

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

PARKERVISION, INC.,

Plaintiff,

v.

TCL INDUSTRIES HOLDINGS CO.,
LTD., TCL ELECTRONICS HOLDINGS
LTD., SHENZHEN TCL NEW
TECHNOLOGY CO., LTD., TCL KING
ELECTRICAL APPLIANCES
(HUIZHOU) CO., LTD., TCL MOKA
INT'L LTD., and TCL MOKA
MANUFACTURING S.A. DE C.V.;

HISENSE CO., LTD. and HISENSE
VISUAL TECHNOLOGY CO., LTD. (F/K/A
QINGDAO HISENSE ELECTRONICS CO.),
LTD. and HISENSE ELECTRIC CO., LTD.

Defendants.

Case No. 6:20-cv-00945-ADA

Case No. 6:20-cv-00870-ADA

JURY TRIAL DEMANDED

DEFENDANTS' OPENING CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	DISPUTED CLAIM TERMS	2
A.	“Low Impedance Load”	2
1.	The Patents Fail To Provide Any Objective Boundary for Determining What Constitutes a “Low” Impedance Load	3
2.	Additional References In the Patent Specifications Do Not Provide the Needed Clarity	5
3.	The Prosecution History Does Not Resolve the Uncertainty Over the Meaning of “Low Impedance Load”	6
4.	The Court Should Reject ParkerVision’s Argument That “Low Impedance Load” Should Be Given an Unspecified “Plain-and-Ordinary Meaning”	6
B.	“Said Energy Discharged From Said Capacitor Provides Sufficient Power to Drive the Low Impedance Load”	7
C.	“Storage” Terms.....	10
1.	The Express Definition in the Patents Governs	10
2.	ParkerVision’s Construction Is Barred by Collateral Estoppel	11
3.	ParkerVision’s Proposed Construction Contradicts the Express Claim Language of the ’736 and ’637 Patent Claims.....	15
D.	“Voltage of the Input Modulated Carrier Signal is Not Reproduced or Approximated at the Capacitor During the Apertures or Outside of the Apertures”	16
E.	“A Down-Convert and Delay Module to Under-Sample an Input Signal to Produce an Input Sample of a Down-Converted Image of Said Input Signal, and to Delay Said Input Sample”	18
F.	“Delay Module” Terms.....	20
G.	“Said Control Signal Comprises a Train of Pulses Having Pulse Widths That Are Established to Improve Energy Transfer From Said Input Signal to Said Down-Converted Image”	21
H.	“Means for Under-Sampling an Input Signal to Produce an Input Sample of a Down-Converted Image of Said Input Signal”	22
I.	“First Delaying Means for Delaying Said Input Sample”	24
J.	“A Frequency Translator To Produce a Sample of a Down-Converted Image of an Input Signal, and To Delay Said Sample”	26

K. “Wherein Said Energy Transfer Signal Generator in Widening Said Apertures of Said Pulses by a Non-Negligible Amount That Tends Away From Zero Time in Duration to Extend the Time That Said Switch is Closed for the Purpose of Increasing Energy Transferred From Said Input Signal Does So at the Expense of Reproducing Said Input Signal, Such That Said Increased Energy Transferred From Said Input Signal When Said Switch is Closed in Response to Said Energy Transfer Signal Prevents Substantial Voltage Reproduction of Said Input Signal” 27

L. “Establishing Apertures” Terms 29

M. “Frequency Down-Conversion Module” 30

N. “Under-Sample” / “Under-Samples” / “Under-Sampling” 31

O. “Harmonic” / “Harmonics” 31

P. “Integral Filter/Frequency Translator to Filter and Down-Convert an Input Signal” 32

Q. “Modulated Signal” / “Modulated Carrier Signal” 32

R. “Universal Frequency Downconverter (UFD)” 33

S. [Wherein Said Storage Elements Comprises] “a Capacitor That Reduces a DC Offset Voltage in Said First-Down Converted Signal and Second Down Converted Signal” 34

T. “DC Offset Voltage” 34

U. “Sampling Aperture” 35

V. “Switch” / “Switching Device” / “Switching Module” / “Switch Module” 36

W. “A Down-Converted Signal Being Generated From Said Sampled Energy” 37

III. AGREED CLAIM TERM 39

A. “The [] Switch Is Coupled to the [] Storage Element at a [] Node and Coupled to a [] Reference Potential” (’474 patent, claim 1)..... 39

IV. CONCLUSION..... 39

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Eon Corp. IP Holdings v. Silver Spring Networks</i> , 815 F.3d 1314 (Fed. Cir. 2016).....	7, 9
<i>Finjan, Inc. v. ESET, LLC</i> , No. 3:17-cv-0183-CAB-BGS, 2021 WL 1241143 (S.D. Cal. Mar. 29, 2021)	7
<i>Halliburton Energy Servs., Inc. v. M-I LLC</i> , 514 F.3d 1244 (Fed. Cir. 2008).....	4, 5, 8
<i>Hemphill v. Proctor & Gamble Co.</i> , 85 F. App'x 765 (Fed. Cir. 2004)	14
<i>Interval Licensing LLC v. AOL, Inc.</i> , 766 F.3d 1364 (Fed. Cir. 2014).....	22, 28
<i>Jack Guttman, Inc. v. Kopykake Enter., Inc.</i> , 302 F.3d 1352 (Fed. Cir. 2002).....	32
<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 572 U.S. 898 (2014).....	3, 8
<i>Noah Sys., Inc. v. Intuit Inc.</i> , 675 F.3d 1302 (Fed. Cir. 2012).....	19
<i>O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.</i> , 521 F.3d 1351 (Fed. Cir. 2008).....	7, 9
<i>ParkerVision, Inc. v. Qualcomm Inc.</i> , 621 F. App'x 1009 (Fed. Cir. 2015)	13, 15, 38
<i>ParkerVision, Inc. v. Qualcomm Inc.</i> , No. 3:11-cv-719-J-37-TEM, 2013 WL 633077 (M.D. Fla. Feb. 20, 2013).....	12
<i>Phillips v. AWH Corp.</i> , 415 F. 3d 1303 (Fed. Cir. 2005) (en banc).....	15
<i>Princeton Digit. Image Corp. v. Amazon.com, Inc.</i> , No. 13-237-LPS, 2019 WL 351258 (D. Del. Jan. 29, 2019)	6
<i>Semcon IP Inc. v. Huawei Device USA Inc.</i> , No. 2:16-cv-00437-JRG-RSP, 2017 WL 2972193 (E.D. Tex. July 12, 2017)	3

Signal IP v. Am. Honda Motor Co.,
No. LA CV-14-02454-JAK, 2015 WL 5768344 (C.D. Cal. Apr. 17, 2015)6

Williamson v. Citrix Online, LLC,
792 F.3d 1339 (Fed. Cir. 2015) (*en banc*) *passim*

Other Authorities

37 C.F.R. § 42.73(b)(2).....14

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.