IPR2020-01265 U.S. Patent No. 7,110,444 PO's Preliminary Response

> > Intel Corporation Petitioner

v.

ParkerVision, Inc.
Patent Owner

U.S. Patent No. 7,110,444
Issue Date: September 19, 2006
Title: WIRELESS LOCAL AREA NETWORK (WLAN) USING UNIVERSAL FREQUENCY TRANSLATION TECHNOLOGY INCLUDING MULTI-PHASE EMBODIMENTS AND CIRCUIT IMPLEMENTATIONS

Inter Partes Review No. IPR2020-01265

PATENT OWNER'S PRELIMINARY RESPONSE TO PETITION FOR INTER PARTES REVIEW OF UNITED STATES PATENT NO. 7,110,444



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### **TABLE OF AUTHORITIES**

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Cases	
Apple Inc. v. Fintiv, Inc. IPR2020-00019, Paper 11 (P.T.A.B. Mar. 20, 2020)1,	3, 11, 14
Arthrex, Inc. v. Smith & Nephew, Inc., 941 F.3d 1320 (Fed. Cir. 2019)	17
Arthrex, Inc. v. Smith & Nephew, Inc., S.Ct. No. 19-1458	16
E-One, Inc. v. Oshkosh Corp., IPR2019-00161, Paper 16 (P.T.A.B. May 15, 2019)	8
E-One, IPR2019-00162, Paper 16	11
Fintiv, IPR2020-00019, Paper 15 (March 20, 2020)	11, 13
Google LLC v. Personalized Media Commc'ns, LLC, IPR2020-00720, Paper 16 (P.T.A.B. Aug. 31, 2020)	3
Google LLC, v. Uniloc 2017, IPR2020-00115, Paper 8	4, 11
Intel Corp. v. VLSI Tech. LLC, IPR2020-00106, Paper 17 (P.T.A.B. May 5, 2020)	8
Intercollegiate Broad. Sys, Inc. v. Copyright Royalty Bd., 684 F.3d 1332 (D.C. Cir. 2012)	17
Kerr Machine Co. d/b/a Kerr Pumps v. Vulcan Industrial Holdings, LLC 6-20-cv-00200 (W.D. Tex. Aug. 2, 2020)	6.7



#### IPR2020-1265 (Patent No. 7,110,444) PO's Preliminary Response

Multimedia Content Mgmt. LLC v. Dish Network Corp., No. 6:18-CV-00207-ADA, 2019 U.S. Dist. LEXIS 198875 (W.D.
Tex. Jan. 10, 2019)
NetApp, Inc. v. Realtime Data LLC, IPR2017-01195, Paper 9 (P.T.A.B. Oct. 12, 2017)
Next Caller, Inc. v. TrustID, Inc., IPR2019-00961, Paper 10 (P.T.A.B. Oct. 16, 2019)
NHK Spring Co. v. Intri-Plex Techs., Inc., IPR2018-00752, Paper 8 (P.T.A.B. Sept. 12, 2018)
Polaris Innovations Ltd. v. Kingston Tech. Co., S.Ct. No. 19-1459 (certiorari granted October 13, 2020)
Smith & Nephew, Inc. v. Arthrex, Inc., S.Ct. No. 19-1452
Supercell Oy v. Gree, Inc., IPR2020-00513, Paper 11 (P.T.A.B. June 24, 2020)
Vizio, Inc. v. Polaris PowerLED Techs., LLC, IPR2020-00043, Paper 30 (P.T.A.B. May 4, 2020)
Statutes
35 U.S.C. § 313
35 U.S.C. § 314(a)
35 II S C 8 316(b)



## PATENT OWNER'S EXHIBIT LIST

Exhibit No.	Description
2001	Complaint, ParkerVision Printing LLC v. Intel Corp.,
	No. 1-20-cv-00108-ADA
2002	Complaint, ParkerVision Printing LLC v. Intel Corp.,
	No. 1-20-cv-00562-ADA
2003	Scheduling Order, ParkerVision Printing LLC v. Intel
	Corp., No. 1-20-cv-00108-ADA
2004	Published Interview of Judge Albright, IAM (Apr. 7,
	2020)
2005	Docket Order, Kerr Machine Co. d/b/a Kerr Pumps v.
	Vulcan Industrial Holdings, LLC, No. 6-20-cv-00200
	(W.D. Tex. Aug. 2, 2020)
2006	Relevant Excerpts of Plaintiff's Preliminary Invalidity
	Contentions, filed in <i>ParkerVision Printing LLC v</i> .
	Intel Corp., No. 1-20-cv-00108-ADA



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