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and LG ELECS. MOBILE RES. U.S.A., LLC

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

24 BELL NORTHERN RESEARCH,  
25 LLC,

26 Plaintiff,

27 v.

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

Case No. 3:18-CV-2864-CAB-BLM

**JOINT CLAIM CONSTRUCTION  
CHART, CLAIM CONSTRUCTION  
WORKSHEET, AND HEARING  
STATEMENT**

Judge: Hon. Cathy Bencivengo  
Magistrate Judge: Hon. Barbara Lynn Major

1 Pursuant to the Court’s Case Management Order (Dkt. No. 38), the  
 2 Court’s Order Granting Defendants’ Unopposed *Ex Parte* Motion to Amend the  
 3 Court’s Case Management Order (Dkt. No. 45), and Patent L.R. 4.2, Plaintiff  
 4 Bell Northern Research, LLC (“BNR”) and Defendants LG Electronics Inc., LG  
 5 Electronics U.S.A., Inc., and LG Electronics Mobile Research U.S.A., LLC  
 6 (collectively “LG”) submit this Joint Hearing Statement, Joint Claim  
 7 Construction Worksheet, and Joint Claim Construction Chart. The patents-in-  
 8 suit are: U.S. Patent Nos. 8,416,862 (“the ’862 patent”); 7,957,450 (“the ’450  
 9 patent”); 8,792,432 (“the ’432 patent”); 7,039,435 (“the ’435 patent”); 6,549,792  
 10 (“the ’792 patent”); and 7,945,285 (“the ’285 patent”).

11 The parties exchanged preliminary claim constructions on September 20,  
 12 2019 and responsive claim constructions on October 4, 2019. Pursuant to Patent  
 13 L.R. 4.1(e), a conference was held on October 9, 2019.

14 Based on the Court’s remarks in the claim construction status conference  
 15 of April 26, 2019, the parties agree that the Court’s constructions, and the record  
 16 underlying the same, from the Consolidated Cases as they relate to patents  
 17 currently in this matter should also apply to this case, unless superseded or  
 18 modified by a subsequent ruling. The parties reserve the right to appeal any  
 19 ruling on the claim terms identified in the claim construction ruling in the  
 20 Consolidated Cases in this Action, and reserve the right to rely on the record  
 21 established in the Consolidated Cases for purposes of any such appeal.

22 **JOINT HEARING STATEMENT**

23 **A. MOST SIGNIFICANT TERMS**

24 In accordance with Patent L.R. 4.2(a), the parties hereby identify the five  
 25 disputed terms for which construction is requested by a party:

Claim Nos.	Claim Term (U.S. Patent No. 7,945,285)
1, 3	“RF telephone handset”

28

1	1	“RF unit connected to a network”
2	1	“when the RF telephone handset receives a telephone call”
3		
4	<b>Claim Nos.</b>	<b>Claim Term</b> <b>(U.S. Patent No. 6,549,792)</b>
5	1, 2, 14, 15	“cordless telephone”
6	9	“motion history”
7		

8 The parties further identify the eight terms LG intends to argue are  
9 indefinite:

10	<b>Claim Nos.</b>	<b>Claim Term</b> <b>(U.S. Patent No. 6,549,792)</b>
11		
12	1, 4	“a ring detection unit adapted to provide a ring indication to said controller”
13	1, 9, 15	“active movement”
14	4, 9	“wherein said controller is adapted to affect the state of said wireless handset based on an output from said accelerometer and said ring indication” / “wherein the controller is adapted to receive an output from the accelerometer showing an active movement of said wireless telephone and affect a state of said wireless transceiver based on a change in a motion history”
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19	14	“influencing a transition between an on-hook and an off-hook state based on a comparison to a prior history of said motion characteristic”
20		
21	15	“movement history”
22	<b>Claim Nos.</b>	<b>Claim Term</b> <b>(U.S. Patent No. 8,416,862)</b>
23		
24	9-10, 12	“baseband processing module operable to”
25	<b>Claim Nos.</b>	<b>Claim Term</b> <b>(U.S. Patent No. 7,039,435)</b>
26	1	“location of said portable cell phone proximate a user”
27	8	“designated sensor”
28		

1 **B. HEARING DURATION**

2 The parties defer to the Court's preference on the specific number of hours  
3 for the hearing, but anticipate that the Claim Construction Hearing and Tutorial  
4 will require a total of four hours, with one hour being dedicated to the initial  
5 technical tutorials, and with the remaining three hours being dedicated to the  
6 Claim Construction portion of the hearing.

7 Because the Court is already familiar with the '862 and '435 patents  
8 through the claim construction proceedings in *Bell Northern Research, LLC v.*  
9 *Coolpad Technologies, Inc.*, No. 18-CV-1783-CAB-BLM (SD Cal.), *Bell*  
10 *Northern Research, LLC v. Huawei Technologies Co., Ltd.*, No. 18-CV-1784-  
11 CAB-BLM (SD Cal.), and *Bell Northern Research, LLC v. ZTE Corporation*,  
12 No. 18-CV-1786-CAB-BLM (SD Cal.) (collectively "the Consolidated Cases"),  
13 the parties propose that a Tutorial is only necessary for the '792 and '285  
14 patents.

15 **C. WITNESSES**

16 The parties do not intend to call any witnesses live at the hearing. The  
17 parties intend to submit expert declarations along with their claim construction  
18 briefing, as indicated in Appendix B.

19 The parties currently anticipate and seek the Court's approval for the  
20 following schedule for the exchange of expert declarations and expert  
21 depositions (if any):

- 22 • Round 1:
- 23 ○ Both parties may serve opening expert declarations on claim  
24 construction simultaneously with their opening claim  
25 construction briefs.
  - 26 ○ LG may serve its expert declaration(s) (if any) on  
27 indefiniteness when it files its motion for summary judgment
- 28

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on indefiniteness on the same day that opening claim construction briefs are due.

- Round 2:
  - Both parties may serve rebuttal expert declarations on claim construction (if any) simultaneously with their responsive claim construction briefs.
  - BNR may serve its responsive expert declaration (if any) on indefiniteness when it files its opposition to LG’s motion for summary judgment on indefiniteness on the same day that responsive claim construction briefs are due.
- The parties seek permission from the Court to conduct expert depositions between Round 1 and Round 2, and between Round 2 and the Claim Construction Hearing.

**D. ORDER OF PRESENTATION**

The parties propose that the time for the technical tutorial be divided evenly between BNR and LG, wherein BNR’s technical presentation will precede LG’s presentation.

The parties further propose that the time for the Claim Construction portion of the hearing also be divided evenly between BNR’s and LG’s respective presentations. The party requesting construction will argue first, followed by the party opposing construction.

**JOINT CLAIM CONSTRUCTION WORKSHEET**

In accordance with Patent L.R. 4.2(c), the parties hereby submit a Joint Claim Construction Worksheet, which is attached herein as Appendix A.

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