

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
18 signature page*)

19 *Attorneys for Plaintiff*
20 BELL NORTHERN RESEARCH,
21 LLC

Joanna M. Fuller (SBN 266406)
jfuller@fr.com
FISH & RICHARDSON P.C.
12390 El Camino Real
San Diego, CA 92130
Phone: (858) 678-5070
Fax: (858) 678-5099

Michael McKeon (DC Bar 459780)*
mckeon@fr.com
Christian Chu (SBN 218336)
chu@fr.com
Stephen A. Marshall (DC Bar 1012870)*
smarshall@fr.com
R. Andrew Schwentker (DC Bar 991792)*
schwentker@fr.com
FISH & RICHARDSON P.C.

1000 Maine Avenue SW
Washington, D.C. 20024
Phone: (202) 783-5070
Fax: (202) 783-2331
*(*pro hac vice granted*)

Attorneys for Defendants
LG ELECS. INC, LG ELECS. U.S.A.,
INC., and LG ELECS. MOBILE RES.
U.S.A., LLC

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

22 BELL NORTHERN RESEARCH,
23 LLC,

24 Plaintiff,

25 v.

26 LG ELECTRONICS INC., LG
27

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

**PARTIES' JOINT MOTION FOR
ENTRY OF PRIOR CLAIM
CONSTRUCTION ORDER AS TO
CERTAIN SPECIFIED PATENTS**

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

1 ELECTRONICS U.S.A., INC., and
2 LG ELECTRONICS MOBILE
3 RESEARCH U.S.A., LLC,

4 Defendants.
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JOINT ENTRY OF CLAIM CONSTRUCTION ORDER (CASE No. 3:18-CV-2864-CAB-

1 Plaintiff Bell Northern Research, LLC (“BNR”) and Defendants LG
2 Electronics Inc., LG Electronics U.S.A., Inc., and LG Electronics Mobile
3 Research U.S.A., LLC (collectively “LG”) hereby present this joint motion
4 related to the Court’s previous *Markman* ruling addressing terms from U.S.
5 Patent Nos. 7,039,435; 7,957,450 and 8,416,862 (collectively the “commonly
6 asserted patents”).

7 Several of the claims from the commonly asserted patents in this case
8 overlap with claims from these patents that are in dispute in *Bell Northern*
9 *Research, LLC v. Coolpad Technologies, Inc.*, No. 18-CV-1783-CAB-BLM
10 (SD Cal.), *Bell Northern Research, LLC v. Huawei Technologies Co., Ltd.*, No.
11 18-CV-1784-CAB-BLM (SD Cal.), and *Bell Northern Research, LLC v. ZTE*
12 *Corporation*, No. 18-CV-1786-CAB-BLM (SD Cal.) (collectively “the
13 Consolidated Cases”). In view of this overlap, and given the fact that this
14 Court has already considered the claim construction arguments in the
15 Consolidated Cases and issued a prior claim construction ruling in its Claim
16 Construction Order and Order on Motions for Summary Judgment in the
17 Consolidated Cases (No. 18-CV-1784-CAB-BLM, Dkt. No. 94), the parties
18 have reached an agreement that will simplify both the parties’ claim
19 construction efforts and the Court’s review and analysis of the parties’ claim
20 construction disputes, particularly where the current parties may have
21 identified previously addressed terms for the purpose of preserving arguments
22 for appeal.

23 Specifically, as outlined below, the parties seek to preserve judicial
24 resources by capitalizing on the Court’s prior efforts in the Consolidated Cases
25 and its resulting Claim Construction Order and Order on Motions for
26 Summary Judgment (No. 18-CV-1784-CAB-BLM, Dkt. No. 94) while, at the
27 same time, preserving the parties’ appellate rights with respect to the claim
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JOINT ENTRY OF CLAIM CONSTRUCTION ORDER (CASE No. 3:18-CV-2864-CAB-

1 terms based on the arguments previously considered by the Court in the
2 Consolidated Cases. Although the parties believe that the proposal below will
3 genuinely conserve the resources of the Court and the parties, to the extent that
4 the parties have inadvertently overlooked any issues, the parties agree to work
5 in good faith to address these issues in a way that minimizes any burdens on
6 the Court.

7 Pursuant to this agreement, and in the interest of judicial economy, the
8 parties respectfully request that the Court incorporate by reference the claim
9 construction proceedings in the Consolidated Cases, including briefing and
10 related exhibits, the hearing transcripts, and the Claim Construction Order and
11 Order on Motions for Summary Judgment in the Consolidated Cases (No. 18-
12 CV-1784-CAB-BLM, Dkt. No. 94) as to U.S. Patent Nos. 7,039,435;
13 7,957,450; and 8,416,862 into the record of this Action, for purposes of the
14 remaining proceedings in this Action and preserving the parties' respective
15 rights on appeal. Specifically, the parties request that at least the following
16 documents on file with the Court, as identified by PACER Docket Reports, be
17 incorporated into this Action, as they relate to the patents identified above:

- 18 • *Bell Northern Research, LLC v. Coolpad Technologies, Inc.*, No.
19 18-CV-1783-CAB-BLM (SD Cal.), Dkt. Nos. 63, 64, 68, 69, 70,
20 71, 72, 73, 74, 79, 80, and 84.
- 21 • *Bell Northern Research, LLC v. Huawei Technologies Co., Ltd.*,
22 No. 18-CV-1784-CAB-BLM (SD Cal.), Dkt. Nos. 58, 60, 64, 65,
23 66, 67, 68, 70, 71, 72, 75, 76, and 94.
- 24 • *Bell Northern Research, LLC v. ZTE Corporation*, No. 18-CV-
25 1786-CAB-BLM (SD Cal.), Dkt. Nos. 79, 81, 86, 87, 88, 95, 97,
26 98, 99, 104, 105, and 109.

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JOINT ENTRY OF CLAIM CONSTRUCTION ORDER (CASE NO. 3:18-CV-2864-CAB-

1 PACER Docket Reports dated October 8, 2019, identifying these documents,
2 are enclosed with this joint motion as Exhibits A, B, and C, respectively. The
3 parties request that the Court deem these documents and any accompanying
4 exhibits or attachments to be part of this Action's claim construction record for
5 purposes of the remaining proceedings in this Action and preserving the parties'
6 appellate rights. In the event of any appeal, the parties stipulate to include copies
7 of these documents and any accompanying exhibits or attachments in the appellate
8 record.
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11 The parties stipulate and hereby respectfully request an order that,
12 notwithstanding the status of the Consolidated Cases, the parties in this Action
13 retain the right to appeal any ruling on the claim terms identified in the Claim
14 Construction Order and Order on Motions for Summary Judgment in the
15 Consolidated Cases (No. 18-CV-1784-CAB-BLM, Dkt. No. 94) in their case, and
16 the parties can rely on the record established in the Consolidated Cases.
17
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19 In view of the order sought by this pending motion, the parties will not
20 provide additional arguments in their claim construction briefing or at the *Markman*
21 hearing regarding the terms that the Court construed in its Claim Construction
22 Order and Order on Motions for Summary Judgment in the Consolidated Cases
23 (No. 18-CV-1784-CAB-BLM, Dkt. No. 94).
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JOINT ENTRY OF CLAIM CONSTRUCTION ORDER (CASE NO. 3:18-CV-2864-CAB-

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