

**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' REPLY CLAIM CONSTRUCTION BRIEF

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Defendants 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 Moka Manufacturing S.A. De C.V. (collectively “TCL”) and

Defendants Hisense Co., Ltd. and Hisense Visual Technology Co., Ltd. (f/k/a Qingdao Hisense Electronics Co., Ltd. and Hisense Electric Co., Ltd.) (collectively “Hisense”) (TCL and Hisense are collectively referred to as “Defendants”) submit their reply claim construction brief.

As an initial matter, ParkerVision states in a footnote that “it appears” that Defendants’ expert “is not a POSITA.” ParkerVision Brief (“PV Br.”) at 6 n.3 (citing Steer Decl. ¶¶ 12-18). This is a puzzling allegation, as Dr. Shoemake has *a Ph.D. in Electrical Engineering* from Cornell University. Further, the accused technology in this case concerns Wi-Fi chips in smart TVs—subject matter in which Dr. Shoemake is a pioneer, having invented various aspects of the IEEE 802.11 (Wi-Fi) standards, and even organized and chaired various IEEE 802.11 committees. Shoemake Decl. at ¶¶ 8-24. As such, Dr. Shoemake is not only a “POSITA,” but unquestionably a person of extraordinary skill in the relevant art. As such, Plaintiff’s odd footnote criticism of Dr. Shoemake should be disregarded.

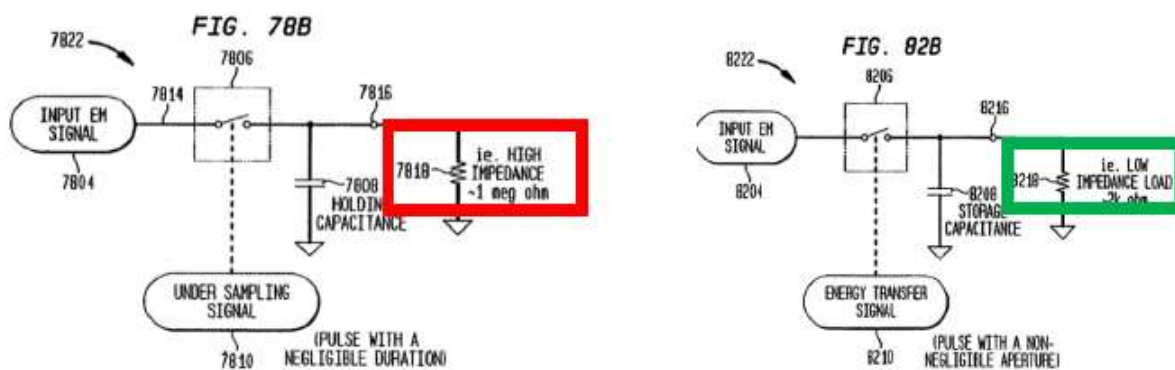
I. DISPUTED CLAIM TERMS

A. ParkerVision’s Response Fails To Identify an Objective Boundary for Determining What Constitutes a “Low” Impedance Load

In its Responsive Brief, ParkerVision failed to show that the patents provide an objective boundary for determining what is a “low” impedance load. Quite the opposite, in fact, as ParkerVision itself confirmed that the patents describe this claim term in purely subjective terms. The Court should therefore find this term indefinite.

ParkerVision itself recognizes, “it is a binary choice – it is either high or low impedance.” PV Br. at 3. Yet nowhere in its brief does ParkerVision identify the dividing line between these

“binary” possibilities. ParkerVision places heavy emphasis on Figures 78B and 82B of the ’518 patent (*see* PV Br. at 3, 4, 6, 12; Steer Decl. ¶¶ 33, 34, 37, 42, 43, 46, 54, 63, 66), but those figures do not provide an objective boundary for determining what is a “low impedance load.” Rather, they merely provide anecdotal examples where, on the one hand, a massive 1 MΩ load (1,000,000 ohms) is deemed a “high impedance load” while, on the other hand, a 500-times-smaller 2 kohm load (2,000 ohms) is deemed to be a “low impedance load.”



PV Br. at 3. Such extreme cases, however, provide no guidance as to whether values between those two ends of the spectrum would be considered “high” or “low” impedance. Would 900,000 ohms be a “low” impedance? 500,000 ohms? 100,000 ohms? 50,000 ohms? The figures upon which ParkerVision relies do not answer these questions, and the patents otherwise provide no guidance. Therefore, the term is indefinite. *Signal IP v. Am. Honda Motor Co.*, No. LA CV-14-02454-JAK (JEMx), 2015 WL 5768344, at *55 (C.D. Cal. Apr. 17, 2015) (finding indefinite “relatively low vehicle torque demand” where examples in specification “describe positions at the extremely high and extremely low ends of the spectrum, but do not help define the boundaries of ‘relatively high’ and ‘relatively low’” (citation omitted)); *Princeton Digit.*

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