

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

PARKERVISION, INC.,
Patent Owner.

IPR2020-01265
Patent 7,110,444 B1

Before MICHAEL R. ZECHER, BART A. GERSTENBLITH, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

DECISION
Granting Institution of *Inter Partes* Review
35 U.S.C. § 314

I. INTRODUCTION

A. Background

Intel Corporation (“Petitioner”) filed a Petition (Paper 3, “Pet.”) requesting institution of *inter partes* review of claims 1, 3, and 5 (“the Challenged Claims”) of U.S. Patent No. 7,110,444 B1 (Ex. 1001, “the ’444 patent”). ParkerVision, Inc. (“Patent Owner”) filed an Amended Preliminary Response (Paper 9, “Prelim. Resp.”).¹

An *inter partes* review may be instituted only if “the information presented in the petition . . . and any [preliminary] response . . . shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.” 35 U.S.C. § 314(a) (2018). For the reasons given below, Petitioner has established a reasonable likelihood that it would prevail in showing the unpatentability of at least one of the challenged claims of the ’444 patent. Accordingly, we institute an *inter partes* review of claims 1, 3, and 5 of the ’444 patent on all grounds raised in the Petition.

¹ Patent Owner filed a timely Preliminary Response on November 23, 2020 (Paper 8), and, a day later, filed the Amended Preliminary Response. The Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response (Paper 4) was entered August 21, 2020. A preliminary response was thus due by November 23, 2020 (November 21st and 22nd fell on a weekend). Patent Owner should have requested authorization from the Board prior to filing its Corrected Preliminary Response. Nonetheless, despite Patent Owner’s failure to request authorization, we exercise our discretion under 37 C.F.R. § 42.5(b) to waive, by one day, the timing requirement under 37 C.F.R. § 42.107(b) because (1) Petitioner has not asserted that the additional day resulted in any prejudice to Petitioner and (2) the Corrected Preliminary Response appears to be nearly identical to the timely filed Preliminary Response.

IPR2020-01265
Patent 7,110,444 B1

B. Related Proceedings

Petitioner and Patent Owner identify the following related matter: *ParkerVision, Inc. v. Intel Corp.*, No. 6:20-cv-108-ADA (W.D. Tex.) (“the related litigation”). Pet. 7; Paper 5 (Patent Owner’s Mandatory Notices), 2. Patent Owner also states that the ’444 patent is asserted in *ParkerVision, Inc. v. TCL Technology Group Corp.*, No. 5:20–cv-01030-GW-SHK (C.D. Cal.). Paper 5, 2. In addition, Petitioner filed a petition challenging several claims of U.S. Patent No. 7,539,474 B2, which is related to the ’444 patent, in IPR2020-01302.

C. Real Parties in Interest

Petitioner identifies Intel Corporation as the real party in interest. Pet. 7. Patent Owner identifies ParkerVision, Inc. as the real party in interest. Paper 5, 2.

D. The Asserted Grounds of Unpatentability and Declaration Evidence

Petitioner challenges the patentability of claims 1, 3, and 5 of the '444 patent on the following grounds:

Claim(s) Challenged	35 U.S.C. §²	Reference(s)/Basis
1, 3, 5	103(a)	Tayloe, ³ TI Datasheet ⁴
1, 3, 5	103(a)	Tayloe, Kawada ⁵

Pet. 10. Petitioner supports its challenge with a Declaration by Vivek Subramanian, Ph.D. (Ex. 1002, “the Subramanian Declaration”) and a Declaration by Maureen M. Honeycutt (Ex. 1019, “the Honeycutt Declaration”).

E. The '444 Patent

The '444 patent is directed to “a wireless local area network (WLAN) that includes one or more WLAN devices (also called stations, terminals, access points, client devices, or infrastructure devices) for effecting wireless

² The Leahy-Smith America Invents Act (“AIA”) included revisions to 35 U.S.C. § 103 that became effective on March 16, 2013. Because the '444 patent has an effective filing date before March 16, 2013, we apply the pre-AIA versions of the statutory bases for unpatentability.

³ U.S. Patent No. 6,230,000 B1, issued May 8, 2001 (Ex. 1004, “Tayloe”).

⁴ SN74CBT3253 Dual 1-of-4 FET Multiplexer/Demultiplexer (rev. ed. May 1998) (Ex. 1005, “TI Datasheet”). Petitioner refers to this exhibit, in at least one instance, as “SN74CBT3253D.” Pet. 9. The exhibit itself, however, does not include the letter “D” in the product number. Ex. 1005. Petitioner explains that “the ‘D’ in the product number refers simply to a packaging option” (Pet. 38 n.5), which is confirmed by the description on the first page stating “Package Options Include Plastic Small-Outline (D).” Ex. 1005, 1. At this stage of the proceeding, neither party asserts that the packaging option results in a difference of any significance to the issues before us.

⁵ U.S. Patent No. 4,985,647, issued January 15, 1991 (Ex. 1008, “Kawada”).

communications over the WLAN.” Ex. 1001, 2:10–14. The ’444 patent explains that “[t]he WLAN device includes at least an antennae, a receiver, and a transmitter The WLAN receiver includes at least one universal frequency translation module that frequency down-converts a received electromagnetic (EM) signal.” *Id.* at 2:14–22.

Figure 70A is reproduced below:

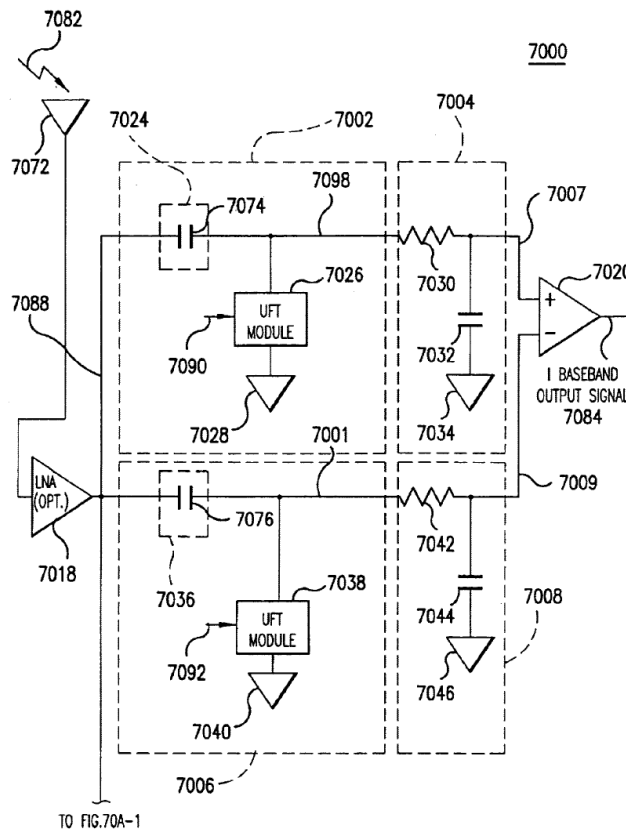


FIG. 70A

Figure 70A of the ’444 patent “illustrates an IQ receiver having shunt UFT [universal frequency translation] modules.” Ex. 1001, 5:34–35. The ’444 patent explains that “I/Q modulation receiver 7000 receives, down converts, and demodulates a[n] I/Q modulated RF input signal 7082 to an I baseband output signal 7084, and a Q baseband output signal 7086.” *Id.* at 35:51–54; *see id.* at 35:60–62 (Antenna 7072 receives and outputs I/Q

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.