

EXHIBIT B

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571-272-7822

Paper 39
Entered: November 21, 2022

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TCL INDUSTRIES HOLDINGS CO., LTD. and LG ELECTRONICS INC.,
Petitioners,¹

v.

PARKERVISION, INC.,
Patent Owner.

IPR2021-00990²
Patent 7,110,444 B1

Before MICHAEL R. ZECHER, BART A. GERSTENBLITH, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

JUDGMENT
Final Written Decision
Determining All Challenged Claims Unpatentable
35 U.S.C. § 318(a)

¹ The caption is updated to remove Petitioner Hisense Co., Ltd. (“Hisense”) because Hisense is no longer a party to this proceeding. *See* Paper 38 (Termination due to Settlement After Institution of Trial Only as to Hisense Co., Ltd.). The parties shall use this caption (without this footnote) going forward.

² LG Electronics Inc., who filed a petition in IPR2022-00245, is joined as petitioner in this proceeding.

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I. INTRODUCTION

A. Background

TCL Industries Holdings Co., Ltd. (“TCL”) and Hisense filed a Petition (Paper 1, “Pet.”) requesting institution of *inter partes* review (“IPR”) of claims 2–4 (“the Challenged Claims”) of U.S. Patent No. 7,110,444 B1 (Ex. 1001, “the ’444 patent”). ParkerVision, Inc. (“Patent Owner”) filed a Preliminary Response (Paper 8). Applying the standard set forth in 35 U.S.C. § 314(a), we instituted an *inter partes* review as to all claims and grounds set forth in the Petition. Paper 9 (“Inst. Dec.”).

After institution, LG Electronics Inc. (“LG”) filed a petition in IPR2022-00245 (challenging the same claims of the ’444 patent on the same grounds), and a motion for joinder (seeking to join this proceeding as a petitioner). *LG Elecs. Inc. v. ParkerVision, Inc.*, IPR2022-00245 (PTAB Dec. 12, 2021), Papers 3 (petition), 4 (motion for joinder). We granted institution in IPR2022-00245 and granted LG’s motion for joinder. *Id.* at Paper 9 (PTAB Apr. 12, 2022); IPR2021-00990, Paper 16. Recently, Hisense and Patent Owner reached a settlement and this proceeding was terminated only as to Hisense. Paper 38. Accordingly, we refer to TCL and LG, collectively, as “Petitioners.”

Also following institution, Patent Owner filed a Patent Owner Response (Paper 12, “PO Resp.”), Petitioners filed a Reply to Patent Owner’s Response (Paper 20, “Pet. Reply”), and Patent Owner filed a Sur-reply (Paper 26, “PO Sur-reply”). Additionally, we granted Petitioners’ Motion for Routine and/or Additional Discovery (Paper 13), ordering the production of Patent Owner’s Final Infringement Contentions. Paper 18 (Order), 8. And, we denied Patent Owner’s Motion to Strike portions of

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Petitioners' Reply (Paper 21), finding that the "Reply does not raise new issues, is not accompanied by belatedly presented evidence, and does not otherwise exceed the proper scope of [a] reply brief as set forth in 37 C.F.R. § 42.23(b)." Paper 25 (Order), 13. An oral hearing was held on September 8, 2022, and the transcript is of record. Paper 34 ("Tr.").³

We have jurisdiction pursuant to 35 U.S.C. § 6. This Decision is a Final Written Decision under 35 U.S.C. § 318(a) and 37 C.F.R. § 42.73 as to the patentability of the Challenged Claims. Petitioners bear the burden of proving unpatentability of the Challenged Claims. *Dynamic Drinkware, LLC v. Nat'l Graphics, Inc.*, 800 F.3d 1375, 1378 (Fed. Cir. 2015). To prevail, Petitioners must prove unpatentability by a preponderance of the evidence. *See* 35 U.S.C. § 316(e) (2018); 37 C.F.R. § 42.1(d) (2020). Having reviewed the arguments and the supporting evidence, we determine that Petitioners have shown, by a preponderance of the evidence, that claims 2–4 of the '444 patent are unpatentable.

B. Related Proceedings

The parties identify the following as related matters: *ParkerVision, Inc. v. Intel Corporation*, 6:20-cv-00108 (W.D. Tex.); *ParkerVision, Inc. v. TCL Industries Holdings Co., Ltd. et al.*, No. 6:20-cv-00945 (W.D. Tex.); *ParkerVision, Inc. v. Hisense Co., Ltd. et al.*, No. 6:20-cv-00870 (W.D. Tex.); *ParkerVision, Inc. v. ZyXEL Communications Corp.*, No. 6:20-cv-

³ Because of a substantial overlap in issues presented, the transcript includes oral argument from related case IPR2021-00985, although this proceeding and IPR2021-00985 are not consolidated or joined.

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01010 (W.D. Tex.)⁴; *ParkerVision, Inc. v. LG Electronics Inc.*, No. 6:21-cv-00520 (W.D. Tex.); and *Intel Corporation v. ParkerVision, Inc.*, IPR2020-01265 (“the Intel IPR”). Pet. 4–5; Paper 5 (Petitioners’ Updated Mandatory Notice), 1; Paper 7 (Patent Owner’s Mandatory Notices), 1. Petitioners also identify *ParkerVision, Inc. v. Buffalo Inc.*, No. 6:20-cv-01009 (W.D. Tex.), as a related matter involving the ’444 patent. Pet. 5. Additionally, Petitioners challenge several claims of U.S. Patent No. 7,292,835 B2 (“the ’835 patent”), owned by Patent Owner, in IPR2021-00985. Pet. 5; Paper 7, 1.⁵

C. Real Parties in Interest

Petitioners identify TCL; TCL Electronics Holdings Ltd.; Shenzhen TCL New Technology Co., Ltd.; TCL King Electrical Appliances (Huizhou) Co., Ltd.; TCL Moka Int’l Ltd.; TCL Moka Manufacturing S.A. DE C.V.; TCL Technology Group Corp.; TTE Technology, Inc.; LG; and LG Electronics U.S.A., Inc. as real parties in interest. Pet. 4; *LG*, IPR2022-00245, Paper 3 at 5. Patent Owner identifies ParkerVision, Inc. as the sole real party in interest. Paper 7, 1.

⁴ After the parties’ briefing, the district court granted a joint motion to dismiss with prejudice and the case is now closed. *See* Ex. 3001 (Docket Entry 25, Order dated Sept. 27, 2001).

⁵ Patent Owner identifies the instant proceeding—IPR2021-00990—as a related matter, but we understand Patent Owner to refer to IPR2021-00985. *See* Paper 7, 1.

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