

Petitioner's Reply to Patent Owner's Response
IPR2020-01265 (U.S. Patent No. 7,110,444)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Intel Corporation
Petitioner

v.

ParkerVision, Inc.
Patent Owner

Case No. IPR2020-01265
U.S. Patent No. 7,110,444

PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE

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I. INTRODUCTION

In its Patent Owner's Response ("POR"), Patent Owner ("PO") does not dispute most of Intel's arguments demonstrating that claims 1, 3, and 5 are unpatentable:

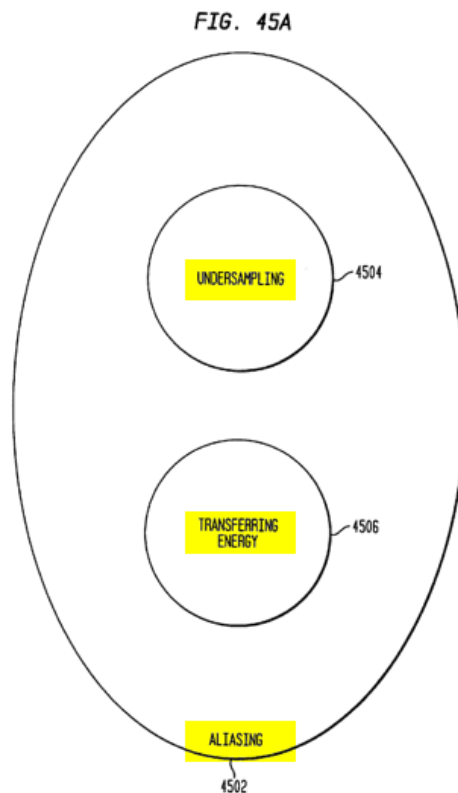
- PO concedes that claims 1 and 5 are unpatentable and intends to disclaim them (POR, 1 n.1.);
- For claim 3, PO does not dispute that the prior art teaches all limitations except one: "storage element"; and
- PO does not dispute that a person of ordinary skill in the art ("POSITA") would have been motivated to combine the teachings of the cited references—Taylor and TI Datasheet (Ground 1) and Taylor and Kawada (Ground 2).

Accordingly, PO's only validity argument is that the prior art does not teach the claimed "storage element," and PO makes this argument only under PO's proposed construction. (PO does not dispute that claim 3 is unpatentable under Intel's proposed construction.) PO's sole validity argument is wrong and does not save claim 3.

First, PO's argument is premised on a fundamental mischaracterization of its claimed invention. PO argues that its patent discloses two "different and competing" down-conversion systems—(1) a "voltage sampling" or "sample and hold" system, on the one hand, and (2) an "energy sampling" or "energy transfer" system, on the

other (POR, 1-2, 19-23)—and asserts its claimed invention is directed only to the latter system. But, the patent never makes this distinction.

Neither the phrase “energy sampling” nor “voltage sampling” is ever used in the patent. Instead, the patent describes a specific way of performing down-conversion—down-converting with a particular method of sampling called “aliasing.” It states that there are two distinct ways to down-convert by “aliasing”: “under-sampling” and “transferring energy.” (Ex. 2007-'551, Fig. 45A.) Fig. 45A shows these two different methods as subsets of “aliasing.”



(Ex. 2007-'551, Fig. 45A, 2:53-65, 66:34-39.)¹ These two aliasing/sampling methods are distinguished based on the control signal's aperture width. (Ex. 2007-'551, 66:36-39 (“Unlike under-sampling signals that have *negligible aperture pulses*, the energy transfer signal includes a train of pulses having *non-negligible apertures* that tend away from zero.”).) PO's attempt to redefine the invention in terms of “voltage sampling” and “energy sampling” lacks support in the patent.

Second, and relatedly, PO's proposed construction narrowing the claimed “storage element” limitation—the only limitation PO contends is not shown in the art—should be rejected. PO argues that the storage element should be construed to be an element “*of an energy transfer system.*” (POR, 46-50.) PO then argues that an “energy transfer system” is limited to, among other things, a system having a “low impedance load,” and, based on that theory, PO asserts that the prior art does not disclose a “storage element.” PO's construction is inconsistent with the patents' definition of the term. The patent specifically defines “storage element” as an element that stores non-negligible amounts of energy. (Ex. 2007-'551, 66:65-67.) It is never limited to an element of an energy transfer system (much less an element

¹ USP 6,061,551 (“'551 patent”) is incorporated by reference into the '444 patent.

(POR, 30-31.) All annotations and emphases added, unless otherwise noted.

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