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19 *Attorneys for Defendants LG ELECTRONICS INC.,*
20 *LG ELECTRONICS U.S.A., INC., and*
21 *LG ELECTRONICS MOBILE RESEARCH U.S.A., LLC*

22 **THE UNITED STATES DISTRICT COURT**
23 **SOUTHERN DISTRICT OF CALIFORNIA**

24 BELL NORTHERN RESEARCH,
25 LLC,

26 Plaintiff,

27 v.

28 LG ELECTRONICS INC., LG
ELECTRONICS U.S.A., INC., and LG
ELECTRONICS MOBILE
RESEARCH U.S.A., LLC,

Defendants.

Case No. 3:18-cv-02864-CAB-BLM

**DEFENDANTS LG
ELECTRONICS INC., LG
ELECTRONICS U.S.A., INC., AND
LG ELECTRONICS MOBILE
RESEARCH U.S.A., LLC'S
SECOND AMENDED
INVALIDITY CONTENTIONS
AND PRODUCTION OF
DOCUMENTS PURSUANT TO
PATENT LOCAL RULES 3.3
AND 3.6(b)**

1 Pursuant to S.D. Cal. Patent Local Rules 3.3 and 3.6(b), and the Rules and
2 Orders of this Court, Defendants LG Electronics Inc. (“LGE”), LG Electronics U.S.A.,
3 Inc. (“LGEUS”), and LG Electronics Mobile Research U.S.A., LLC (“LGMR”)
4 (collectively, “Defendants” or “LG”) hereby serve their Second Amended Invalidity
5 Contentions (“Invalidity Contentions”) on Plaintiff Bell Northern Research, LLC
6 (“Plaintiff” or “BNR”) in support of LG’s allegations of invalidity of United States
7 Patent Nos. 7,945,285 (“the ’285 Patent”); 6,549,792 (“the ’792 Patent”); 8,416,862
8 (“the ’862 Patent”); 7,957,450 (“the ’450 Patent”); 8,792,432 (“the ’432 Patent”); and
9 7,039,435 (“the ’435 Patent”) (collectively, the “Asserted Patents”).

10 Pursuant to the parties’ stipulation and the Court’s order, BNR’s allegations of
11 infringement with respect to United States Patent Nos. 7,990,842 (“the ’842 Patent”)
12 and 6,941,156 (“the ’156 Patent”) have been dismissed with prejudice, and LG’s
13 allegations that the ’842 and ’156 Patents are invalid have been dismissed without
14 prejudice. (*See* Dkt. No. 73.) Solely for that reason, LG has removed its invalidity
15 contentions with respect to the ’842 and ’156 Patents.

16 **I. INTRODUCTION AND RESERVATION OF RIGHTS**

17 These Invalidity Contentions are based on information currently available to
18 Defendants. Defendants’ investigation and analysis of prior art is ongoing, and they
19 reserve the right to supplement or modify these Invalidity Contentions in a manner
20 consistent with the Federal Rules of Civil Procedure and the Court’s rules.

21 Defendants’ Invalidity Contentions do not constitute an admission that any
22 current, past, or future version of the accused products infringe the Asserted Patents
23 either literally or under the doctrine of equivalents. In many instances, Defendants
24 have relied on the broad claim constructions of the Asserted Claims that Plaintiff has
25 (1) implicitly adopted in its Disclosure of Asserted Claims and Infringement
26 Contentions (“Infringement Contentions”) and amendments or supplements thereto, to
27 the extent any construction can be inferred from Plaintiff’s Infringement Contentions,
28

1 can send new messages and/or omit parts of the message.”). Given the problem posed
2 in R2-110304, a POSITA would have turned to Tamura, which teaches prioritization
3 rules under which measurements of one of two different carrier frequency cells are
4 prioritized. See, e.g., Tamura at 24:20-25:15.

5 **F. Invalidity Claim Charts for the '435 Patent**

6 The table below correlates exhibit numbers to the prior art items that Defendants
7 presently assert anticipate and/or render obvious the Asserted Claims of the '435
8 Patent.

9

Exhibit No.	Base Prior Art Reference / Prior Art System
H1	Irvin
H2	Myllymaki
H3	Baiker
H4	Werling
H5	Luxon
H6	Bodin
H7	Gardner
H8	Bradley
H9	Steer

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17 Defendants assert that the items of prior art identified above in connection with
18 Exhibits H1 to H5, H7, and H8 anticipate one or more of the Asserted Claims of the
19 '435 Patent under at least Plaintiff's apparent interpretation of the claims that Plaintiff
20 appears to rely upon for its infringement contentions:

- 21 1. Irvin (H1) anticipates claims 1, 2, 3, 6, and 8.
 - 22 2. Myllymaki (H2) anticipates claims 1, 2, 3, 6, and 8.
 - 23 3. Baiker (H3) anticipates claims 1, 2, 3, 6, and 8.
 - 24 4. Werling (H4) anticipates claims 1, 2, 3, 6, and 8.
 - 25 5. Luxon (H5) anticipates claims 1, 2, 3, 6, and 8.
 - 26 6. Gardner (H7) anticipates claims 1, 2, 3, 6, and 8.
 - 27 7. Bradley (H8) anticipates claims 1, 2, 3, 6, and 8.
- 28

1 Defendants further assert that the items of prior art identified above in
2 connection with Exhibits H1 to H8 render obvious one or more of the Asserted Claims
3 of the '435 Patent in view of their own disclosures and the knowledge, skill, and
4 experience of a person of ordinary skill in the art. Defendants assert that at least the
5 combinations of prior art identified below render obvious one or more of the Asserted
6 Claims of the '435 Patent. The identification of combinations below should not be
7 taken to mean that the combinations are necessarily required to prove invalidity. To
8 the contrary, certain claims may be anticipated under one claim interpretation and
9 obvious under another. Further, if any element should be found to be missing from a
10 particular item of prior art, Defendants assert that that item of prior art could be
11 combined with other items of prior art that disclose that element.

- 12 1. Irvin (H1) renders obvious claims 1, 2, 3, 6, and 8, either alone or in
13 combination with:
 - 14 a. Myllymaki (H2); or
 - 15 b. Bodin (H6).
- 16 2. Myllymaki (H2) renders obvious claims 1, 2, 3, 6, and 8, either alone
17 or in combination with:
 - 18 a. Irvin (H1); or
 - 19 b. Baiker (H3).
- 20 3. Baiker (H3) renders obvious claims 1, 2, 3, 6, and 8, either alone or in
21 combination with:
 - 22 a. Irvin (H1);
 - 23 b. Myllymaki (H2); or
 - 24 c. Werling (H4).
- 25 4. Steer (H9) renders obvious claims 1, 2, 3, 6, and 8 in combination
26 with:
 - 27 a. Irvin (H1); or
 - 28

1 b. Myllymaki (H2).

2 5. Luxon (H5) renders obvious claims 1, 2, 3, 6, and 8, either alone or in
3 combination with:

4 a. Irvin (H1); or

5 b. Myllymaki (H2).

6 6. Bodin (H6) renders obvious claims 1, 2, 3, 6, and 8 in combination
7 with:

8 a. Irvin (H1); or

9 b. Myllymaki (H2).

10 7. Gardner (H7) renders obvious claims 1, 2, 3, 6, and 8, either alone or
11 in combination with:

12 a. Irvin (H1)

13 8. Bradley (H8) renders obvious claims 1, 2, 3, 6, and 8, either alone or in
14 combination with:

15 a. Werling (H4)

16 A person of ordinary skill in the art would have been motivated to make the
17 above-referenced combinations. Each of the references cited in an above-identified
18 combination relates to aspects of making, using, and/or enabling the control and/or
19 operation of, mobile telecommunications devices or portable cell phone devices that
20 provide adjusted power functionality (including, for example, a network adjusted
21 transmit power level) and proximity regulation functionality (including, for example, a
22 proximity adjusted transmit power level) to a mobile telecommunication or portable
23 cell phone device. Some of the references disclose a complete system for providing
24 both provide adjusted power functionality and proximity regulation functionality in a
25 mobile telecommunications devices or portable cell phone device, while others focus on
26 selected aspects of such a system, e.g., proximity regulation functionality or a proximity
27 adjusted transmit power level. The combined teachings of these references, the
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