

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCL INDUSTRIES HOLDINGS CO., LTD. AND HISENSE CO., LTD.,
and LG ELECTRONICS INC.,

Petitioners

v.

PARKERVISION, INC.

Patent Owner

Case No. 2021IPR-00990¹
Patent No. 7,110,444

PETITIONERS' REPLY

¹ LG Electronics Inc., who filed a petition in IPR2022-00245, is joined as a petitioner in this proceeding.

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TCL Industries Holdings Co., Ltd. and Hisense Co., Ltd. (“Petitioners”) submit this Reply to the Patent Owner’s (“ParkerVision”) Response (“POR”).

I. INTRODUCTION

The Board found claim 3 of obvious in IPR2020-01265. Ex. 2016. Except for the concluding “wherein” clause of each, claim 2 is identical to claim 3. Ex. 1021 at 49:8-50:21. In its POR, ParkerVision does not dispute that the prior art discloses and renders obvious the “wherein” clause of claim 2.² Accordingly, the Board should find claim 2 obvious for the same reasons that it found claim 3 obvious in IPR2020-01265.

ParkerVision nonetheless attempts to re-litigate issues already resolved by the Board in IPR2020-01265, including (i) the construction of “storage element” (which is recited in cancelled claim 3 and its dependent claim 4, but not in claim 2); (ii) whether Tayloe discloses a “storage element”; and (iii) alleged “secondary considerations.” But ParkerVision is precluded from re-litigating those issues based on the Board’s final decision. And to the extent that the Board considers such arguments, it should again reject them.

² ParkerVision’s expert Dr. Michael Steer conceded on cross-examination that the prior art discloses under-sampling, which is the additional limitation of the “wherein” clause of claim 2. Ex. 1021 at 45:2-46:1.

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