

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

PARKERVISION, INC.

Plaintiff,

v.

QUALCOMM INCORPORATED, QUALCOMM  
ATHEROS, INC., HTC CORPORATION, HTC  
AMERICA, INC., SAMSUNG ELECTRONICS  
CO., LTD., SAMSUNG ELECTRONICS  
AMERICA, INC., and SAMSUNG  
TELECOMMUNICATIONS AMERICA, LLC

Defendants.

CASE NO.: 6:14-CV-00687-PGB-KRS

**PARKERVISION, INC.’S MOTION FOR ADDITIONAL  
CLAIM CONSTRUCTION BRIEFING AND IDENTIFICATION  
OF TERMS WHICH CONTINUE TO REQUIRE CONSTRUCTION**

Pursuant to the Court’s order dated July 23, 2019 at Docket No. 297, Plaintiff ParkerVision, Inc. (“ParkerVision”) hereby submits to the Court the following list of terms discussed during the *Markman* hearing that ParkerVision contends continue to require construction:

<b>Term(s)</b>	<b>Patent(s)</b>
“harmonic”/“harmonics”	6,091,940, 7,039,372
“switch”/“switch module”/ “to gate”/“gating”/“to gate”/“gating”/“gating means”	6,091,940, 7,039,372
“summer”/“summing means”	7,039,372
“matched filtering/correlating module”	7,865,177

ParkerVision does not now seek additional briefing on the following terms, because it believes they were adequately addressed by the prior briefing, Dkt. Nos. 148, 149, 170, and 171, and argument at the *Markman* hearing:

<b>Term(s)</b>	<b>ParkerVision’s Proposed Construction</b>
“harmonic”/“harmonics” (’940, ’372)	“frequency or tone that, when compared to its fundamental or reference, is an integer multiple including $n=1/\text{the fundamental}$ ”
“gating means” (’372)	<u>Function</u> : “gating”  <u>Structure</u> : Figures 31A and 32A; Col. 2:24-45 and equivalents thereof
“summing means (’327)”	<u>Function</u> : “summing an in-phase phase-modulated harmonically rich signal and a quadrature-phase phase-modulated harmonically rich signal” (’372 Patent, Claim 99)  <u>Function</u> : “summing an in-phase phase-and-amplitude-modulated harmonically rich signal and a quadrature-phase phase-and-amplitude-modulated harmonically rich signal” (’372 Patent, Claim 103)  <u>Structure</u> : Figs. 8E, 34; Section 3.3.8 and equivalents thereof

ParkerVision moves the Court to receive additional claim construction briefing regarding the terms below, for which ParkerVision’s proposes modified constructions:

<b>Term(s)</b>	<b>ParkerVision’s Proposed Construction</b>
“switch”/“switch module” (’940, ’372)	“device with an input and output that can take two states, open and closed, as dictated by an independent control input”
“to gate”/“gating” (’940, ’372)	“to change/changing between the open and closed states of a device that can take two states, open and closed, as dictated by an independent control input”
“summer” (’372)	Plain and ordinary meaning.  Alternatively, “circuitry that sums two or more signals”

“matched filtering/correlating module” (’177)	“substantially linear time-variant circuitry that samples a modulated RF (radio frequency) carrier signal at an aliasing rate using a switch with an independent control input driven by a control signal with a non-negligible, periodic aperture, such that the samples, having non-negligible available energy, are accumulated and transferred to a significant load while the switch is closed and discharged through the load while the switch is open, thereby transferring substantial available real power from the modulated RF carrier signal to the load and producing a downconverted signal with enhanced signal-to-noise power ratio”
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The basis for ParkerVision’s motion is as follows.

**I. “switch”/“switch module” (’940, ’372)**

ParkerVision moves for additional briefing to substantiate the claim construction provided in the foregoing table, in view of the construction reached by the Patent Trial and Appeal Board (“PTAB”) in its Final Written Decisions for IPR2015-01828, IPR2015-01829, and IPR2015-01831. Exs. A-C at 7. The PTAB’s Final Written Decisions were not available until after the prior claim construction briefing and *Markman* hearing. The first clause of ParkerVision’s newly proposed construction is identical to the construction reached by PTAB in the related IPRs, *id.*, while the second clause resolves the ambiguity found in Qualcomm’s competing proposal. *See* Claim Construction Hearing Transcript at 57:7-21. ParkerVision’s proposal is also consistent with the compromise construction it previously offered at the *Markman* hearing. *See id.* at 59:18-60:24.

**II. “to gate”/“gating” (’940, ’372)**

ParkerVision moves for additional briefing to substantiate the claim construction provided in the foregoing table, in view of the construction reached by PTAB in its Final Written Decisions for IPR2015-01828, IPR2015-01829, and IPR2015-01831. Exs. A-C at 7. The PTAB’s Final Written Decisions were not available until after the prior claim construction

briefing and *Markman* hearing. The first clause of ParkerVision's newly proposed construction is consistent with the construction reached by PTAB in the related IPRs, *id.*, while the second clause resolves the ambiguity found in Qualcomm's competing proposal. *See* Claim Construction Hearing Transcript at 57:7-21. ParkerVision's proposal is also consistent with the compromise construction it previously offered at the *Markman* hearing. *See id.* at 59:18-60:24.

### **III. "summer" ('372)**

ParkerVision moves for additional briefing to substantiate the claim constructions provided in the foregoing table, in view of the "no express construction necessary" determination reached by PTAB, Ex. B at 7, and also to crystalize the parties' dispute for the Court. *See* Joint Claim Construction Statement, Docket No. 124, at 12-13. The PTAB's Final Written Decisions were not available until after the prior claim construction briefing and *Markman* hearing. ParkerVision's plain-and-ordinary meaning construction is consistent with the PTAB's "no express construction necessary" holding, and its alternative construction is identical to Qualcomm's proposed construction, except that it replaces "a device" with "circuitry." *Id.*

### **IV. "matched filtering/correlating module" ('177)**

ParkerVision moves for additional briefing to substantiate the claim construction provided in the foregoing table, in view of an intervening change of law. After ParkerVision filed its opening claim construction brief on June 15, 2015 (Docket No. 148), but before Qualcomm filed its responsive brief on July 16, 2015, the Federal Circuit issued its *Williamson v. Citrix Online* opinion regarding means-plus-function claim interpretation. 792 F.3d 1339 (Fed. Cir. June 16, 2015) (en banc). This order of events led the Court to suggest that it "may make sense to brief . . . the *Williamson* issue [] more fully and have a separate hearing on that if necessary." Claim Construction Hearing Transcript at 4-5. *Williamson* and its progeny are germane to the proper construction of the "matched filtering/correlating module" term. *See id.* at

28-36 (Qualcomm discussing the term in the context of *Williamson*). Due to this change of law, there is good cause for ParkerVision's motion for additional briefing to address its newly proposed claim construction.

Respectfully submitted,

**McKOOL SMITH, P.C.**

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***ATTORNEYS FOR PLAINTIFF  
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**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on August 13, 2019.

*/s/ Josh Budwin*

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Josh Budwin