

1 Jason W. Wolff (SBN 215819), wolff@fr.com
2 Joanna M. Fuller (SBN 266406), jfuller@fr.com
3 FISH & RICHARDSON P.C.
4 12390 El Camino Real
5 San Diego, CA 92130
6 Phone: (858) 678-5070/ Fax: (858) 678-5099

7 Attorneys for Defendants
8 HUAWEI DEVICE (DONGGUAN) CO., LTD.,
9 HUAWEI DEVICE (SHENZHEN) CO., LTD., and
10 HUAWEI DEVICE USA, INC.

11 *[Additional Counsel listed on signature page.]*

12 UNITED STATES DISTRICT COURT
13 SOUTHERN DISTRICT OF CALIFORNIA

14 BELL NORTHERN RESEARCH,
15 LLC,

16 Plaintiff,

17 v.

18 COOLPAD TECHNOLOGIES, INC.
19 AND YULONG COMPUTER
20 COMMUNICATIONS,

21 Defendants.

Case No. 3:18-cv-01783-CAB-BLM
[LEAD CASE]

**DEFENDANTS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR JOINT MOTION
FOR SUMMARY JUDGMENT ON
INDEFINITENESS**

Date: June 19, 2019

Courtroom: 4C

Judge: Hon. Cathy A. Bencivengo

**PER CHAMBERS RULES, NO ORAL
ARGUMENT UNLESS ORDERED
SEPARATELY BY THE COURT**

22 BELL NORTHERN RESEARCH,
23 LLC,

24 Plaintiff,

25 v.

26 HUAWEI DEVICE (DONGGUAN)
27 CO., LTD., HUAWEI DEVICE

Case No. 3:18-cv-01784-CAB-BLM

**DEFENDANTS' MEMORANDUM OF
POINTS AND AUTHORITIES IN
SUPPORT OF THEIR JOINT MOTION
FOR SUMMARY JUDGMENT ON
INDEFINITENESS**

Date: June 19, 2019

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

(SHENZHEN) CO., LTD., and HUAWEI DEVICE USA, INC., Defendants.	Courtroom: 4C Judge: Hon. Cathy A. Bencivengo PER CHAMBERS RULES, NO ORAL ARGUMENT UNLESS ORDERED SEPARATELY BY THE COURT
--	--

BELL NORTHERN RESEARCH, LLC, Plaintiff, v. KYOCERA CORPORATION and KYOCERA INTERNATIONAL INC., Defendants.	Case No. 3:18-cv-01785-CAB-BLM DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THEIR JOINT MOTION FOR SUMMARY JUDGMENT ON INDEFINITENESS Date: June 19, 2019 Courtroom: 4C Judge: Hon. Cathy A. Bencivengo PER CHAMBERS RULES, NO ORAL ARGUMENT UNLESS ORDERED SEPARATELY BY THE COURT
--	--

BELL NORTHERN RESEARCH, LLC, Plaintiff, v. ZTE CORPORATION, ZTE (USA) INC., ZTE (TX) INC., Defendants.	Case No. 3:18-cv-01786-CAB-BLM DEFENDANTS' MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF THEIR JOINT MOTION FOR SUMMARY JUDGMENT ON INDEFINITENESS Date: June 19, 2019 Courtroom: 4C Judge: Hon. Cathy A. Bencivengo PER CHAMBERS RULES, NO ORAL ARGUMENT UNLESS ORDERED SEPARATELY BY THE COURT
--	--

--	--

TABLE OF CONTENTS

1

2 I. INTRODUCTION 1

3 II. LEGAL STANDARD 1

4 III. ARGUMENT..... 1

5 A. Goris Patents (U.S. Patent Nos. 7,319,889 and 8,204,554) 1

6 1. “A mobile station, comprising:... the proximity sensor begins detecting

7 whether an external object is proximate substantially concurrently with the

8 mobile station initiating an outgoing wireless telephone call or receiving an

9 incoming wireless telephone call.” (’889 cl. 1) 1

10 2. “substantially concurrently” (’889 cls. 1, 8; ’554 cls. 7, 13) 3

11 B. U.S. Patent No. 7,990,842 4

12 1. “a standard wireless networking configuration for an Orthogonal

13 Frequency Division Multiplexing scheme” (cl. 1) 4

14 2. “extended long training sequence” (cls. 1, 19) 7

15 3. “optimal extended long training sequence” (cls. 1, 4, 14, 19)..... 9

16 4. “legacy wireless local area network device in accordance with a legacy

17 wireless networking protocol standard” (cl. 14)..... 10

18 C. U.S. Patent No. 8,416,862 11

19 1. “a baseband processing module operable to” (cl. 9)..... 11

20 2. “the baseband processing module is operable to” (cl. 10)..... 16

21 D. U.S. Patent No. 6,941,156 17

22 1. “a cell phone functionality” (cl. 1)..... 17

23 2. “RF communication functionality” (cl. 1) 20

24 3. “a module to establish simultaneous communication paths from said

25 multimode cell phone using both said cell phone functionality and said RF

26 communication functionality” (cl. 1)..... 22

27 4. “an automatic switch over module, in communication with both said cell

28 phone functionality and said RF communication functionality, operable to

switch a communication path established on one of said cell phone

functionality and said RF communication functionality, with another

communication path later established on the other of said cell phone

functionality and said RF communication functionality” (cl. 1)..... 24

IV. CONCLUSION..... 25

TABLE OF AUTHORITIES

Cases

Aristocrat Techs. Austral. PTY Ltd. v. Int’l Game Tech.
521 F.3d 1328 (Fed. Cir. 2008)22, 23, 25

Augme Techs., Inc. v. Yahoo! Inc.
755 F.3d 1326 (Fed. Cir. 2014)17, 27

Aventis Pharma S.A. v. Hospira, Inc.
743 F. Supp. 2d 305 (D. Del. 2010), *aff’d*, 675 F.3d 1324 (Fed. Cir. 2012).....3

Berkheimer v. HP Inc.
881 F.3d 1360 (Fed. Cir. 2018)4, 5, 9, 10

Blackboard, Inc. v. Desire2Learn, Inc.
574 F.3d 1371 (Fed. Cir. 2009)18

Cloud Farm Assocs. LP v. Volkswagen Grp., Inc.
674 F. App’x 1000 (Fed. Cir. 2017)16

EON Corp. Holdings LLC v. AT & T Mobility, LLC
785 F.3d 616 (Fed. Cir. 2015)21

ePlus, Inc. v. Lawson Software, Inc.
700 F.3d 509 (Fed. Cir. 2012)18, 27

GE Lighting Solutions, LLC v. Lights of Am., Inc.
663 F. App’x 938 (Fed. Cir. 2016)4

GoDaddy.com, LLC v. RPost Commc’ns Ltd.
2016 WL 212676 (D. Ariz. Jan. 19, 2016), *aff’d*, 685 F. App’x 992 (Fed. Cir.
2017)13, 14, 21, 24

Guitar Apprentice, Inc. v. Ubisoft, Inc.
97 F. Supp. 3d 965 (W.D. Tenn. 2015)14

H-W Tech, L.C. v. Overstock.com, Inc.
758 F.3d 1329 (Fed. Cir. 2014)3

In re Katz Interactive Call Processing Patent Litig.
639 F.3d 1303 (Fed. Cir. 2011)3

1	<i>Interval Licensing LLC v. AOL, Inc.</i>	
2	766 F.3d 1364 (Fed. Cir. 2014)	4
3	<i>IPXL Holdings, L.L.C. v. Amazon.com, Inc.</i>	
4	430 F.3d 1377 (Fed. Cir. 2005)	1, 2, 3
5	<i>Mastermine Software, Inc. v. Microsoft Corp.</i>	
6	874 F.3d 1307 (Fed. Cir. 2017)	2
7	<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i>	
8	572 U.S. 898 (2014).....	1, 7
9	<i>Noah Sys., Inc. v. Intuit Inc.</i>	
10	675 F.3d 1302 (Fed. Cir. 2012)	16
11	<i>Personal Audio, LLC v. Apple, Inc.</i>	
12	No. 9:09-cv-111, 2011 WL 11757163 (E.D. Tex. Jan. 31, 2011).....	14
13	<i>Phillips v. AWH Corp.</i>	
14	415 F.3d 1303 (Fed. Cir. 2005)	7
15	<i>Praxair Distrib., Inc. v. Mallinckrodt Hosp. Prod. IP Ltd.</i>	
16	890 F.3d 1024 (Fed. Cir. 2018)	8
17	<i>Sarif Biomed. LLC v. Brainlab, Inc.</i>	
18	2015 WL 5072085 (D. Del. Aug. 26, 2015).....	14
19	<i>Soque Holdings (Bermuda) Ltd. v. Keyscan, Inc.</i>	
20	2010 WL 2292316 (N.D. Cal. June 7, 2010).....	15
21	<i>Teva Pharm. USA, Inc. v. Sandoz, Inc.</i>	
22	789 F.3d 1335 (Fed. Cir. 2015)	7
23	<i>Triton Tech of Texas, LLC v. Nintendo of Am., Inc.</i>	
24	753 F.3d 1375 (Fed. Cir. 2014)	19
25	<i>UltimatePointer, L.L.C. v. Nintendo Co.</i>	
26	816 F.3d 816 (Fed. Cir. 2016)	2
27	<i>Williamson v. Citrix Online, LLC</i>	
28	792 F.3d 1339 (Fed. Cir. 2015)	passim

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.