39).....	24
c.	Future Minimum Value (claims 4, 5, 6, 7, 9, 39, 40) .....	34
d.	Subtractor for Subtracting said Noise Elements / Subtracting said Noise Elements (claims 13, 38) .....	35
2.	U.S. Patent No. 6,377,637.....	41
a.	Canceled (claims 1, 5).....	42
3.	U.S. Patent No. 6,049,607.....	45
a.	Interference Signal (claims 1, 2, 25, 26).....	45
b.	Main Signal (claims 5, 8, 12, 29, 32, 36).....	48
c.	Transform Function (9, 33).....	51
d.	Beam Splitter . . . for Beam-Splitting said Target into Band Limited Target Signals . . . and Beam-Splitting said Interference Signal into Band-Limited Interference Signals (claim 1).....	54
e.	Beam-Splitting said Target Signal into a Plurality of Band Limited Target Signals; Beam Splitting said Interference Signal into Band-Limited Interference Signals (claim 25) .....	57
f.	Band-Limited . . . (Target, Interference) . . . Signals (claims 1, 25) .....	58
g.	Adaptively Filtering . . . Each Band-Limited Interference Signal from Each Corresponding Band-Limited Target Signal (claim 25).....	61

C.	Agreed Upon Constructions for Undisputed Terms .....	63
1.	U.S. Patent No. 6,636,345.....	64
a.	Frequency Bins (claims 1-5, 9, 10, 12, 15, 16, 18, 21-24, 38-40, 44, 45).....	64
b.	Frequency Spectrum Generator / Generating the Frequency Spectrum (claims 1, 38) .....	64
c.	Threshold Detector / Setting a Threshold (claims 1, 2, 3, 4, 12, 13, 17, 20, 38) .....	64
d.	Detecting the Position of . . . / Detects the Position of . . . (claims 1, 2, 3, 12, 38, 42) .....	64
e.	Noise Estimation Process (claims 1, 38).....	65
2.	U.S. Patent No. 6,377,637.....	65
a.	Input Means for Inputting a Digital Input Signal / Step[] of . . . Inputting a Digital Input Signal (claims 1 and 8) .....	65
b.	Band Splitting Means for Dividing Said Digital Input Signal into a Plurality of Frequency-Limited Time-Domain Signal Sub-Bands / Step[] of . . . Dividing said Digital Input Signal into a Plurality of Sub-Bands (claims 1, 8) .....	65
c.	A Plurality of Noise Processing Means Each for Processing a Corresponding one of Said Plurality of Signal Sub-Bands / Step[] of . . . Noise Processing a Corresponding One of Said Plurality of Sub-Bands (claims 1, 8).....	66
d.	Exponential Averaging Means / Step[] of . . . Exponential Averaging (claims 1, 8).....	67
e.	Noise Estimating Means / Step[] of . . . Subtraction Processing (claims 1, 8) .....	67
f.	Subtraction Processing Means / Step[] of . . . Subtraction Processing (claims 1, 8) .....	68
g.	Recombining Means for Recombining the Noise Processed Plurality of Signal Sub-Bands into a Digital Output Signal / Step[] of . . . Recombining the Noise Processed Plurality of Sub-Bands into a Digital Output Signal Using a Recombining Means .....	68
3.	U.S. Patent No. 6,049,607.....	69
a.	Target Signal (claims 1, 2, 25, 26, 27).....	69
b.	Reference Signal (claims 2, 4, 5, 12, 26, 28, 29, 37) .....	69
c.	Main Input for Inputting said Target Signal / Inputting said Target Signal (claims 1, 25).....	69

d.	Reference Input for Inputting said Interference Signal (claim 1).....	69
e.	Adaptive Filter for Adaptively Filtering (claim 1) .....	69
f.	Canceling (claim 25).....	70
VI.	Conclusion .....	70

## TABLE OF AUTHORITIES

	<b>Page(s)</b>
<b>CASES</b>	
<i>Aventis Pharms. Inc. v. Amino Chems. Ltd.</i> , 715 F.3d 1363 (Fed. Cir. 2013).....	18
<i>CCS Fitness, Inc. v. Brunswick Corp.</i> , 288 F.3d 1359 (Fed. Cir. 2002).....	18
<i>Comcast Cable Communications, LLC v. Sprint Communications Co. LP</i> , 38 F. Supp. 3d 589 (E. D. Penn. 2014).....	52, 55
<i>Energizer Holdings, Inc. v. Int’l Trade Comm’n</i> , 435 F.3d 1366 (Fed. Cir. 2006).....	52, 55
<i>Every Penny Counts, Inc. v. Wells Fargo Bank, N.A.</i> , 2014 U.S. Dist. LEXIS 28106, 2014 WL 869092 (M.D. Fla. Mar. 5, 2014) .....	19
<i>Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.</i> , 381 F. 3d 1111 (Fed. Cir. 2004) .....	58, 61
<i>Interval Licensing LLC v. AOL, Inc.</i> , 766 F.3d 1364 (2014).....	19
<i>Karlin v. Surgical Dynamics</i> , 177 F.3d 968 (Fed. Cir. 1999).....	50
<i>Markman v. Westview Instruments, Inc.</i> , 517 U.S. 370 (1996) .....	18
<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 134 S. Ct. 2120 (2014) .....	<i>passim</i>
<i>On-Line Techs., Inc. v. Bodenseewerk Perkin-Elmer GmbH</i> , 386 F.3d 1133 (Fed. Cir. 2004) .....	<i>passim</i>
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) ( <i>en banc</i> ) .....	<i>passim</i>
<i>Simpleair, Inc. v. Apple Inc.</i> , 2011 U.S. Dist. LEXIS 99404, 2011 WL 3880525 (E.D. Tex. Sept. 2, 2011).....	63
<i>Trover Grp., Inc. v. Dedicated Micros USA</i> , 2015 U.S. Dist. LEXIS 33876 (E.D. Tex. March 19, 2015).....	<i>passim</i>
<i>Varco, L.P. v. Pason Sys. USA Corp.</i> , 436 F.3d 1368 (Fed. Cir. 2006) .....	<i>passim</i>
<b>STATUTES</b>	
35 U.S.C. § 112 .....	<i>passim</i>
35 U.S.C § 282 .....	49, 52, 55

# 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.