

1 Mieke K. Malmberg
2 (SBN 209992)
3 SKIERMONT DERBY LLP
4 800 Wilshire Blvd., Ste. 1450
5 Los Angeles, CA 90017
6 Phone: (213) 788-4500
7 Fax: (213)788-4545
8 mmalmberg@skiermontderby.com

9 Paul J. Skiermont (*pro hac vice*)
10 (TX Bar No. 24033073)
11 SKIERMONT DERBY LLP
12 1601 Elm St., Ste. 4400
13 Dallas, TX 75201
14 Phone: (214) 978-6600
15 Fax: (214) 978-6601
16 pskiermont@skiermontderby.com
17 (*Additional counsel identified on signature page*)

18 *Attorneys for Plaintiff*
19 BELL NORTHERN RESEARCH, LLC

20 **IN THE UNITED STATES DISTRICT COURT**
21 **SOUTHERN DISTRICT OF CALIFORNIA**

<p>22 BELL NORTHERN RESEARCH, 23 LLC, 24 25 Plaintiff, 26 27 v. 28 29 COOLPAD TECHNOLOGIES, INC. 30 AND YULONG COMPUTER 31 COMMUNICATIONS, 32 33 Defendants.</p>	<p>34 C.A. No. 3:18-cv-1783-CAB-BLM 35 36 PLAINTIFF’S OPPOSITION TO 37 DEFENDANTS’ JOINT MOTION 38 FOR SUMMARY JUDGMENT ON 39 INDEFINITENESS 40 41 Judge: Hon. Cathy Ann Bencivengo 42 Mag. Judge: Hon. Barbara L. Major 43 44 Hearing Date: June 19, 2019</p>
<p>45 BELL NORTHERN RESEARCH, 46 LLC, 47 48 Plaintiff, 49 50 v.</p>	<p>51 C.A. No. 3:18-cv-1784-CAB-BLM</p>

52 PLAINTIFF’S OPPOSITION TO DEFENDANTS’ JOINT MOTION FOR SUMMARY JUDGMENT
53 ON INDEFINITENESS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

<p>HUAWEI DEVICE (DONGGUAN) CO., LTD, HUAWEI DEVICE (SHENZHEN) CO., LTD., and HUAWEI DEVICE USA, INC.,</p> <p>Defendants.</p>	
<p>BELL NORTHERN RESEARCH, LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>KYOCERA CORPORATION and KYOCERA INTERNATIONAL INC.,</p> <p>Defendants.</p>	<p>C.A. No. 3:18-cv-1785-CAB-BLM</p>
<p>BELL NORTHERN RESEARCH, LLC,</p> <p>Plaintiff,</p> <p>v.</p> <p>ZTE CORPORATION, ZTE (USA) INC., ZTE (TX) INC.,</p> <p>Defendants.</p>	<p>C.A. No. 3:18-cv-1786-CAB-BLM</p>

PLAINTIFF'S OPPOSITION TO DEFENDANTS' JOINT MOTION FOR SUMMARY JUDGMENT ON INDEFINITENESS

TABLE OF CONTENTS

1

2

3 I. GORIS PATENTS ('889 AND '554 PATENTS) 1

4 A. “A mobile station...wherein the proximity sensor begins

5 detecting...substantially concurrently with the mobile station initiating an outgoing

6 wireless telephone call or receiving an incoming wireless telephone call.” ('889

7 Patent Claim 1.) 1

8 B. “substantially concurrently” ('889 Claim 1, 8; '554 Claim 7, 13.) 2

9 II. '842 PATENT 4

10 A. “a standard wireless networking configuration for an Orthogonal Frequency

11 Division Multiplexing scheme” 4

12 B. “extended long training sequence” 6

13 C. “optimal extended long training sequence” 8

14 D. “legacy wireless local area network device in accordance with a legacy

15 wireless networking protocol standard” 9

16 III. '862 PATENT 9

17 A. The baseband processing module terms are not means-plus-function. 10

18 B. The specification discloses sufficient structure for the functions associated with

19 “a baseband processing module operable to . . .” term in Claim 9..... 12

20 1) “receive a preamble sequence carried by the baseband signal” 12

21 2) “estimate a channel response based upon the preamble sequence.” 14

22 3) “form a baseband signal . . .” 15

23 C. The specification discloses sufficient structure for the functions associated with

24 “a baseband processing module operable to . . .” term in Claim 10..... 15

25 1) “convert the...matrix (V) to polar coordinates” 16

26 IV. U.S. PATENT NO. 6,941,156..... 16

27 A. The “cell phone functionality” term in Claim 1 is not means-plus-function.... 16

28 B. The “RF functionality” term in Claim 1 is not means-plus-function. 18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

C. The “module to establish simultaneous communication paths . . .” term in Claim 1 is not means-plus-function and not indefinite. 19

D. The “automatic switchover module . . .” term in Claim 1 is not means-plus-function and not indefinite. 20

TABLE OF AUTHORITIES

Cases

AllVoice Computing PLC v. Nuance Communs., Inc.,
504 F.3d 1236 (Fed. Cir. 2007) 16, 17, 18, 19

Berkheimer v. HP, Inc.,
881 F.3d 1360 (Fed. Cir. 2018) 3

Blast Motion, Inc. v. Zepp Labs, Inc.,
No. 15-CV-700 JLS (NLS), 2017 U.S. Dist. LEXIS 16549
(S.D. Cal. Feb. 6, 2017) 12, 13

Budde v. Harley-Davidson, Inc.,
250 F.3d 1369 (Fed. Cir. 2001) 23, 24

Eibel Process Co. v. Minnesota & Ontario Paper Co.,
261 U.S. 45 (1923)..... 4

EMED Techs. Corp. v. Repro-Med. Sys., No. 18-civ-5880,
2019 U.S. Dist. LEXIS 93737 (S.D.N.Y. June 4, 2019) 10

Enzo Biochem, Inc. v. Applera Corp.,
599 F.3d 1325 (Fed. Cir. 2010) 4

GoDaddy.com, LLC v. RPost Commc’ns Ltd.,
No. CV-14-00126, 2016 U.S. Dist. LEXIS 5955 (D. Ariz. Jan. 19, 2016)..... 13, 21

Huntsville v. Zpe Sys.,
No. 17-cv-04319-WHO, 2018 U.S. Dist. LEXIS 220301
(N.D. Cal. Aug. 23, 2018)..... 18

In re Katz Interactive Call Processing Patent Litigation,
639 F.3d 1303 (Fed. Cir. 2011) 1

Intellectual Ventures I LLC v. Symantec Corp.,
No. 13-cv-440-LPS, 2016 U.S. Dist. LEXIS 30724 (D. Del. March 10, 2016) 5

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.