

EXHIBIT 26

Defendant's Invalidation Contentions
Exhibit D1

Invalidity of U.S. Patent No. 6,408,193
by
U.S. Patent No. 5,548,616 to Mucke, *et al.* ("Mucke")

The excerpts cited herein are exemplary. For any claim limitation, Defendant may rely on excerpts cited for any other limitation and/or additional excerpts not set forth fully herein to the extent necessary to provide a more comprehensive explanation for a reference's disclosure of a limitation. Where an excerpt refers to or discusses a figure or figure items, that figure and any additional descriptions of that figure should be understood to be incorporated by reference as if set forth fully therein.

Except where specifically noted otherwise, this chart applies the apparent constructions of claim terms as used by Plaintiff in its infringement contentions; such use, however, does not imply that Defendant adopts or agrees with Plaintiff's constructions in any way.

U.S. Patent No. 6,408,193 ("the '193 Patent") claims priority to Japanese Application No. 10-318689, filed November 10, 1998. For purposes of these invalidity contentions, Defendant applies the November 10, 1998, priority date for the '193 Patent. However, Defendant reserves the right to contest Plaintiff's reliance on the November 10, 1998, priority date, should the priority date become an issue in this proceeding.

Mucke was filed on September 9, 1994 and issued on August 20, 1996. As such, Mucke qualifies as prior art with regard to the '193 Patent under 35 U.S.C. §§ 102(a), 102(b), and 102(e) (pre-AIA). Using Plaintiff's interpretation of the claims, Mucke anticipates claims 1, 6, and 7 under 35 U.S.C. §§ 102(a), 102(b), and 102(e).

Alternatively, Mucke renders obvious claims 1, 6, and 7 under 35 U.S.C. § 103(a) in view of the knowledge of a person having ordinary skill in the art.

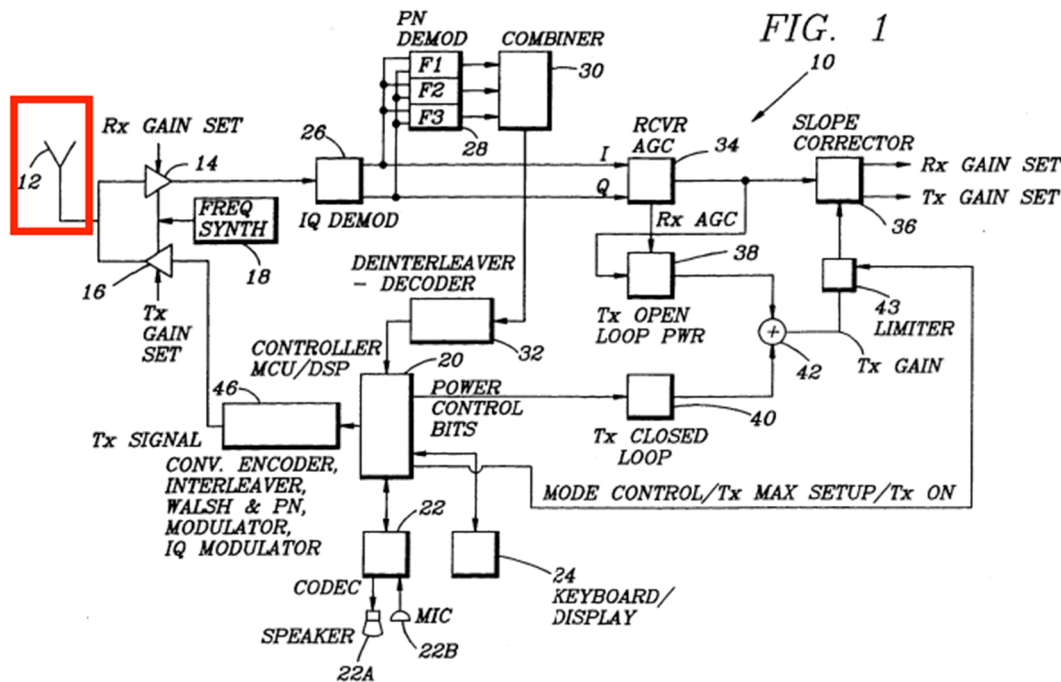
Alternatively Mucke in view of Japanese Unexamined Patent Application Publication JP H10-0285059 to Nakayama ("Nakayama") renders obvious claims 1, 6, and 7 under 35 U.S.C. § 103(a). Nakayama was published on October 23, 1998. As such, Nakayama qualifies as prior art with regard to the '193 Patent under at least 35 U.S.C. § 102(a) (pre-AIA).

Alternatively Mucke in view of U.S. Patent No. 6,118,988 to Choi renders obvious claims 1, 6, and 7 under 35 U.S.C. § 103(a). Choi was filed on July 31, 1998. As such, Choi qualifies as prior art with regard to the '193 Patent under at least 35 U.S.C. § 102(e) (pre-AIA).

Defendant’s Invalidation Contentions
Exhibit D1

U.S. Patent No. 6,408,193	Mucke
<i>Claim 1</i>	
<p>[1(pre)] A cellular telephone adapted to be used in a CDMA system, comprising:</p>	<p>To the extent the preamble is limiting, Mucke teaches this limitation. In particular, Mucke’s invention relates to “radiotelephones that are compatible with a code division, multiple access (CDMA) protocol.” Mucke at 1:9-11. Such radiotelephones are “cellular telephones”:</p> <p><i>In the preferred embodiment of this invention the spread spectrum radiotelephone 10 operates in accordance with the TIA/EIA Interim Standard, Mobile Station-Base Station Compatibility Standard for Dual-Mode Wideband Spread Spectrum Cellular System, TIA/EIA/IS-95 (Jul. 1993). Id. at 4:19-24.</i></p>
<p>[1(a)] an antenna for receiving a first communication signal and a transmitting power control signal from a cell-site station and transmitting a second communication signal to the cell-site station,</p>	<p>Mucke teaches that radiotelephone 10 includes an antenna 12:</p> <p><i>The radiotelephone 10 includes an antenna 12 for receiving RF signals from a cell site, hereafter referred to as a base station (not shown), and for transmitting RF signals to the base station. Mucke at 4:27-30; see also FIG. 1 (schematically depicting antenna 12):</i></p>

Defendant's Invalidation Contentions
Exhibit D1



Antenna 12 receives signals sent by the base station, including both “speech” (communication signal) and “signaling” information:

The radiotelephone 10 includes an antenna 12 for receiving RF signals from a cell site, hereafter referred to as a base station (not shown), and for transmitting RF signals to the base station. When operating in the digital (spread spectrum or CDMA) mode the RF signals are phase modulated to convey speech and signalling information.

Id. at 30-32.

This “signaling information” includes transmit power control information in the form of “transmitter power control bits”:

The received RF signals are converted to base band in the receiver and are applied to a phase demodulator 26 which derives in-phase (I) and quadrature (Q) signals from the received signal.

Defendant's Invalidation Contentions
Exhibit D1

	<p><i>The I and Q signals are converted to digital representations by suitable A/D converters and applied to a three finger (F1-F3) demodulator 30, each of which includes a local PN generator. The output of the demodulator 28 is applied to a combiner 30 which outputs a signal, via a deinterleaver and decoder 32, to the controller 20. The digital signal input to the controller 20 is expressive of speech samples or signalling information. The further processing of this signal by the controller 20 is not germane to an understanding of this invention and is not further described, except to note that the signalling information will include transmitter power control bits that are sent from the base station as a continuous stream to the radiotelephone 10.</i></p> <p><i>Id.</i> at 4:45-61.</p> <p>Antenna 12 also transmits signals to the base station: <i>The radiotelephone 10 includes an antenna 12 for receiving RF signals from a cell site, hereafter referred to as a base station (not shown), and for transmitting RF signals to the base station.</i></p> <p><i>Id.</i> at 4:27-30.</p>
<p>[1(b)] a duplexer connected to said antenna,</p>	<p>Mucke teaches that the receiver 14 and the transmitter 16 are both coupled through antenna 12, and are therefore necessarily duplexed:</p> <p><i>Coupled to the antenna 12 are a gain controlled receiver 14 and a gain controlled transmitter 16 for receiving and for transmitting, respectively, the phase modulated RF signals.</i></p> <p><i>Mucke</i> at 4:32-35; see also FIG. 1, <i>supra</i>.</p> <p>Additionally, Mucke teaches a CDMA telephone, which the '193 Patent admits includes a duplexer:</p> <p><i>The typical standard for the CDMA cellular telephone system enacted in the U.S. is TIA IS-95 (hereinafter IS-95). An example of a transmitter applying IS-95 is shown in FIG. 11. In this example, a modulated signal converted into a transmitting frequency band is supplied to a variable amplitude amplifier 230 and the output of the variable amplitude amplifier 230 is further amplified by a power amplifier means 250 and transmitted to an antenna 450 through a duplexer 400.</i></p> <p>'193 Patent at 1:24-32.</p>
<p>[1(c)] a receiver connected to said antenna through said duplexer for converting said first</p>	<p>Mucke teaches that the received signal is first converted to base band, then I-Q demodulated, then converted from analog to digital, then pseudonoise demodulated, then combined. The resulting "signal" is passed to deinterleaver/decoder before being passed to the controller:</p>

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.