

PAT. L.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Case Number: 3:16-cv-2787-WHO

**PATENT L.R. 4-3 JOINT CLAIM
CONSTRUCTION AND PREHEARING
STATEMENT**

Technology Tutorial: July 14, 2017, 9:00 a.m.
Claim Construction Hearing: July 21, 2017, 9:00 a.m.

and

Defendant,

Counterclaim-Defendant.

Pursuant to Patent Local Rule 4-3, Plaintiffs and Counterclaim-Defendants Huawei Technologies Co., Ltd., Huawei Device USA, Inc., Huawei Technologies USA, Inc., and Counterclaim-Defendant HiSilicon Technologies Co., Ltd. (collectively, “Huawei”) and Defendants and Counterclaim-Plaintiffs Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., and Samsung Research America, Inc. (collectively, “Samsung”) hereby submit this Joint Claim Construction and Prehearing Statement.

I. Agreed Constructions

Exhibit A contains the parties’ agreed construction.

II. Disputed Constructions

Exhibit B (for Huawei’s asserted patents) and Exhibit C (for Samsung’s asserted patents) contain each party’s proposed construction and supporting evidence for each disputed term.

III. Ten Most Significant Terms

The construction of the following terms will be most significant to resolution of the case:

1. “a set of control channel candidates” (’195 Patent, claims 9, 25)
2. “a middle symbol in the slot” (’130 patent, claims 9, 13)
3. “[calculating/calculates] a HARQ process IDentifier (ID) using the number of HARQ processes of the persistent resource allocation, the persistent resource allocation interval information, and time information” (’726 patent, claims 1, 11)
4. “predetermined delay duration” (’825 patent, claims 1, 4)
5. “controlling an active time period during a Discontinuous Reception (DRX) operation” (’588 patent, claims 1, 7)
6. “receiving, by a user equipment (UE), a service sent by a base station” / “receive a service sent by a base station” (’613 Patent, claims 1, 5)
7. “a group number k of a sequence group allocated by the system” (’239 patent, claims 6, 17)
8. “a first P-temporary Mobile Station Identity (P-TMSI) in an access message” (’166 patent, claims 1, 12)
9. “dedicated priority list” (’197 patent, claims 1, 5, 7-9, 14, 15; ’246 patent, claims

1, 2, 6-8, 10-12, 16-18, 20; '003 patent, claims 1-4, 7-9, 12, 14-20)

10. “dynamically indicative of one of payload size or a Redundancy Version (RV) [through the state of the field]” ('278 patent, Claims 1, 7)

IV. Huawei's Request to Construe 10 More Terms

Huawei requests that in addition to the 10 most significant terms listed above, the Court allow Huawei and Samsung each to identify an additional 5 terms as “next tier” terms to be construed at the July 21, 2017 Markman hearing, for a total of 20 terms.

This case involves 11 patents that Huawei has asserted against Samsung and 9 patents that Samsung has asserted against Huawei. The 10 most significant terms allowed by the local patent rules represents less than one term per patent. For that reason, Huawei requests that the Court allow an additional 10 terms, for a total of 20 terms.

Huawei also requests a status conference with the Court, whether telephonic or in-person, to discuss whether the Court would rather have the parties brief and argue only the 10 most significant terms at this time, brief and argue the 20 most significant terms at this time, or some other arrangement. In the event that the Court wishes the parties to brief and argue the top 20 terms at this time, Huawei proposes extending the page limits by 50% for each of the claim construction briefs. If the Court does not wish to have a separate status conference, Huawei proposes that that this issue be discussed during the April 19 hearing on Samsung's motion to amend its infringement contentions.

In the event that the Court agrees with Huawei's request that the parties may identify and brief 20 terms, the parties will identify the 10 terms for the Court at that time.

Samsung believes that this request can be handled more efficiently later in the case when the disputes between the parties are narrowed.

Huawei's Statement on Impact of Claim Construction on the Case

Huawei believes that, based on the information currently available to it, construction of the terms proposed by Huawei (term numbers 1-5) will be dispositive of Samsung's patent infringement claims for their respective patents if the Court adopts Huawei's proposed construction because the patents will not be infringed and/or invalid. Huawei further notes that

other terms in addition to these five terms would also be dispositive and, as requested above, Huawei asks that the Court construe an additional 10 terms. But notably no constructions will be case-dispositive, because resolution of the patent infringement claims in this case would not resolve Huawei's causes of action for breach of contract and a declaratory judgment of FRAND terms. Moreover, the parties have collectively identified a total of 102 terms for the 20 asserted patents in this case that require construction. Huawei expects that additional claim construction proceedings will be necessary for some or all of the disputed terms in addition to the ten (or 20, if the Court allows) most significant terms, before the parties' patent infringement claims can be presented to a jury.

Samsung's Statement on Impact of Claim Construction on the Case

The five significant terms that Samsung identified for construction (Term numbers 6-10) are case-dispositive for seven of the eleven Huawei asserted patents.¹ If the Court adopts Samsung's proposed constructions, each of these seven patents will be not infringed, and/or invalid, and as a result not essential for the purpose of the FRAND-licensing related claims. Although construction of Samsung's five significant terms will not alone dispose of the entire dispute between the parties—Samsung's antitrust claim, for example, will remain—their construction could significantly narrow the case, leaving only four Huawei patents in the case.

V. Anticipated Time Necessary for the Claim Construction Hearing

The parties anticipate that the Claim Construction Hearing will require four hours, with two hours per side.

VI. Proposed Witnesses

The Parties agree not to call any witnesses, including expert witnesses, at the Claim Construction Hearing. The Parties, however, may rely on expert declarations or deposition testimony as extrinsic evidence in support of their respective claim construction positions.

¹ The term "dedicated priority list" is found in all claims in the '197, '246, and '003 patents (all part of the same family of patents).

Dated: April 7, 2017

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/s/ Michael J. Bettinger

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ATTESTATION

Pursuant to Civil Local Rule 5-1(i)(3), the filer of this document attests that concurrence in the filing of this document has been obtained from the other signatory.

Dated: April 7, 2017

/s/ Michael J. Bettinger
Michael J. Bettinger

EXHIBIT A

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT A

U.S. Patent No. 8,812,848	
Claim Term, Phrase or Clause	Agreed Construction
“A method for security capability negotiation during idle state mobility of a user equipment (UE), in a situation where the UE moves from a non-long term evolution (non-LTE) network to a long term evolution (LTE) network, the method comprising:” (Claim 9)	Preamble is limiting

EXHIBIT B

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,644,239					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
1	“obtaining, by a cell or a base station or a user equipment, a group number k of a sequence group allocated by the system” / “selecting, by the cell or the base station or the user equipment, n sequences from a candidate sequence collection to form sequences in a sub-group i in a sequence group k” / “obtain a group number k of a sequence group allocated by a system” / “select n sequences from a candidate sequence collection to form sequences in a sub-group i in the sequence group k” (Claims 6, 17)	obtain[ing] must be performed before select[ing]	The following portions of the claims need not be performed in order. Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 21:4-15, 34-45 Extrinsic Evidence: Expert testimony of Dr. Kevin Negus may include, in response to Samsung's expert testimony from Dr. Vijay Madiseti regarding this claim term: the technical background of the '239 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about how to properly interpret the “group number k” / “sequence group k” in this claim with reasonable certainty.	Intrinsic Evidence: Abstract, 2:15-47, 3:1-9, 6:8-52, 8:39-9:62, 21:4-46, Tables 1-9, Fig. 4. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Vijay Madiseti regarding this claim language, including testimony to (1) describe the technical background of the '239 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art how to properly interpret the “group number k” / “sequence group k” in this claim with

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U.S. Patent No. 8,644,239					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				Moreover, Samsung's summary of Dr. Madisetti's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	reasonable certainty; and (4) show that these terms are indefinite.
2	"a group number k of a sequence group allocated by the system" (Claims 6, 17)	a group number k allocated by the system, where the group number k identifies a sequence group	The value k is the same throughout the claim.	Intrinsic Evidence: 4:26-27 5:60-64 9:31-42 20:66-21:15 23:24-28 Fig. 4	Intrinsic Evidence: Abstract, 6:8-52, 8:39-9:62, 21:4-46, Tables 1-9, Fig. 4. Extrinsic Evidence: Microsoft Computer Dictionary, 5th ed. (2002), p. 210; allocate: "to reserve a resource, such as sufficient memory, for use by a program"

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U.S. Patent No. 8,644,239					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					<i>Dictionary.com Unabridged</i>. Retrieved March 15, 2017 from Dictionary.com; allocate: "to set apart for a particular purpose; assign or allot" <i>Merriam-Webster.com</i>. Merriam-Webster, n.d. Web. 2017; allocate: "to apportion for a specific purpose or to particular persons or thing; distribute; to set apart or earmark; designate"
3	"a value of a basic sequence index r_i in the sub-group i" (Claims 6, 17)	An index value r_i of a basic sequence in the subgroup i	"a number r_i determining the base sequence used to generate sequences in the sub-group i"	Intrinsic Evidence: 2:31-41 3:1-9 6:26-31 8:49-50 10:12-21 19:32-49 20:13-23 20:45-58 '239 patent, Pros. History, Apr. 24, 2013 Reply to Office Action (HW_Samsung_00041 5	Intrinsic Evidence: 2:15-47, 3:1-9, 8:39-9:62

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				02, HW_Samsung_000416 2 5-27)	
4	"the sequences" (Claims 6, 7, 17, 18) ¹	corresponding sequences	Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 11:26-46 21:16-21 Extrinsic Evidence: Expert testimony of Dr. Kevin Negus may include, in response to Samsung's expert testimony from Dr. Vijay Madisetti regarding this claim term: the technical background of the '239 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those	Intrinsic Evidence: 2:15-47, 5:60-6:7, 8:30-50, 18:45-20:3, Table 1. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Vijay Madisetti regarding this claim language, including testimony to (1) describe the technical background of the '239 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled

¹ To be clear, "the sequences" refers to "the sequences" without further qualifiers in the claim and thus does not refer to "the sequences in the formed sub-group" or "the sequences in the formed sub-group i." Samsung, however, contends that the ambiguity surrounding the proper antecedent basis of the term "the sequences" renders all of these terms indefinite.

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U.S. Patent No. 8,644,239					
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				skilled in the art, with reasonable certainty, about how to properly interpret the "sequences" in this claim with reasonable certainty. Moreover, Samsung's summary of Dr. Madisetti's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	in the art how to properly interpret the "sequences" in this claim with reasonable certainty; and (4) show that the term is indefinite.
5	"the reference sub-group sequence N_1 " (Claims 9, 20)	reference sub-group sequence length N_1	Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 4:18-19 6:26-39 12:51-56 14:58-59 17:46-52 23:11-16	Intrinsic Evidence: 6:40-8:38, 9:12-62 Extrinsic Evidence: Samsung may provide expert testimony from Dr. Vijay Madisetti regarding this claim

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U.S. Patent No. 8,644,239					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				Extrinsic Evidence: Expert testimony of Dr. Kevin Negus may include, in response to Samsung's expert testimony from Dr. Vijay Madisetti regarding this claim term: the technical background of the '239 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about how to properly interpret the "the reference sub-group sequence N ₁ " term in this claim with reasonable certainty and that adding "length" corrects an obvious minor	language, including testimony to (1) describe the technical background of the '239 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art how to properly interpret the "the reference sub-group sequence N ₁ " term in this claim with reasonable certainty; and (4) show that this term is indefinite.

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				typographical and clerical error which is apparent from the face of the patent. The correction is not subject to reasonable debate based on consideration of the claim language and the specification. Moreover, Samsung's summary of Dr. Madiseti's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
6	"serial number" (Claims 6, 17)	No construction necessary. <i>Alternatively, identifier</i>	"a unique identifying number"	Intrinsic Evidence: 4:9-16 4:32-34 4:51-55	Intrinsic Evidence: 4:3-5:2, 6:8-22, 20:12-23, 21:6-15, 23:42-54

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U.S. Patent No. 8,644,239					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				6:8-22 21:6-9 23:42-47 Extrinsic Evidence: http://www.dictionary.com/browse/serialnumber?S=t (HW_Samsung_00262462-64) https://www.merriamwebster.com/dictionary/serial%20number (HW_Samsung_00262472-73)	Extrinsic Evidence: <i>Merriam-Webster.com</i> . Merriam-Webster, n.d. Web. 2017; serial number: "a number indicating place in a series and used as a means of identification" <i>Dictionary.com Unabridged</i> . Random House, Inc. 2017; serial number: "a number, usually one of a series, assigned for identification"
7	"a basic sequence index r_i " (Claims 6, 17)	r_i is a basic sequence index that determines the basic sequence	"a number r_i determining the base sequence used to generate sequences in the sub-group i"	Intrinsic Evidence: 2:15-47 3:1-9 6:26-31 8:49-50 10:12-21 19:32-49 20:13-23 20:45-58 '239 patent, Pros.	Intrinsic Evidence: 2:15-47, 3:1-9, 8:39-9:62

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				History, Apr. 24, 2013 Reply to Office Action (HW_Samsung_00041502, HW_Samsung_00041625-27) Extrinsic Evidence: Expert testimony summary of Dr. Kevin Negus: At least that “a basic sequence index  The term index refers to an input to a function, process, or calculation that is used in some manner to affect the result. The index _i is an index that is used as an input to a function, process, or calculation that	

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U.S. Patent No. 8,644,239					
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				determines the basic sequence, sometimes referred to by those skilled in the art as a root sequence.	
8	"[generating/generate] ...corresponding sequences according to the sequences in the formed sub-group" (Claims 6, 17)	No construction necessary. <i>Alternatively,</i> [Generating/generate] ... corresponding sequences according to the sequences in the sub-group i	"[creating / create] new sequences from the sequences in the formed sub-group"	Intrinsic Evidence: 21:16-21 21:34-46 23:24-28	Intrinsic Evidence: 2:15-47, 8:30-50, Table 1.
9	"[communicating/ process]...according to the sequences on time frequency resources corresponding to the sub-group i" (Claims 6, 17)	No construction necessary. <i>Alternatively:</i> [communicating/process] ... according to the corresponding sequences, on the time frequency resources corresponding to the sub-group i	Indefinite; alternatively, "[transmitting/transmit] ...according to the n sequences from the candidate sequence collection on time frequency resources corresponding to the sub-group i	Intrinsic Evidence: 3:1-67 5:60-6:7 19:62-20:3 21:16-21 21:34-46 23:24-28 Fig. 2 Extrinsic Evidence: Expert testimony of Dr. Kevin Negus may include, in response to Samsung's expert testimony from Dr. Vijay Madiseti	Intrinsic Evidence: 5:60-6:7, 18:45-20:3. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Vijay Madiseti regarding this claim language, including testimony to (1) describe the technical background of the '239 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the

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				regarding this claim term: the technical background of the '239 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about how to properly interpret the "sequences" in this claim with reasonable certainty. Moreover, Samsung's summary of Dr. Madisetti's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what	alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art how any information is communicated or processed according to the sequences on time frequency resources corresponding to the sub-group i with reasonable certainty; (4) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art how to properly interpret the "sequences" in this claim with reasonable certainty; and (4) show that the term is indefinite.

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				way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
10	"sequence selecting unit configured to obtain...select..." (Claim 17)	Not means plus function element subject to 112(6). <i>Alternatively:</i> <u>Function:</u> obtain a group number k of a sequence group allocated by a system, and select n sequences from a candidate sequence collection to form sequences in a subgroup i in the sequence group k <u>Corresponding Structure:</u> hardware executing program instructions implementing: • "The group number k of the sequence group allocated by the system is obtained."	This term is governed by § 112 ¶ 6. <u>Function:</u> obtain a group number k and select n sequences from a candidate sequence collection <u>Structure:</u> not adequately disclosed; indefinite.	Intrinsic Evidence: Fig. 4, 5 21:4-19 21:34-48 23:29-35 23:42-54 Extrinsic Evidence: Expert testimony summary of Dr. Kevin Negus: At least that the "sequence selecting unit" would be understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. The function performed by the "sequence selecting unit" is "to obtain a	Intrinsic Evidence: 23:39-24:25, and Figs. 5-7. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Vijay Madiseti regarding this claim language, including testimony to (1) describe the technical background of the '239 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe why the claim term, viewed in light of the intrinsic and extrinsic evidence, does not recite sufficiently definite structure and instead recites a

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		•“N (n is a natural number) sequences are selected from the candidate sequence collection to form sequences in the sub-group i (i is a serial number of the sub-group) in the sequence group k, where the n sequences make the $d(f_i(\bullet), G_k)$ function value the smallest” •“Taking the Zadoff-Chu sequence as an example, if the function $d(a,b)$ is $d(a,b)= (a-b)$, for the subgroup m, the sequence that makes the $r_m/N_m-k/N_1$ value the smallest is selected and included into the sequence group k, thus ensuring higher correlation between sequences and reducing correlation between groups.		group number k of a sequence group allocated by a system, and select n sequences from a candidate sequence collection to form sequences in a sub-group i in the sequence group k” The specification identifies the structure that performs this function as hardware executing program instructions. The specification also describes the algorithm that this hardware executing program instructions performs as: “The group number k of the sequence group allocated by the system is obtained.”	function without reciting sufficient structure for performing that function; (4) describe why the specification does not describe sufficient corresponding structure for the claimed “sequence selecting unit”; and (5) show that the term is indefinite.

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				“N (n is a natural number) sequences are selected from the candidate sequence collection to form sequences in the sub-group i (i is a serial number of the sub-group) in the sequence group k, where the n sequences make the $d(f_i(\bullet), G_k)$ function value the smallest” “Taking the Zadoff-Chu sequence as an example, if the function $d(a,b)$ is $d(a,b)= (a-b)$, for the sub-group m, the sequence that makes the $r_m/N_m-k/N_1$ value the smallest is selected and included into the sequence group k, thus ensuring higher correlation between sequences and	

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				reducing correlation between groups."	
11	"sequence processing unit configured to generate...process..." (Claim 17)	Not means plus function element subject to 112(6) <i>Alternatively:</i> <u>Function:</u> generate corresponding sequences according to the sequences in the formed sub-group i, and process according to the sequences on time frequency resources corresponding to the sub-group i <u>Corresponding Structure:</u> hardware executing program instructions implementing: • "The corresponding transmitting sequences are generated according to the formed subgroup i, and the	This term is governed by § 112 ¶ 6. <u>Function:</u> generate corresponding sequences according to the sequences in the formed sub-group i and process according to the sequences on time frequency resources corresponding to the sub-group i <u>Structure:</u> not adequately disclosed; indefinite.	Intrinsic Evidence: Fig. 4, 5 21:16-25, 29-30, 47-48 23:29-35 23:55-65 24:17-18 Extrinsic Evidence: Expert testimony summary of Dr. Kevin Negus: At least that the "sequence processing unit" would be understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. The function performed by the "sequence processing unit" is "to generate corresponding sequences according to the sequences in the	Intrinsic Evidence: 23:39-24:25, and Figs. 5-7. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Vijay Madiseti regarding this claim language, including testimony to (1) describe the technical background of the '239 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe why the claim term, viewed in light of the intrinsic and extrinsic evidence, does not recite sufficiently definite structure and instead recites a function without reciting sufficient structure for performing

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,644,239					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
		sequences on the corresponding time frequency resources are processed.”		formed sub-group i, and process according to the sequences on time frequency resources corresponding to the sub-group i” The specification identifies the structure that performs this function as hardware executing program instructions. The specification also describes the algorithm that this hardware executing program instructions performs as: “The corresponding transmitting sequences are generated according to the formed sub-group i, and the sequences on the corresponding time frequency resources are processed.”	that function; (4) describe why the specification does not describe sufficient corresponding structure for the claimed “sequence processing unit”; and (5) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,812,848					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
12	"processor configured to generate a root key from an authentication vector-related key available at the UE and to derive, from the generated root key, according to the NAS security algorithm, a NAS protection key for communicating with the LTE network" (Claim 1)	No construction necessary.	This term is governed by § 112 ¶ 6. <u>Function</u>: generate a root key from an authentication vector-related key available at the UE / derive, from the generated root key, according to the NAS security algorithm, a NAS protection key for communicating with the LTE network <u>Corresponding structure</u>: none Indefinite	Intrinsic Evidence: Figs. 1, 2, 4; 3:65-67; 4:1-3; 7-9 3:6-8 9:63-10:2 10:52-11:3 As this term incorporates the "derive" and "root key" terms, Huawei incorporates herein the evidence cited below for those terms. Extrinsic Evidence: Expert testimony of Dr. Mark Mahon may include, in response to Samsung's expert testimony from Dr. Steve Kenney and/or Dr. David Lyon regarding this claim term: the technical background of the '848 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that a	Intrinsic Evidence: 5:47-58, 7:54-65, 9:12-20; 9:63-11:3; Figs. 1-4; Claim 1. April 11, 2014 Response to Office Action Prosecution history of Application No. 12/633,948, July 2, 2012 Response to Office Action; February 26, 2013 Response to Office Action Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney and/or Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical background of the '848 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3)

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,812,848					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				processor is understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. Moreover, Samsung's summary of expert testimony fails to adequately convey the substance of the witnesses' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	explain how the specification does not provide sufficiently definite structure for the term "Mobile Management Entity (MME) information adding module;" and (4) explain why the term renders the claim indefinite.
13	"root key" (Claims 1, 9)	No construction necessary.	"K _{ASME} "	Intrinsic Evidence: Figs. 1-3; 3:65-67; 4:1-6 5:47-58 6:53-63 7:54-65 10:54-61	Intrinsic Evidence: 5:25-33, 5:47-58, 7:28-39, 7:54-65, 8:52-63; Figs. 1-3. Extrinsic Evidence: 3GPP TS 33.401 V8.5.0 and earlier (HW_Samsung_000317 42 -87) S3-070685 S3a070943 S3a070945

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,812,848					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
14	“derive, from the generated root key, according to the NAS security algorithm, a NAS protection key” / “deriving, by the UE, according to the NAS security algorithm, a NAS protection key according to the generated root key (Claims 1, 9)	No construction necessary. <i>Alternatively:</i> “deriv[e/ing] a NAS protection key according to the generated root key and the NAS security algorithm”	Indefinite	Intrinsic Evidence: Figs. 1-3; 3:65-67; 4:1-6 2:38-39, 42-45 3:13-16 4:26-28 5:6-16; 47-58 6:53-63 7:54-65 10:58-61 Extrinsic Evidence: http://www.dictionary.com/browse/derive?s=t (HW_Samsung_002624 53-56) https://www.merriamwebster.com/dictionary/derive (HW_Samsung_002624 68-71) Expert testimony of Dr. Mark Mahon may include, in response to Samsung's expert testimony from Dr. Steve Kenney and/or Dr. David Lyon regarding this claim	Intrinsic Evidence: 5:47-58, 7:54-65, 9:12-20; Figs. 1-3; Claims 1 and 9. April 11, 2014 Response to Office Action Prosecution history of Application No. 12/633,948, July 2, 2012 Response to Office Action; February 26, 2013 Response to Office Action Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney or Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical background of the '848 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3)

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,812,848					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				term: the technical background of the '848 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about how one would derive, from the generated root key, according to the NAS security algorithm, a NAS protection key. Moreover, Samsung's summary of expert testimony fails to adequately convey the substance of the witnesses' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its	describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art, with reasonable certainty, about how one would derive, from the generated root key, according to the NAS security algorithm, a NAS protection key; and (4) show that the term is indefinite.

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EXHIBIT B

U.S. Patent No. 8,812,848					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				rights to offer rebuttal testimony as necessary to cure any prejudice.	
15	"consistent with" (Claims 8, 16)	No construction necessary.	Indefinite.	Intrinsic Evidence: 3:19-23 6:31-41 10:22-30 10:63 – 11:3 11:26-37 Extrinsic Evidence: http://www.dictionary.com/browse/consistent?ts=ts (HW_Samsung_002624 49-52) https://www.merriamwebster.com/dictionary/consistent (HW_Samsung_002624 65-77) Expert testimony of Dr. Mark Mahon may include, in response to Samsung's expert testimony from Dr. Steve Kenney and/or Dr. David Lyon regarding this claim term: the technical	Intrinsic Evidence: 6:6-17, 8:4-16, 9:36-47; Claims 8 and 16. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney or Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical background of the '848 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art, with reasonable certainty, about whether security

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,812,848					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				background of the '848 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about whether security capability information received from the LTE network is or is not consistent with UE security capabilities information stored in the UE. Moreover, Samsung's summary of expert testimony fails to adequately convey the substance of the witnesses' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what	capability information received from the LTE network is or is not consistent with UE security capabilities information stored in the UE; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent No. 8,812,848					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
16	Method steps must be performed in the order recited in the claim (Claim 9)	The “generating” step can be performed before or after each of the “sending” and “receiving” steps and is performed before the “deriving” step. The other three steps must be performed in the order claimed.	Method steps must be performed in the order recited in the claim	None	Intrinsic Evidence: 4:40-5:58, 7:5-65, 8:33-9:20; Figs. 1-3; Claim 9 April 11, 2014 Response to Office Action Prosecution History of Application No. 12/633,948, July 2, 2012 Response to Office Action Extrinsic Evidence: S3-070685 S3a070943 S3a070945

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,416,892					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
17	“wherein the number of preambles generated from a single root sequence is $N_{pre} = \lfloor N_{NC} / N_{CS} \rfloor$ ” (Claim 4)	wherein the number of preambles generated from a single root sequence is $N_{pre} = \lfloor N_{ZC} / N_{CS} \rfloor$	Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 2:8-30 4:41-44 7:49-51 Claim 13 Prosecution History and references cited therein, including Amendments to the Claims and Reply to Office Action dated 05/16/2012, Amendments to the Claims and Reply to Final Office Action dated 10/25/2012. Extrinsic Evidence: Expert testimony of Dr. Kevin Negus may include, in response to Samsung's expert testimony from Dr. David Lyon regarding this claim term: the technical background of the '892 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that	Intrinsic Evidence: Claim 4, 2:30-50. Prosecution History and references cited therein, including Amendments to the Claims and Reply to Office Action dated 05/16/2012, Amendments to the Claims and Reply to Final Office Action dated 10/25/2012. Extrinsic Evidence: 3GPP TSG RAN WG1 Meeting #49, R1-072325 (HW_Samsung_00070900 – 70904); 3GPP TSG RAN WG1 Meeting #50, R1-073515 Samsung may provide expert testimony from Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical background of the '892 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,416,892					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about how the N _{pre} is generated using N _{ZC} with reasonable certainty and that substituting N _{ZC} for N _{NC} corrects an obvious minor typographical and clerical error which is apparent from the face of the patent. The correction is not subject to reasonable debate based on consideration of the claim language and the specification. Moreover, Samsung's summary of Dr. Lyon's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be	intrinsic and extrinsic evidence, does not inform those skilled in the art about how the N _{pre} is generated using the N _{NC} with reasonable certainty; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,416,892					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
18	"facilitating communication" (Claim 1)	Preamble is not a limitation; No construction necessary.	Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 1:25-28 1:36-63 3:26-28 8:45-9:4 Figure 5 2012-10-25 Reply to Final Office Action (HW_Samsung_000383 12, HW_Samsung_0003841 6-21) Extrinsic Evidence: http://www.dictionary.com/browse/facilitating?s=t (HW_Samsung_002624 57-59) https://www.merriamwebster.com/dictionary/facilitating (HW_Samsung_002624 74-76)	Intrinsic Evidence: Fig. 5; 1:25-34; 3:43-53; 8:45-9:4. Prosecution History and references cited therein, including Amendments to the Claims and Reply to Office Action dated 05/16/2012, Amendments to the Claims and Reply to Final Office Action dated 10/25/2012. Extrinsic Evidence: Samsung may provide expert testimony from Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical background of the '892 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,416,892					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				Expert testimony of Dr. Kevin Negus may include, in response to Samsung's expert testimony from Dr. David Lyon regarding this claim term: the technical background of the '892 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about how communication is facilitated with reasonable certainty. Moreover, Samsung's summary of Dr. Lyon's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei	intrinsic and extrinsic evidence, does not inform those skilled in the art how communication is facilitated with reasonable certainty; and (4) show that the term is indefinite.

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U.S. Patent 8,416,892					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
19	“wherein a subset of random access preambles $x_{u,v}(k)$ of the set of random access preambles is generated from the u^{th} order root Zadoff-Chu sequence $x_u(k)$, where v is an integer” (Claims 5, 14)	wherein a subset of random access preambles $x_{u,v}(k)$ of the set of random access preambles is generated from the u^{th} order root Zadoff-Chu sequence $x_u(k)$, where v is an integer and where $x_{u,v}(k)$ is $x_{u,v}(k) = x_u((k + vN_{CS}) \bmod N_{ZC})$ and $x_u(k)$ is $x_u(k) = W^{uk(k+1)/2}, k=0, 1, \dots, N_{ZC}-1,$ $W = e^{-j2\pi/N_{ZC}},$ $j = \sqrt{-1}$	Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 1:64-2:7 Prosecution History and references cited therein, including Amendments to the Claims and Reply to Office Action dated 05/16/2012, Amendments to the Claims and Reply to Final Office Action dated 10/25/2012. Extrinsic Evidence: RP-070169, TS36.211 v100 (March 19, 2007) (HW_Samsung_002636 35-64) Expert testimony of Dr. Kevin Negus may include, in response to Samsung's expert testimony from Dr. David Lyon regarding this claim term: the	Intrinsic Evidence: Claims 5 and 4; 1:64-2:17. Prosecution History and references cited therein, including Amendments to the Claims and Reply to Office Action dated 05/16/2012, Amendments to the Claims and Reply to Final Office Action dated 10/25/2012. Extrinsic Evidence: 3GPP TSG RAN WG1 Meeting #49, R1-072325 (HW_Samsung_00070900 – 70904); 3GPP TSG RAN WG1 Meeting #50, R1-073515 Samsung may provide expert testimony from Dr. David Lyon regarding this claim language, including

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,416,892					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				technical background of the '892 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that the claim term, viewed in light of the intrinsic and extrinsic evidence, informs those skilled in the art, with reasonable certainty, about how the random access preambles $x_{u,v}(k)$ are generated with reasonable certainty and that correcting the formula in column 2 corrects an obvious minor typographical and clerical error which is apparent from the face of the patent. The correction is not subject to reasonable debate based on consideration of the claim language and the specification. Moreover, Samsung's summary of Dr. Lyon's	testimony to (1) describe the technical background of the '892 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art how the random access preambles $x_{u,v}(k)$ is generated with reasonable certainty; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,416,892					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,483,166					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
20	"adding, by the UE, the MME information from the temporary ID to a first P-Temporary Mobile Station Identity (P-TMSI) in an access message" / "add the MME information from the temporary ID to a first P-Temporary Mobile Station Identity (P-TMSI) in an access message" (Claims 1, 12)	placing/place, by the UE, MME information from the temporary ID in a PTMSI in an access message	"generating/generate, by the UE, a first P-Temporary Mobile Station Identity (P-TMSI) field contained directly in an access message, wherein the first P-TMSI field includes the MME information from the temporary ID"	Intrinsic Evidence: 6:29-10:67; 5:30-43; Fig. 4; Fig. 5; Fig. 7; Fig. 8, Fig. 9	Intrinsic Evidence: 5:30-6:27, 7:46-8:43, 8:55-10:6, 10:13-12:14; Figs. 7-11; Claim 1. April 23, 2012 Response to Office Action July 23, 2012 Response to Office Action January 22, 2013 Appeal Brief U.S. Patent Publication No. 2008/0233947 to Herrero Extrinsic Evidence: N/A
21	"temporary identity (ID)" (Claims 1, 12)	a temporary identifier for identifying a UE in an evolved network that has a different length than a temporary identifier for a UE in a 2G/3G system	SAE Temporary Mobile Station Identity (SAE-TMSI)	Intrinsic Evidence: 3:20-35; 5:30-43; 6:5-8; 6:46-64; 9:1-39; 10:44-46; 13:19-22; Fig. 4	Intrinsic Evidence: 3:21-34, 6:46-59, 7:5-45, 8:55-12:14; Figs. 7-10. Extrinsic Evidence: 3GPP TSG SA WG2 Meeting #59, S2-073255 (SAMSUNG-HNDCA-000015439-441) 3GPP TSG SA WG2 Meeting #61, S2-

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,483,166					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					075024 (HW_Samsung_000112 71-73) 3GPP TSG SA WG2 Meeting #62, S2-080152 (SAMSUNG-HNDCA-000015456 -57) 3GPP TSG SA WG2 Meeting #62, S2-080153 3GPP TSG SA WG2 Meeting #62, S2-080770
22	"MME-Identity (MME-id) (Claims 2, 4, 13, 15)	an identifier that uniquely identifies an MME within a pool	"an identify that uniquely identifies an MME within an LTE network"	Intrinsic Evidence: 6:29-64; 4:35-42; Fig. 6; Fig. 7; Fig. 8	Intrinsic Evidence: 6:29-7:4, 7:46-8:54; Figs. 7 and 8; Claims 2, 4, 13, and 15. Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms, Wiley, 2009 LTE Numbering and Addressing, available at https://www.tutorialspoint.com/lte/lte_numbering_addressing.htm

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,483,166					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					3GPP TSG SA WG2 Meeting #59, S2-073255 (SAMSUNG-HNDCA-000015439-441) 3GPP TSG SA WG2 Meeting #61, S2-075024 (HW_Samsung_000112 71-73) 3GPP TSG SA WG2 Meeting #62, S2-080152 (SAMSUNG-HNDCA-000015456 - 57) 3GPP TSG SA WG2 Meeting #62, S2-080153 3GPP TSG SA WG2 Meeting #62, S2-080770 3GPP TS 23.003 V8.3.0 and earlier (HW_Samsung_000316 78 -741)
23	“a first P-temporary Mobile Station Identity (P-TMSI) in an access message” (Claims 1, 12)	No construction necessary.	“a P-temporary Mobile Station Identity (P-TMSI) field in an access message”	Intrinsic Evidence: 2:18-21; Fig. 4; 4:58-5:52	Intrinsic Evidence: 5:30-6:27, 7:46-8:43, 8:55-10:6, 10:13-12:14; Figs. 4, 7-11; Claims 1-

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,483,166					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					3, 5, 7, 9, 10, 12, 16, and 17. April 23, 2012 Response to Office Action July 23, 2012 Response to Office Action January 22, 2013 Appeal Brief Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms, Wiley, 2009 3GPP TSG SA WG2 Meeting #59, S2-073255 (SAMSUNG-HNDCA-000015439-441) 3GPP TSG SA WG2 Meeting #61, S2-075024 (HW_Samsung_000112 71-73) 3GPP TSG SA WG2 Meeting #62, S2-080152 (SAMSUNG-HNDCA-000015456 - 57)

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,483,166					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					3GPP TSG SA WG2 Meeting #62, S2-080153 3GPP TSG SA WG2 Meeting #62, S2-080770
24	“sending, by the UE, the access message to a Radio Access Network (RAN) node in the 2G/3G network” / “send the access message to a Radio Access Network (RAN) node in the 2G/3G network” (Claims 1, 12)	No construction necessary.	“sending, by the UE, the access message directly to a Radio Access Network (RAN) node to enable the RAN node to parse the access message” / “sending, by the UE, the access message directly to a Radio Access Network (RAN) node to enable the RAN node to parse the access message”	Intrinsic Evidence: 1:59-2:21; 4:58-6:29; 8:44-54; 9:40-50; Fig. 4	Intrinsic Evidence: 5:30-6:27, 7:46-8:43, 8:55-10:6, 10:13-12:14; Figs. 7-11; Claim 1. Extrinsic Evidence: N/A
25	“Mobile Management Entity (MME) information adding module... configured to add the MME information from the temporary ID to a first P-Temporary Mobile	No construction necessary, not means plus function element not subject to 112(6) <i>Alternatively, if the Court determines 112(6)</i>	This term is governed by § 112 ¶ 6. <u>Function:</u> add the MME information from the temporary ID to a first P-Temporary Mobile	Intrinsic Evidence: 5:30-13:18; 14:5-8; 17:25-35; Fig. 5; Fig. 7; Fig. 8; Fig. 9; Fig. 10; Fig. 11; Fig. 12 Extrinsic Evidence: Expert testimony summary of Dr. Michael	Intrinsic Evidence: 13:35-14:12; Figs. 11 and 12; Claims 12, 13, and 16. Extrinsic Evidence: Samsung may provide expert testimony from

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,483,166					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
	Station Identity (P-TMSI) in an access message / further configured to set the Network Resource Identifier (NRI) of the first P-TMSI in the access message as the MME-id / further configured to add the MME information from the temporary ID to a Non Access Stratum (NAS) message carried in the access message” (Claims 12, 13, 16)	<i>applies:</i> <u>FUNCTION:</u> add the MME information from the temporary ID to a first PTMSI in an access message / further set the Network Resource Identifier (NRI) of the first P-TMSI in the access message as the MME-id / further add the MME information from the temporary ID to a Non Access Stratum (NAS) message carried in the access message <u>STRUCTURE:</u> hardware and/or software executing the algorithms described in specification at 5:30-13:18; 14:5-8; Fig. 5; Fig. 7; Fig. 8; Fig. 9; Fig. 10; Fig. 11; Fig. 12	Station Identity (P-TMSI) in an access message / further set the Network Resource Identifier (NRI) of the first P-TMSI in the access message as the MME-id / further add the MME information from the temporary ID to a Non Access Stratum (NAS) message carried in the access message <u>Corresponding structure:</u> none Indefinite	Brogioli: At least that the “MME information module . . .” would be understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. To the extent the Court determines that 112(6) applies, that the function for this term is “add the MME information from the temporary ID to a first PTMSI in an access message / further set the Network Resource Identifier (NRI) of the first P-TMSI in the access message as the MME-id / further add the MME information from the temporary ID to a Non Access Stratum (NAS) message carried in the access message”	Dr. Steve Kenney regarding this claim language, including testimony to (1) describe the technical background of the '166 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the specification does not provide sufficiently definite structure for the term “Mobile Management Entity (MME) information adding module;” and (4) explain why the term renders the claim indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,483,166					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				To the extent the Court determines that 112(6) applies, that the structure corresponding to this function is hardware and/or software executing the algorithms described in specification at 5:30-13:18; 14:5-8; Fig. 5; Fig. 7; Fig. 8; Fig. 9; Fig. 10; Fig. 11; Fig. 12.	

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,587					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
26	"system-linked downlink component carrier" (Claims 3-5, 9-11)	a downlink component carrier for which an uplink ACK channel resource implicitly mapped from a PDCCH is reserved on one uplink component carrier is a "system linked downlink component carrier" of the uplink component carrier	"a downlink component carrier which has an uplink ACK channel resource implicitly mapped from a PDCCH and reserved on a certain uplink component carrier"	Intrinsic Evidence: 7:3-39; Fig. 2; 7:40-52	Intrinsic Evidence: Figs. 2, 3, 5; 5:7-8:19; 10:29-11:16. '587 Prosecution History and references cited therein, including Office Action dated 11/19/2013; Amendment and Office Action Response dated 02/19/2014; Notice of Allowability and Examiner's Amendment dated 05/02/2014.
27	"the common field is configured as one command according to a type of a downlink component carrier transmitting the DCI" (Claims 3, 9)	No construction necessary. <i>Alternatively:</i> the command the common field indicates is based at least in part on the type of downlink component carrier transmitting the DCI	Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 4:60-5:19; 6:53-7:2; 10:31-36; 10:52-11:27; 18:48-67; 20:41-47 Extrinsic Evidence: Expert testimony of Dr. Robert Akl may include, in response to Samsung's expert testimony from Dr. David Lyon regarding this claim term: the technical background of the '587 patent, the qualifications of one of	Intrinsic Evidence: Claims 3, 9; Figs. 1, 4-7; 4:47-18:3. Prosecution History and references cited therein, including Amendment and Office Action Response dated 02/19/2014. Extrinsic Evidence: Samsung may provide expert testimony from Dr. David Lyon regarding this claim language, including

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,587					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				skill in the art, and that this claim term is not indefinite including that this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about how a common field is configured as one command according to a type of a downlink component carrier transmitting the DCI with reasonable certainty. Moreover, Samsung's summary of Dr. Lyon's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	testimony to (1) describe the technical background of the '587 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art about how to configure a common field that has been preset and which entity and operations the entity needs to perform to configure a common field with reasonable certainty; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,587					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
28	“the common field is configured by configuring the common field in at least one piece of DCI transmitted by a system-linked downlink component carrier as a TPC command and configuring the common field in at least one piece of DCI transmitted by a non-system-linked downlink component carrier as an ARI command” (Claims 3, 9)	No construction necessary <i>Alternatively:</i> the common field in at least one piece of DCI indicates a TPC command when that piece of DCI is transmitted by a system-linked downlink component carrier and the common field in at least one piece of DCI indicates an ARI command when that piece of DCI is transmitted by a non system-linked downlink component carrier	Indefinite under 35 U.S.C. § 112, ¶ 2.	Intrinsic Evidence: 4:60-5:19; 6:53-7:2; 10:31-36; 10:52-11:27; 18:48-67 Extrinsic Evidence: Expert testimony of Dr. Robert Akl may include, in response to Samsung's expert testimony from Dr. David Lyon regarding this claim term: the technical background of the '587 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about how the common field is configured by configuring the common field in at least one piece of DCI transmitted	Intrinsic Evidence: Claims 3, 9; Figs. 1, 4-7; 4:47-18:3. Prosecution History and references cited therein, including Amendment and Office Action Response dated 02/19/2014. Extrinsic Evidence: Samsung may provide expert testimony from Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical background of the '587 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,587					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				by a system-linked downlink component carrier as a TPC command and configuring the common field in at least one piece of DCI transmitted by a non-system-linked downlink component carrier as an ARI command with reasonable certainty. Moreover, Samsung's summary of Dr. Lyon's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	in the art about how to configure a common field that has been preset and which entity and operations the entity needs to perform to configure a common field with reasonable certainty; and (4) show that the term is indefinite.
29	"non-system linked downlink component carrier"	No construction necessary.	"a downlink component carrier which does not have	Intrinsic Evidence: 7:3-39; Fig. 2; 7:40-52	Intrinsic Evidence: Figs. 2, 3, 5; 5:7-8:19; 10:29-11:16.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,587					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
	(Claims 3, 9)		its uplink ACK channel resource reserved on a certain uplink component carrier"		Prosecution History and references cited therein, including Office Action dated 11/19/2013; Amendment and Office Action Response dated 02/19/2014; Notice of Allowability and Examiner's Amendment dated 05/02/2014.
30	"downlink primary component carrier" (Claims 4-5, 10-11)	No construction necessary.	"a downlink component carrier that is uniquely defined for a user equipment in a carrier aggregation mode, and which may be used for sending radio link failure detection and system message updating to the user equipment"	Intrinsic Evidence: 9:28-37	Intrinsic Evidence: Figs. 2, 3; 9:15-10:59. Prosecution History and references cited therein, including Office Action dated 11/19/2013; Amendment and Office Action Response dated 02/19/2014; Notice of Allowability and Examiner's Amendment dated 05/02/2014.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,724,613					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
31	"receiving, by a user equipment (UE), a service sent by a base station" / "receive a service sent by a base station" (Claims 1 and 5)	No construction necessary.	"receiving, by a user equipment, the value of a service sent by a base station" / "receive the value of a service sent by a base station"	Intrinsic Evidence: 1:31-46; 2:50-53; ; 5:4-6; 5:59-63; 7:48-49; 9:24-31; 17:18-20	Intrinsic Evidence: Fig. 3, 6, 7, 8; 3:32-58; 7:40-8:40; 9:22-45; 10:13-34; 11:53-13:2. Prosecution History and references cited therein, including Amendment and Office Action Response dated 12/20/2013.
32	"circuitry configured to receive a service" (Claim 5)	No construction necessary, not means plus function element not subject to 112(6)	Indefinite. This term is governed by § 112, ¶ 6. <u>Function</u> : "receive a service" <u>Structure</u> : no corresponding structure disclosed	Intrinsic Evidence: 6:43-48; 7:48-52; 7:64-65; 9:24-31 The Dictionary of Computing (4th ed.1996) at 75 ("circuit") (HW_Samsung_002798 37) Rudolf F. Graf, Modern Dictionary of Electronics (7th ed.1999) at 116 ("circuit") (HW_Samsung_002799 62)	Intrinsic Evidence: Figs. 1-13; 4:61-5:53; 7:40-42; 8:41-8:67; 9:12-14; 9:32-34; 10:13-16; 11:54-56; 12:36-13:2; 13:5-7; 16:13-17; 16:27-30; 17:4-6. Extrinsic Evidence: Samsung may provide expert testimony from Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical background of the '613 patent; (2) describe the

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,724,613					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				Microsoft Computer Dictionary (5th ed. 2002) at 99 ("circuit") (HW_Samsung_002625 85) FCC Glossary Of Telecommunication Terms, FED-STD-1037C (1996) at C-12 ("circuit") (HW_Samsung_002632 02) Expert testimony of Dr. Robert Akl may include, in response to Samsung's expert testimony from Dr. David Lyon regarding this claim term: the technical background of the '613 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that circuitry is understood by persons of ordinary skill in the art to have a	qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art about the structure required to receive a service within the scope of the invention with reasonable certainty; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,724,613					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				sufficiently definite meaning as the name for structure. Moreover, Samsung's summary of Dr. Lyon's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
33	"circuitry configured to receive position information" (Claim 5)	No construction necessary, not means plus function element not subject to 112(6)	Indefinite. This term is governed by § 112, ¶ 6. <u>Function</u> : "receive position information" <u>Structure</u> : no corresponding structure disclosed	Intrinsic Evidence: 6:43-48; 7:48-52; 7:64-65; 9:24-31 Extrinsic Evidence: The Dictionary of Computing (4th ed.1996) at 75 ("circuit") (HW_Samsung_002798 37) Rudolf F. Graf, Modern Dictionary of Electronics (7th ed.1999) at 116 ("circuit")	Intrinsic Evidence: Figs. 1-13; 4:61-5:53; 7:40-42; 8:41-8:67; 9:12-14; 9:32-34; 10:13-16; 11:54-56; 12:36-13:2; 13:5-7; 16:13-17; 16:27-30; 17:4-6. Extrinsic Evidence: Samsung may provide expert testimony from Dr. David Lyon regarding this claim language, including testimony to (1) describe the technical

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,724,613					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				(HW_Samsung_002799 62) Microsoft Computer Dictionary (5th ed. 2002) at 99 ("circuit") (HW_Samsung_002625 85) FCC Glossary Of Telecommunication Terms, FED-STD-1037C (1996) at C-12 ("circuit") (HW_Samsung_002632 02) Expert testimony of Dr. Robert Akl may include, in response to Samsung's expert testimony from Dr. David Lyon regarding this claim term: the technical background of the '613 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that	background of the '613 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art about the structure required to receive position information within the scope of the invention with reasonable certainty; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,724,613					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				circuitry is understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. Moreover, Samsung's summary of Dr. Lyon's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,369,278					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
34	"field" (Claims 1, 2, 7, and 8)	No construction necessary.	"a collection of bits in a location"	Intrinsic Evidence: 2:12-13 4:23-40, 4:62-5:8 6:16-24 Extrinsic Evidence: Microsoft Computer Dictionary (5th ed. 2002) at 211 ("field") (HW_Samsung_002624 77, HW_Samnsung_002626 97) FED-STD-1037C at F-7 ("field") (HW_Samsung_002633 03, HW_Samsung_0026330 9)	Intrinsic Evidence: Abstract; 2:12-28; 3:36-56; 4:23-29; 4:49-5:62; 6:16-7:8; 11:8-50. 12/28/2011 Response to Office Action (in prosecution of parent Patent No. 8,265,023), pp. 8-11. 5/9/2012 Response to Office Action (in prosecution of parent Patent No. 8,265,023), pp. 2-6. Kim et al. U.S. Patent No. 7,426,201 (in prosecution of parent Patent No. 8,265,023). Extrinsic Evidence: Newton's Telecom Dictionary, 22nd ed. (2006), p. 389; field: "The specific location of data within a record." Microsoft Computer Dictionary, 5th ed. (2002), p. 210; field: "A location in a record in

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,369,278					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					which a particular type of data is stored."
35	"a state of the field is indicated by all the N bits of the field" (Claims 1 and 7)	No construction necessary. Alternatively, value of the field is indicated by all the N bits of the field	"a state of the field is indicated by the values of all the N bits of the field"	Intrinsic Evidence: 3:36-49 4:23-29 4:49-5:20 EP2557741 Pros. History, Aug. 13, 2013 letter (HW_Samsung_000894 51-73)	Intrinsic Evidence: Abstract; 4:49-5:20. 12/28/2011 Response to Office Action (in prosecution of parent Patent No. 8,265,023), pp. 8-11. 5/9/2012 Response to Office Action (in prosecution of parent Patent No. 8,265,023), pp. 2-6. Kim et al. U.S. Patent No. 7,426,201 (in prosecution of parent Patent No. 8,265,023). Extrinsic Evidence: Newton's Telecom Dictionary, 22nd ed. (2006), p. 389; field: "The specific location of data within a record." Microsoft Computer Dictionary, 5th ed. (2002), p. 210; field: "A location in a record in

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,369,278					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					which a particular type of data is stored.” Microsoft Computer Dictionary, 5th ed. (2002), pp. 497-98; state (see status): “The condition at a particular time of any numerous elements of computing....” Microsoft Computer Dictionary, 5th ed. (2002), pp. 61; bit: “The smallest unit of information handled by a computer. One bit expresses a 1 or a 0 in a binary numeral.”
36	“dynamically indicative of one of payload size or a Redundancy Version (RV) [through the state of the field]” (Claims 1 and 7)	No construction necessary. Alternatively, “the field is dynamically indicative of one of a payload size or a Redundancy Version (RV) through the state	“variably indicating between (1) payload size and (2) a Redundancy Version (RV) [based on the values of all the N bits of the field]”	Intrinsic Evidence: 4:23-40 4:49-5:8 5:9-20 5:21-35 6:14-37 6:38-7:2 7:8-30 7:36-8:4 8:15-35	Intrinsic Evidence: Abstract; 4:49-5:20. 12/28/2011 Response to Office Action (in prosecution of parent Patent No. 8,265,023), pp. 8-11. 5/9/2012 Response to Office Action (in

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,369,278					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
		of the field"; this language does not exclude a default value for the RV when the field indicates payload size		8:49-9:5 9:14-46 9:47-10:7 10:27-62 11:1-7 11:45-50 Figs. 3-10 EP2557741 Pros. History, Aug. 13, 2013 letter (HW_Samsung_000894 51-73)	prosecution of parent Patent No. 8,265,023), pp. 2-6. Kim et al. U.S. Patent No. 7,426,201 (in prosecution of parent Patent No. 8,265,023). Extrinsic Evidence: Newton's Telecom Dictionary, 22nd ed. (2006), p. 331-32; dynamic: "In English, dynamic means that things are changing. In telecomese, it tends to mean that our equipment—hardware and/or software—can respond instantly to changes as they occur." Oxford Dictionary of Computing, 6th ed. (2008), p. 163; dynamic: "Capable of changing or of being changed."
37	"a second predetermined range	No construction necessary.	"a second range, which is known in	Intrinsic Evidence: 4:23-29	Intrinsic Evidence: Abstract; 4:49-5:20.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,369,278					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
	distinct from the first predetermined range” (Claims 1 and 7)		advance of receiving the control signaling, that is different from the first range, which is also known in advance of receiving the control signaling”	4:51-5:20 EP2557741 Pros. History, Aug. 13, 2013 letter (HW_Samsung_000894 51-73) Extrinsic Evidence: Expert testimony of Dr. Mark Mahon: the technical background of the '278 patent, the qualifications of one of skill in the art, and the how the phrase “a second predetermined range distinct from the first predetermined range” would have been understood by one of ordinary skill in the art at the time of the invention(s) in light of the intrinsic and extrinsic evidence; and why no construction for this term is necessary. Moreover, Samsung's summary of Dr. Madisetti's testimony	12/28/2011 Response to Office Action (in prosecution of parent Patent No. 8,265,023), pp. 8-11. 5/9/2012 Response to Office Action (in prosecution of parent Patent No. 8,265,023), pp. 2-6. Kim et al. U.S. Patent No. 7,426,201. Extrinsic Evidence: <i>Merriam-Webster.com</i>. Merriam-Webster, n.d. Web. 2017;; predetermine: “to determine beforehand” Cambridge Advanced Learner's Dictionary & Thesaurus, Cambridge University Press; predetermine: “to decide or arrange something at an earlier time”

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,369,278					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	<i>Collins English Dictionary - Complete & Unabridged 10th Edition</i>. Retrieved March 15, 2017; predetermine: "to determine beforehand" The following is a brief description of the testimony Samsung's expert, Dr. Madisetti, may offer regarding the term "a second predetermined range distinct from the first predetermined range": 1) the technical background of the '278 patent; 2) the qualifications of one of ordinary skill in the art at the time of the alleged invention(s); 3) how the phrase "a second predetermined range distinct from the first predetermined range" would have been understood by one of

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,369,278					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					ordinary skill in the art at the time of the invention(s) in light of the intrinsic and extrinsic evidence; and 4) why Samsung's proposed construction for this term is proper.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,583					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
38	"circuitry configured to ignore..." (Claim 3)	Not a means plus function element	This term is governed by § 112 ¶ 6. <u>Function</u>: ignoring the received timing deviation information <u>Structure</u>: not adequately disclosed; indefinite.	Intrinsic Evidence: 1:35-40 8:19-29 11:6-30 12:33-37 13:7-63 15:35-44, 51-58 16:19-40 21:45-22:8 22:23-55 23:26-39 Fig 2 & 7:28-30 Fig. 7 & 7:44-46 Fig. 9 & 7:50-51 Extrinsic Evidence: The Dictionary of Computing (4th ed.1996) at 75 ("circuit") (HW_Samsung_002798 37) Rudolf F. Graf, Modern Dictionary of Electronics (7th ed.1999) at 116 ("circuit") (HW_Samsung_002799 62)	Intrinsic Evidence: 11:6-13:6, Fig. 2 Extrinsic Evidence: Samsung may provide expert testimony from Dr. Vijay Madiseti regarding this claim language, including testimony to (1) describe the technical background of the '583 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe why the claim term, viewed in light of the intrinsic and extrinsic evidence, does not recite sufficiently definite structure and instead recites a function without reciting sufficient structure for performing that function; (4) describe why the specification does not

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,885,583					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				Microsoft Computer Dictionary (5th ed. 2002) at 99 (“circuit”) (HW_Samsung_002625 85) FCC Glossary Of Telecommunication Terms, FED-STD-1037C (1996) at C-12 (“circuit”) (HW_Samsung_002632 02) Expert testimony of Dr. Robert Akl may include, in response to Samsung's expert testimony from Dr. Vijay Madisetti regarding this claim term: the technical background of the '583 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that circuitry is understood by persons	describe sufficient corresponding structure for the claimed “circuitry”; and (5) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,583					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. Moreover, Samsung's summary of Dr. Madisetti's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
39	"timing deviation information" (Claims 3, 7)	No construction necessary. <i>Alternatively,</i> information representing a deviation from a reference time	"information about a synchronous timing deviation occurring between a mobile station device and a base station device on the basis of the random access preamble"	Intrinsic Evidence: 2:3-16 2:54-59 3:4-11, 30-39 4:42-45 8:60-9:6 10:43-48 11:49-54 18:64-19:6 '583 patent, Pros. History, Mar. 24, 2013 Amendment Under 37 CFR § 1.111 (HW_Samsung_000441 29,	Intrinsic Evidence: Abstract, 2:47-3:39. 4:41-49, 5:6-60, 14:20-17:59, Figs. 4-5, 11-12

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,583					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				HW_Samsung_0004508 0-93)	
40	"an uplink synchronous status" (Claims 3, 7)	No construction necessary. Alternatively, status indicating that the uplink is synchronized to the base station device's timing	"a state of synchrony between a mobile station device and a base station device at a particular time"	Intrinsic Evidence: 2:3-16 2:54-59 3:6-11, 30-39 4:30-49 5:8-42 10:43-48 10:64-11:5 12:33-37, 44-59 16:19-40 18:39-19:6 19:10-59 21:45-67 '583 patent, Pros. History, Mar. 24, 2013 Amendment Under 37 CFR § 1.111 (HW_Samsung_000441 29, HW_Samsung_0004508 0-93)	Intrinsic Evidence: Abstract, 12:33-13:6 Extrinsic Evidence: The IEEE Standard Dictionary of Electrical and Electronics Terms (7th ed. 2000); status: "the condition at a particular time of a system or system component" Microsoft Computer Dictionary, 5th ed. (2002), p. 506; synchronous: "Occurring at the same time. In computer transmissions, a reference to activity governed by a clock or by synchronized timing"
41	"null value or an indication to ignore the timing deviation information" (Claims 3, 7)	No construction necessary.	"an empty value or a signal causing the mobile station to ignore timing"	Intrinsic Evidence: '583 patent, Pros. History, Dec. 5, 2013 Non-final Rejection (HW_Samsung_000441	Intrinsic Evidence: Abstract, 2:47-3:39. 4:41-49, 5:6-60, 14:20-17:59, Figs. 4-5, 11-12

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,583					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
			deviation information"	29, HW_Samsung_0004452 8-46) '583 patent, Pros. History, Feb. 26, 2014 Amendment at 6-7 (HW_Samsung_000441 29, HW_Samsung_0004451 4-15) Motorola, R2- 061991(HW_Samsung_ 00109222-25, HW_Samsung_0011364 8-51) 16:19-40 18:39-19:6 19:10-59 21:45-22:8 Figures 4, 5, 7, and 8	February 28, 2014 Response to Office Action, pp. 6-7. Extrinsic Evidence: Microsoft Computer Dictionary, 5th ed. (2002), p. 370; null character (see NUL): "a character code with a null value; literally, a character meaning 'nothing.'"
42	"an uplink asynchronous status" (Claims 3, 7)	No construction necessary. <i>Alternatively,</i> status indicating that the uplink is not synchronized to the base station device's timing	"a state of asynchrony between a mobile station device and a base station device at a particular time"	Intrinsic Evidence: 2:3-16 2:54-59 3:6-11, 30-39 4:30-49 5:8-42 10:43-48 10:64-11:5 12:33-37, 44-59 16:19-40	Intrinsic Evidence: Abstract, 12:33-13:6 Extrinsic Evidence: The IEEE Standard Dictionary of Electrical and Electronics Terms (7th ed. 2000); status: "the condition at a particular time of a

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,885,583					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				18:39-19:6 19:10-59 21:45-67 '583 patent, Pros. History, Mar. 24, 2013 Amendment Under 37 CFR § 1.111 (HW_Samsung_000441 29, HW_Samsung_0004508 0-93)	system or system component" Microsoft Computer Dictionary, 5th ed. (2002), p. 506; synchronous: "Occurring at the same time. In computer transmissions, a reference to activity governed by a clock or by synchronized timing"

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,639,246					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
43	"dedicated priority list" (Claims 1, 2, 6-8, 10-12, 16-18, 20)	No construction necessary. Alternatively, priority list for the specific terminal	"dedicated list that includes different radio access technologies listed in order of priority"	Intrinsic Evidence: '197 patent ² Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:51-3:8 '197 patent, 3:25-31 '197 patent, 3:37-41 '197 patent, 3:52-59 '197 patent, 4:14-16 '197 patent, 4:21-32 '197 patent, 4:63-67 '197 patent, 5:2-6 '197 patent, 5:9-14 '197 patent, 5:27-31 '197 patent, 5:42-53 '197 patent, 6:6-9 '197 patent, 6:35-67 '197 patent, 7:6-27 '197 patent, 8:3-6 '197 patent, 8:21-27 '197 patent, 8:55-65 '197 patent, 9:9-20 '197 patent, 9:31-57 '197 patent, 10:2-13 '197 patent, 10:24-30 '197 patent, 11:12-16	Intrinsic Evidence: 3:1-6, 4:5-36, 5:8-32, 5:64-6:39, 7:10-31, 8:21-9:30, 9:32-63; Claims 1, 8-10. Prosecution History of U.S. Patent No. 8,412,197, including original and amended claims and specification. Prosecution History of U.S. Patent No. 8,639,246, including original and amended claims and specification. International Application No. PCT/CN2009/071194, including English translation Foreign Application No. CN 2008 1 0091957, including English translation

² For the '246, '197, and '003 patents, only the '197 patent specification is cited herein where the specifications of the '197, '246, and '003 patents are the same. Corresponding disclosures exist in the '246 and '003 patents to these '197 patent citations but have not been separately listed here for the sake of reducing redundancy.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,639,246					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				'197 patent, 11:20-24 '197 patent, Figs. 1, 2 '246 patent, claims 9 and 10 '197 patent, claim 6 '003 patent claims 12-14	Extrinsic Evidence: 3GPP TS ZAA36.331 V 8.5.0 and earlier
44	"camps/camping on a cell of a non-LTE system" (Claims 1, 2, 7, 14, 15)	is in a selected non-LTE cell	Plain and ordinary meaning.	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:53-55 '197 patent, 3:1-3 '197 patent, 4:30-32 '197 patent, 5:60-62 '197 patent, 6:13-25 '197 patent, 6:48-55 '197 patent, 8:19-47 '197 patent, 9:3-8 '197 patent, 10:28-39 '197 patent, 10:57-67 '197 patent, 11:12-19 '197 patent, Fig. 2	Intrinsic Evidence 1:42-55, 2:44-55, 2:66-3:8, 4:21-37, 5:27-41, 5:60-6:41, 7:5-15, 7:64-8:2, 8:19-65, 9:25-10:17, 10:55-11:4; claims 1-3, 7, 14-17. Extrinsic Evidence 3GPP TS 36.304 V8 .5.0 and earlier
45	"valid time" (Claims 1, 3, 6-7, 11, 13, 16, 17)	No construction necessary.	Indefinite.	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:66-3:4 '197 patent, 5:1-9 '197 patent prosecution	Intrinsic Evidence: 5:3-62, Claims 1, 3, 6-7, 11, 13, 16, 17 Extrinsic Evidence: Samsung may provide expert testimony from

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,639,246					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				history, February 14, 2012 Applicant Arguments/Remarks (HW_Samsung_00037787, HW_Samsung_00037966-70) '355 patent prosecution history, March 10, 2011 Reply to Office Action (HW_Samsung_00263624-34) '355 patent prosecution history, November 29, 2010 Accelerated Examination Support Document (HW_Samsung_00080704-22) Extrinsic Evidence: Expert testimony of Dr. Tom Fuja may include, in response to Samsung's expert testimony from Dr. Steve Kenney regarding this claim term: the technical background of the '246 patent, the	Dr. Steve Kenney regarding this claim language, including testimony to (1) describe the technical background of the '848 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art, with reasonable certainty, about the scope of the term "valid time"; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,639,246					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				qualifications of one of skill in the art, and that this claim term is not indefinite including that this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about the scope of the invention and the term "valid time" with reasonable certainty. Moreover, Samsung's summary of Dr. Kenney's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
46	"public priority list" (Claims 3-5, 13-15)	No construction necessary.	"public list that includes different radio access	Intrinsic Evidence: '197 patent, 3:9-15 '197 patent, 3:27-41	Intrinsic Evidence: 3:1-6, 4:5-36, 5:8-32, 5:64-6:39, 7:10-31,

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,639,246					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
		<i>Alternatively,</i> priority list for all terminals in the cell	technologies listed in order of priority"	'197 patent, 3:52-59 '197 patent, 4:2-15 '197 patent, 4:38-58 '197 patent, 5:36-49 '197 patent, 5:60-6:63 '197 patent, 7:8-22 '197 patent, 7:30-38 '197 patent, 8:20-25 '197 patent, 8:55-60 '197 patent, 9:15-20 '197 patent, 9:31-39 '197 patent, 10:32-39 '197 patent, Fig. 2	8:21-9:30, 9:32-63; Claims 3-5, 13-15. Prosecution History of U.S. Patent No. 8,412,197, including original and amended claims and specification. Prosecution History of U.S. Patent No. 8,639,246, including original and amended claims and specification. International Application No. PCT/CN2009/071194, including English translation Foreign Application No. CN 2008 1 0091957, including English translation Extrinsic Evidence: N/A
47	"processor . . . configured to perform inter-system cell reselection / further	Not means plus function element subject to 112(6)	This term is governed by § 112 ¶ 6.	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract	Intrinsic Evidence: 10:24-56; Fig. 3; Claims 11, 13, 16.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,639,246					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
	configured to delete the dedicated priority list" (Claims 11, 13, 16)	No construction necessary.	<u>Function</u>: perform inter-system cell reselection / delete the dedicated priority list <u>Corresponding structure</u>: none Indefinite	'197 patent, Fig. 2, 3 '197 patent, 2:15-18 '197 patent, 2:48-3:41 '197 patent, 3:66-5:53 '197 patent, 5:60-6:63 '197 patent, 7:7-8:2 '197 patent, 8:19-9:2 '197 patent, 9:28-10:7 '197 patent, 10:28-40 '197 patent, 11:28-42 '197 patent, 11:12-16 Extrinsic Evidence: Expert testimony of Dr. Tom Fuja may include, in response to Samsung's expert testimony from Dr. Steve Kenney regarding this claim term: the technical background of the '246 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in	Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney regarding this claim language, including testimony to (1) describe the technical background of the '246 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the specification does not provide sufficiently definite structure for the term "processor . . . configured to perform inter-system cell reselection / further configured to delete the dedicated priority list;" and (4) explain why the term renders the claim indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,639,246					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				the art about the scope of the invention and this term "processor . . . configured to perform inter-system cell reselection / further configured to delete the dedicated priority list" is understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. Moreover, Samsung's summary of Dr. Kenney's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
48	"dedicated priority list" (Claims 1, 5, 7-9, 14, 15)	No construction necessary. <i>Alternatively,</i> priority list for the specific terminal	"dedicated list that includes different radio access technologies listed in order of priority"	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:51-3:8 '197 patent, 3:25-31 '197 patent, 3:37-41 '197 patent, 3:52-59 '197 patent, 4:14-16 '197 patent, 4:21-32 '197 patent, 4:63-67 '197 patent, 5:2-6 '197 patent, 5:9-14 '197 patent, 5:27-31 '197 patent, 5:42-53 '197 patent, 6:6-9 '197 patent, 6:35-67 '197 patent, 7:6-27 '197 patent, 8:3-6 '197 patent, 8:21-27 '197 patent, 8:55-65 '197 patent, 9:9-20 '197 patent, 9:31-57 '197 patent, 10:2-13 '197 patent, 10:24-30 '197 patent, 11:12-16 '197 patent, 11:20-24 '197 patent, Figs. 1, 2 '246 patent, claims 9 and 10	Intrinsic Evidence: 2:56-65, 3:65-4:37, 5:8-32, 5:60-6:34, 7:5-34, 8:19-9:24, 9:28-10:17; Claims 1, 5, 7-9, 14, 15. Prosecution History of U.S. Patent No. 8,412,197, including original and amended claims and specification. Prosecution History of U.S. Patent No. 8,639,246, including original and amended claims and specification. International Application No. PCT/CN2009/071194, including English translation Foreign Application No. CN 2008 1 0091957, including English translation Extrinsic Evidence: 3GPP TS 36.331 V 8.5.0 and earlier

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				'197 patent, claim 6 '003 patent claims 12-14	
49	"camps/camping on a cell of a non-LTE system" (Claims 1, 2, 7, 14, 15)	is in a selected non-LTE cell	Plain and ordinary meaning.	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:53-55 '197 patent, 3:1-3 '197 patent, 4:30-32 '197 patent, 5:60-62 '197 patent, 6:13-25 '197 patent, 6:48-55 '197 patent, 8:19-47 '197 patent, 9:3-8 '197 patent, 10:28-39 '197 patent, 10:57-67 '197 patent, 11:12-19 '197 patent, Fig. 2	Intrinsic Evidence 1:50-63, 2:50-67, 3:7-16, 4:28-44, 5:33-47, 5:65-6:46, 7:10-20, 8:60-9:3, 9:34-10:22, 10:60-11:8; claims 1, 3, 11, 13. Extrinsic Evidence 3GPP TS 36.304 V8.5.0 and earlier
50	"valid time" (Claims 1-2, 5, 7-8, 14-15)	No construction necessary.	Indefinite.	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:66-3:4 '197 patent, 5:1-9 '197 patent prosecution history, February 14, 2012 Applicant Arguments/Remarks (HW_Samsung_000377	Intrinsic Evidence: 5:3-62, Claims 1-2, 5, 7-8, 14-15 Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney regarding this claim language, including testimony to (1)

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				87, HW_Samsung_0003796 6-70) '355 patent prosecution history, March 10, 2011 Reply to Office Action (HW_Samsung_002636 24-34) '355 patent prosecution history, November 29, 2010 Accelerated Examination Support Document (HW_Samsung_000807 04-22) Extrinsic Evidence: Expert testimony of Dr. Tom Fuja may include, in response to Samsung's expert testimony from Dr. Steve Kenney regarding this claim term: the technical background of the '197 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that	describe the technical background of the '848 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art, with reasonable certainty, about the scope of the term "valid time"; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about the scope of the invention and the term "valid time" with reasonable certainty. Moreover, Samsung's summary of Dr. Kenney's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
51	"performing cell reselection according to a result measured in accordance with a cell signal quality criterion" (Claim 2)	performing cell reselection using existing cell reselection criterion which makes measurement and	Indefinite.	Intrinsic Evidence: '197 patent, 7:39-54 '355 patent, 7:46-49 Extrinsic Evidence: 3GPP TS 25.304 V8.1.0, sections	Intrinsic Evidence: 3:65-5:56; Claim 2 Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
		comparison according to a signal quality criterion		5.2.6.1.1 and 5.2.6.1.4 (HW_Samsung_00262408, HW_Samsung_00262427, HW_Samsung_00262430) Extrinsic Evidence: Expert testimony of Dr. Tom Fuja may include, in response to Samsung's expert testimony from Dr. Steve Kenney regarding this claim term: the technical background of the '197 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about the scope of the invention and the term "performing cell reselection according to	regarding this claim language, including testimony to (1) describe the technical background of the '848 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art, with reasonable certainty, about the scope of the term "performing cell reselection according to a result measured in accordance with a cell signal quality criterion"; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				a result measured in accordance with a cell signal quality criterion" with reasonable certainty. Moreover, Samsung's summary of Dr. Kenney's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
52	"public priority list" (Claims 2, 13, 15)	No construction necessary. <i>Alternatively,</i> priority list for all terminals in the cell	"public list that includes different radio access technologies listed in order of priority"	Intrinsic Evidence: '197 patent, 3:9-15 '197 patent, 3:27-41 '197 patent, 3:52-59 '197 patent, 4:2-15 '197 patent, 4:38-58 '197 patent, 5:36-49 '197 patent, 5:60-6:63 '197 patent, 7:8-22 '197 patent, 7:30-38 '197 patent, 8:20-25	Intrinsic Evidence: 2:56-65, 3:65-4:37, 5:8-32, 5:60-6:34, 7:5-34, 8:19-9:24, 9:28-10:17; Claims 2, 13, 15. Prosecution History of U.S. Patent No. 8,412,197, including original and amended claims and specification.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				'197 patent, 8:55-60 '197 patent, 9:15-20 '197 patent, 9:31-39 '197 patent, 10:32-39 '197 patent, Fig. 2	Prosecution History of U.S. Patent No. 8,639,246, including original and amended claims and specification. International Application No. PCT/CN2009/071194, including English translation Foreign Application No. CN 2008 1 0091957, including English translation Extrinsic Evidence: N/A
53	"adjacent frequencies of the serving cell" (Claim 6, 9)	other frequencies available for selection in the system of the serving cell	Indefinite.	Intrinsic Evidence: '197 patent, 3:55-59 '197 patent, 3:52-53 '197 patent, 1:35-39 Expert testimony of Dr. Tom Fuja may include, in response to Samsung's expert testimony from Dr. Steve Kenney regarding this claim term: the	Intrinsic Evidence: 3:65-5:56; Claim 9. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney regarding this claim language, including testimony to (1) describe the technical background of the '848

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				technical background of the '197 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about the scope of the invention and the term "adjacent frequencies" or "adjacent frequencies of the serving cell" with reasonable certainty. Moreover, Samsung's summary of Dr. Kenney's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal	patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art, with reasonable certainty, about the scope of the term "adjacent frequencies"; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				testimony as necessary to cure any prejudice.	
54	"obtaining unit, configured to obtain a dedicated priority list and a valid time of the dedicated priority list from a Long Term Evolution (LTE) system / configured to obtain a public priority list from one of the LTE system and the non-LTE system" (Claims 7, 15)	Not means plus function element subject to 112(6) No construction necessary.	This term is governed by § 112 ¶ 6. <u>Function</u> : obtain a dedicated priority list and a valid time of the dedicated priority list from a Long Term Evolution (LTE) system / obtain a public priority list from one of the LTE system and the non-LTE system <u>Corresponding structure</u> : none Indefinite	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, Figs. 1, 2, 3 '197 patent, 2:12-14 '197 patent, 2:51-59 '197 patent, 2:66-3:15 '197 patent, 3:27-41 '197 patent, 3:66-4:24 '197 patent, 4:38-58 '197 patent, 5:9-14 '197 patent, 5:27-49 '197 patent, 5:60-6:9 '197 patent, 6:28-41 '197 patent, 6:48-58 '197 patent, 7:8-22 '197 patent, 8:21-27 '197 patent, 8:55-65 '197 patent, 9:31-57 '197 patent, 10:21-51 '197 patent, 11:28-42 '355 patent, 10:20-39 '355 patent prosecution history, November 29, 2010 Accelerated Examination Support Document	Intrinsic Evidence: 10:20-51; Fig. 3; Claims 7, 15. Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney regarding this claim language, including testimony to (1) describe the technical background of the '197 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the specification does not provide sufficiently definite structure for the term "obtaining unit, configured to obtain a dedicated priority list and a valid time of the dedicated priority list from a Long Term

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				(HW_Samsung_000807 04-22) Extrinsic Evidence: Expert testimony of Dr. Tom Fuja may include, in response to Samsung's expert testimony from Dr. Steve Kenney regarding this claim term: the technical background of the '197 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about the scope of the invention and this "obtaining unit..." term is understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure. Moreover, Samsung's	Evolution (LTE) system / configured to obtain a public priority list from one of the LTE system and the non-LTE system"; and (4) explain why the term renders the claim indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,412,197					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				summary of Dr. Kenney's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,996,003					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
55	"dedicated priority list" (Claims 1-4, 7-9, 12, 14-20)	No construction necessary. <i>Alternatively,</i> priority list for the specific terminal	"dedicated list that includes different radio access technologies listed in order of priority"	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:51-3:8 '197 patent, 3:25-31 '197 patent, 3:37-41 '197 patent, 3:52-59 '197 patent, 4:14-16 '197 patent, 4:21-32 '197 patent, 4:63-67 '197 patent, 5:2-6 '197 patent, 5:9-14 '197 patent, 5:27-31 '197 patent, 5:42-53 '197 patent, 6:6-9 '197 patent, 6:35-67 '197 patent, 7:6-27 '197 patent, 8:3-6 '197 patent, 8:21-27 '197 patent, 8:55-65 '197 patent, 9:9-20 '197 patent, 9:31-57 '197 patent, 10:2-13 '197 patent, 10:24-30 '197 patent, 11:12-16 '197 patent, 11:20-24 '197 patent, Figs. 1, 2 '246 patent, claims 9 and 10	Intrinsic Evidence: 3:1-6, 4:5-36, 5:8-32, 5:64-6:39, 7:10-31, 8:21-9:30, 9:32-63; Claims 1-4, 7-9, 12, 14-20. Prosecution History of U.S. Patent No. 8,412,197, including original and amended claims and specification. Prosecution History of U.S. Patent No. 8,639,246, including original and amended claims and specification. International Application No. PCT/CN2009/071194, including English translation Foreign Application No. CN 2008 1 0091957, including English translation Extrinsic Evidence:

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,996,003					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				'197 patent, claim 6 '003 patent claims 12-14	3GPP TS 36.331 V 8.5.0 and earlier
56	"camps/camping on a cell of a non-LTE system" (Claims 1, 4, 15, 19)	is in a selected non-LTE cell	Plain and ordinary meaning.	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:53-55 '197 patent, 3:1-3 '197 patent, 4:30-32 '197 patent, 5:60-62 '197 patent, 6:13-25 '197 patent, 6:48-55 '197 patent, 8:19-47 '197 patent, 9:3-8 '197 patent, 10:28-39 '197 patent, 10:57-67 '197 patent, 11:12-19 '197 patent, Fig. 2	Intrinsic Evidence 1:50-63, 2:50-67, 3:7-16, 4:28-44, 5:33-47, 5:65-6:46, 7:10-20, 8:60-9:3, 9:34-10:22, 10:60-11:8; claims 1, 4, 15, 18 Extrinsic Evidence 3GPP TS 36.304 V8 .5.0 and earlier
57	"valid time" (Claims 1, 4, 7-11, 15, 18-19)	No construction necessary.	Indefinite.	Intrinsic Evidence: '197 patent, Abstract '246 patent, Abstract '003 patent, Abstract '197 patent, 2:66-3:4 '197 patent, 5:1-9 '197 patent prosecution history, February 14, 2012 Applicant Arguments/Remarks (HW_Samsung_000377	Intrinsic Evidence: 5:3-62, Claims 1, 4, 7-11, 15, 18-19 Extrinsic Evidence: Samsung may provide expert testimony from Dr. Steve Kenney regarding this claim language, including testimony to (1)

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,996,003					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				87, HW_Samsung_0003796 6-70) '355 patent prosecution history, March 10, 2011 Reply to Office Action (HW_Samsung_002636 24-34) '355 patent prosecution history, November 29, 2010 Accelerated Examination Support Document (HW_Samsung_000807 04-22) Extrinsic Evidence: Expert testimony of Dr. Tom Fuja may include, in response to Samsung's expert testimony from Dr. Steve Kenney regarding this claim term: the technical background of the '003 patent, the qualifications of one of skill in the art, and that this claim term is not indefinite including that	describe the technical background of the '848 patent; (2) describe the qualifications of one of ordinary skill in the art at the time of the alleged invention; (3) describe how the claim term, viewed in light of the intrinsic and extrinsic evidence, does not inform those skilled in the art, with reasonable certainty, about the scope of the term "valid time"; and (4) show that the term is indefinite.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT B

U.S. Patent 8,996,003					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				this term, viewed in light of the intrinsic and extrinsic evidence informs one of skill in the art about the scope of the invention and the term "valid time" with reasonable certainty. Moreover, Samsung's summary of Dr. Kenney's testimony fails to adequately convey the substance of that witness' proposed testimony. Huawei is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	
58	"public priority list" (Claims 4-6, 19)	No construction necessary. <i>Alternatively,</i> priority list for all terminals in the cell	"public list that includes different radio access technologies listed in order of priority"	Intrinsic Evidence: '197 patent, 3:9-15 '197 patent, 3:27-41 '197 patent, 3:52-59 '197 patent, 4:2-15 '197 patent, 4:38-58 '197 patent, 5:36-49	Intrinsic Evidence: 3:1-6, 4:5-36, 5:8-32, 5:64-6:39, 7:10-31, 8:21-9:30, 9:32-63; Claims 4-6, 19. Prosecution History of U.S. Patent No.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT B

U.S. Patent 8,996,003					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				'197 patent, 5:60-6:63 '197 patent, 7:8-22 '197 patent, 7:30-38 '197 patent, 8:20-25 '197 patent, 8:55-60 '197 patent, 9:15-20 '197 patent, 9:31-39 '197 patent, 10:32-39 '197 patent, Fig. 2	8,412,197, including original and amended claims and specification. Prosecution History of U.S. Patent No. 8,639,246, including original and amended claims and specification. International Application No. PCT/CN2009/071194, including English translation Foreign Application No. CN 2008 1 0091957, including English translation Extrinsic Evidence: N/A

EXHIBIT C

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,761,130					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
1	“a mapper for mapping a reference signal to a middle symbol in the slot” (Claim 9)	Means plus function element subject to 112(6) <u>Function</u>: mapping a reference signal to a middle symbol in the slot, mapping the data information to remaining symbols in the slot that are not used to map the reference signal, and mapping the acknowledgement information to first symbols among the remaining symbols in the slot, the first symbols not being used to map reference signals and the first symbols being directly adjacent to the middle symbol <u>Corresponding Structure</u>: No supporting structure in the specification. Indefinite	No construction necessary. Samsung additionally disagrees that this claim term should be construed according to section 112, paragraph 6. In the event the Court determines this term to be governed by section 112 paragraph 6, Samsung proposes the following construction: <u>Function</u>: “mapping a reference signal to a middle symbol in the slot.” <u>Corresponding Structure</u>: transmitter circuitry Figs. 2, 3 or equivalents thereof	Extrinsic Evidence: Expert testimony summary of Dr. Mark Mahon: At least that no structure disclosed in the specification for performing the function of mapping a reference signal to a middle symbol in the slot, mapping the data information to remaining symbols in the slot that are not used to map the reference signal, and mapping the acknowledgement information to first symbols among the remaining symbols in the slot, the first symbols not being used to map reference signals and the first symbols being directly adjacent to the middle symbol	Intrinsic Evidence: '130 patent: 1:52-2:44; Figs. 1, 2, 3. Provisional App. No. 60/942843: Fig. 2; p. 2. Extrinsic Evidence: Zyren, J. “Overview of the 3GPP Long Term Evolution Physical Layer,” Section 2.5; 3.1 Louis Litwin and Michael Pugel, “The Principles of OFDM,” p. 32 U.S. 8,238,507, filed June 3, 2008, assigned to Huawei Technologies Co. Ltd, 4:52-5:14. Samsung may rely on expert testimony from Dr. Nicholas Bambos as an Expert Witness. Dr. Bambos may provide testimony regarding the relevant technology of

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,761,130					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					the '130 patent; the disclosure of the '130 patent; the applications that gave rise to the '130 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Bambos may explain how one of ordinary skill in the art would understand a mapper to have definite structure.
2	"a middle symbol in the slot" (Claims 9, 13)	symbol(s) with the same number of symbols on each side	No construction necessary.	Intrinsic Evidence: 1:52-65 4:40-42 Figs. 1, 6-10	Intrinsic Evidence: '130: 1:39- 2:44; 4:20-55; 5:60-6:50; FIGS. 2, 6, 7, 8, 9, 10.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,761,130					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Provisional App. No. 60/942843: p. 1-3; 4-7; Figs. 5-8 Extrinsic Evidence: https://www.merriam-webster.com/dictionary/middle
3	“mapping a reference signal to a middle symbol in the slot [;/,] mapping the data information to remaining symbols in the slot that are not used to map the reference signal [;and] mapping the acknowledgement information to first symbols among the remaining symbols in the slot, the first symbols not being used to map reference signals and the first symbols being directly adjacent to the middle symbol” (Claims 9, 13)	The “mapping a reference signal . . .” step must be performed before the “mapping the data information . . .” and “mapping the acknowledgement information . . .” steps.	No construction necessary.	Intrinsic Evidence: 1:52-2:44 4:40-55 5:60-6:26	Intrinsic Evidence: ‘130: 1:39- 2:44; 4:20-55; 5:60-6:50; FIGS. 2, 6, 7, 8, 9, 10. Provisional App. No. 60/942843: p. 1-3; 4-7; Figs. 5-8 U.S. 8,311,328 Prosecution History: June 6, 2012 Office Action Response at p. 6-11 Extrinsic Evidence: Zyren, J. “Overview of the 3GPP Long Term Evolution Physical Layer,” Section 2.5; 3.1

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,761,130					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Louis Litwin and Michael Pugel, "The Principles of OFDM," p. 32 https://www.merriam-webster.com/dictionary/middle https://www.merriam-webster.com/dictionary/adjacent
4	"wherein the some of the data information and the acknowledgement information are respectively transmitted over different subcarriers for transmission of the first symbols" (Claim 10, 14)	wherein the first symbols containing the some of the data information and the acknowledgement information are transmitted such that the some of the data information are transmitted over different subcarriers from that of the acknowledgement information	No construction necessary.	Intrinsic Evidence: 2:19-31	Intrinsic Evidence: '130: 1:39- 2:44; 4:20-55; 5:60-6:50; FIGS. 2, 6, 7, 8, 9, 10. Provisional App. No. 60/942843: p. 1-3; 5-6; Figs. 5-8

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,315,195					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
5	"a set of control channel candidates" (Claims 9, 25)	all available control channels transmittable by a base station	No construction necessary.	Intrinsic Evidence: Figures 5A ("control channel candidate set (502)"; 5B (control channel candidate set 2 (512) 2:66-3:2 4:13-16 4:47-57 5:26-37 5:62-6:5 6:6-33 6:34-55 6:56-65 8,189,502 prosecution history, Dec. 28, 2011 Pre-appeal brief request for review; Oct. 31, 2011 Amendment (SAMSUNG-HNDCA-000002547; SAMSUNG-HNDCA-000002959-64; SAMSUNG-HNDCA-000002938-48)	Intrinsic Evidence: May 2, 2007 Korean Patent Application No. 2007-0042817: Abstract; Figs. 5A and 5B; Fig. 7; Fig. 8; Fig. 9; 6:1-30; 7:10-20; 9:31-11:20; 12:19-29; 13:5-33; 14:1-25; 15:16-28; 16:12-30; 18:6-34; 19:1-20:17. August 7, 2007 Korean Patent Application No. 2007-0042817: Abstract; Figs. 5A and 5B; Fig. 7; Fig. 8; Fig. 9; 5:15-6:34; 9:25-11:14; 12:12-14:16; 15:10-21; 16:5-25; 17:34-21:15. US 8,315,195: Abstract; Figs. 5A and 5B; Fig. 7; Fig. 8; Fig. 9; 3:3-33; 3:49-62; 4:32-63; 5:62-6:25; 7:35-46; 7:55-8:57; 9:9-24; 9:47-10:2; 10:54-12:66.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,315,195					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Extrinsic Evidence: Newton's Telecom Dictionary (23rd Ed.) ("control channel") Motorola: "E-UTRA DL L1/L2 Control Channel Design", 3GPP TSG RAN1 #48, R1-070787, Feb. 12-16, 2007. Available at HW_Samsung_000484 03 – HW_Samsung_000484 10. Nokia: "Structure and Transport of the Downlink Control Channels", R1-071003, 3GPP TSG RAN WG1 #48 Meeting, Feb. 16, 2007. Available at HW_Samsung_000509 68 – HW_Samsung_000509 73
6	"a set determiner for determining a set of control channel	Means plus function element subject to 112(6)	No construction necessary.	Extrinsic Evidence: Expert testimony summary of Dr. Mark	Intrinsic Evidence: May 2, 2007 Korean Patent Application No.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,315,195					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
	candidates based on an identifier (ID) of the terminal” (Claim 25)	<u>Function</u>: determining a set of control channel candidates based on an identifier (ID) of the terminal <u>Corresponding Structure</u>: None disclosed/Indefinite	Samsung additionally disagrees that this claim term should be construed according to section 112, paragraph 6. In the event the Court determines this term to be governed by section 112 paragraph 6, Samsung proposes the following construction: <u>Function</u>: determining a set of control channel candidates based on an identifier (ID) of the terminal. <u>Corresponding Structure</u>: Fig. 9 at 903, 905 with corresponding description at 8:27-57 or equivalents thereof.	Mahon: At least that no structure disclosed in the specification for performing the function of determining a set of control channel candidates based on an identifier (ID) of the terminal	2007-0042817: Abstract; Figs. 5A and 5B; Fig. 7; Fig. 8; Fig. 9; 6:1-30; 7:10-20; 9:31-11:20; 12:19-29; 13:5-33; 14:1-25; 15:16-28; 16:12-30; 18:6-34; 19:1-20:17. August 7, 2007 Korean Patent Application No. 2007-0042817: Abstract; Figs. 5A and 5B; Fig. 7; Fig. 8; Fig. 9; 5:15-6:34; 9:25-11:14; 12:12-14:16; 15:10-21; 16:5-25; 17:34-21:15. US 8,315,195: Abstract; Figs. 5A and 5B; Fig. 7; Fig. 8; Fig. 9; 3:3-33; 3:49-62; 4:32-63; 5:62-6:25; 7:35-46; 7:55-8:57; 9:9-24; 9:47-10:2; 10:54-12:66. Extrinsic Evidence:

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
EXHIBIT C

U.S. Patent No. 8,315,195					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Newton's Telecom Dictionary (23rd Ed.) ("control channel") Motorola: "E-UTRA DL L1/L2 Control Channel Design", 3GPP TSG RAN1 #48, R1-070787, Feb. 12-16, 2007. Available at HW_Samsung_000484 03 – HW_Samsung_000484 10. Nokia: "Structure and Transport of the Downlink Control Channels", R1-071003, 3GPP TSG RAN WG1 #48 Meeting, Feb. 16, 2007. Available at HW_Samsung_000509 68 – HW_Samsung_000509 73. Samsung may rely on expert testimony from Dr. Nicholas Bambos as

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,315,195					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					an Expert Witness. Dr. Bambos may provide testimony regarding the relevant technology of the '195 patent; the disclosure of the '195 patent; the applications that gave rise to the '195 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Bambos may explain how one of ordinary skill in the art would understand a set determiner to have definite structure.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
7	"a cell-specific parameter" (Claims 1, 8)	a parameter representing an RS boosting value	No construction necessary.	Intrinsic Evidence: Fig. 7; Fig. 8; Fig. 9; 3:47-54; 8:55-65; 9: 64-67; 10:35-53; 11:4-24; 11:25-44; 12:19-38 Extrinsic Evidence: EP No. 091500163.5, Letter dated 15 January 2013, pgs. 1-2 (HW_Samsung_002624 60-61)	Intrinsic Evidence: '350 patent at 2:56-60, 12:3-14:10; '419 patent at 2:56-60, 12:1-13:65; U.S. Prov. Pat. App. No. 61/006,343, Specification at pp. 6-9; U.S. Prov. Pat. App. No. 61/136,328, Specification at pp. 4, 17, 21; R1-080047, "Further Discussion on Data Power Setting for PDSCH", Samsung, January 2008, Seville, Spain, which is incorporated by reference in the '350 and '419 patents, at pp. 3-4; R1-081600, "Draft LS on information about RAN1decision regarding downlink

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					power settings”, Nokia, Shenzhen, China, which is incorporated by reference in the ‘350 and ‘419 patents, at p. 1; 3GPP TS 36.213 Standard, Version 8.3.0, which is incorporated by reference in the ‘350 and ‘419 patents, at Sec. 5.2. Extrinsic Evidence: M-W Dictionary, available at https://www.merriam-webster.com/dictionary/parameter Microsoft Encarta College Dictionary (2001) 1054
8	“determining” / “determine” (Claims 1, 8)	calculating / calculate	No construction necessary.	Intrinsic Evidence: Abstract; Fig. 7; Fig. 8; Fig. 9; 3:47-58; 10:21-34; 10:35-53; 11:4-24; 11:25-44; 12:21-38	Extrinsic Evidence: M-W Dictionary, available at https://www.merriam-webster.com/dictionary/determine

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Microsoft Encarta College Dictionary (2001) 392
9	“a number of cell-specific antenna ports configured in the base station” (Claims 1, 8)	a number of cell-specific transmit antennas configured in the base station This term is indefinite with respect to the language “a number of . . . antenna ports . . . configured in the base station”	No construction necessary.	Intrinsic Evidence: Fig. 3, Fig.4, Fig. 5, Fig. 6; 5:9-57; 6:57-7:40; 12:21-38; 12:59-13:43 Extrinsic Evidence: Expert testimony summary of Dr. Robert Akl: at least that this claim term is indefinite because the phrase “a number of . . . antenna ports . . . configured in the base station” fail to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.	Intrinsic Evidence: ‘350 and ‘419 patents at Figs. 2-6, and accompanying disclosures; ‘350 patent at 1:61-2:1, 5:8-33, 12:19-13:40; ‘419 patent at 1:61-2:1, 5:8-33, 12:10-13:30; U.S. Prov. Pat. App. No. 61/006,343, Specification at pp. 4-10; U.S. Prov. Pat. App. No. 61/136,328, Specification at pp. 2-6, 9-21; R1-080047, “Further Discussion on Data Power Setting for PDSCH”, Samsung, January 2008, Seville, Spain, which is

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					incorporated by reference in the '350 and '419 patents, at pp. 1-5; R1-081600, "Draft LS on information about RAN1decision regarding downlink power settings", Nokia, Shenzhen, China, which is incorporated by reference in the '350 and '419 patents, at p. 1; 3GPP TS 36.213 Standard, Version 8.3.0, which is incorporated by reference in the '350 and '419 patents, at Sec. 5.2; U.S. Prov. Pat. App. No. 60/963,681, which is incorporated by reference in the '350 and '419 patents, at pp. 1-6, 8-28;

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EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Extrinsic Evidence: 3GPP TS 36.211 Standard, Version 8.3.0, at Sec. 6.2.1 Zyren and McCoy, “Overview of the 3GPP Long Term Evolution Physical Layer” (2007), available at http://www.nxp.com/assets/documents/data/en/white-papers/3GPPEVOLUTIONWP.pdf Samsung will rely on expert testimony from Dr. Min to rebut Huawei's contention that “at least that this claim term is indefinite because the phrase ‘a number of . . . antenna ports . . . configured in the base station’ fail to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.” As an

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					initial matter, Samsung objects to Huawei's use of the phrase "at least" to the extent Huawei intends to offer testimony from Dr. Akl that was not disclosed in connection with its 4-2 obligations. Moreover, Huawei's summary of Dr. Akl's testimony fails to adequately convey the substance of that witness' proposed testimony. Samsung is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice. To the extent the substance of Dr. Akl's testimony is discernable from Huawei's disclosure, Dr. Min will

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					offer testimony that the phrase "a number of . . . antenna ports . . . configured in the base station," viewed in light of the specification and prosecution history, informs those skilled in the art about the scope of the invention with reasonable certainty. Specifically, Dr. Min will provide testimony regarding the relevant technology of the '350 and '419 patents; the disclosure of the '350 and '419 patents; the applications that gave rise to the '350 and '419 patents; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification,

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Min will explain how the phrase "a number of . . . antenna ports . . . configured in the base station" would be customarily understood and used in the art. Dr. Min will also explain what one of ordinary skill in the art would understand the term "a number of . . . antenna ports . . . configured in the base station" to require.
10	"number of antenna ports at the base station" (Claims 2, 9)	This term refers to, and should be given the same construction as, "a number of cell-specific antenna ports configured in the base station" found in claims 1 and 8	Samsung agrees that this phrase in claims 2 and 9 finds its antecedent basis in claims 1 and 8, respectively. However, as to its construction, Samsung disagrees with Huawei's proposal. See "a	Intrinsic Evidence: Fig. 3, Fig.4, Fig. 5, Fig. 6; 3:36-50; 5:9-26; 5:45-57; 6:61-7:40; 12:21-38; 12:59-13:43	See "a number of cell-specific antenna ports configured in the base station," above.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
			number of cell-specific antenna ports configured in the base station," above.		
11	"the second ratio is acquired based [on] a terminal-specific parameter (P _A) signaled by the one or more higher layers from the base station" (Claims 5, 12)	the second ratio is a terminal-specific parameter (P _A) sent by one or more higher layers from the base station	No construction necessary.	Intrinsic Evidence: Fig. 7; Fig. 8; Fig. 9; 3:47-58; 10:21-34; 10:35-53; 11:4-24; 11:25-44; 12:11-17 Extrinsic Evidence: EP No. 091500163.5, Letter dated 15 January 2013, pgs. 1-2 (HW_Samsung_002624 60-61)	Intrinsic Evidence: '350 patent at 12:11-17; '419 patent at 12:1-7; U.S. Prov. Pat. App. No. 61/006,343, Specification at pp. 8-9; U.S. Prov. Pat. App. No. 61/136,328, Specification at pp. 20-21; R1-080047, "Further Discussion on Data Power Setting for PDSCH", Samsung, January 2008, Seville, Spain, which is incorporated by reference in the '350 and '419 patents, at pp. 3-4;

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					R1-081600, "Draft LS on information about RAN1decision regarding downlink power settings", Nokia, Shenzhen, China, which is incorporated by reference in the '350 and '419 patents, at p. 1; 3GPP TS 36.213 Standard, Version 8.3.0, which is incorporated by reference in the '350 and '419 patents, at Sec. 5.2
12	"a cell-specific ratio ... based on the cell-specific parameter and a number of cell-specific antenna ports configured in the base station" (Claims 1, 8)	a ratio, which is the same for all UEs within a cell, having the value of a first ratio of traffic data to pilot for a first set of OFDM symbols divided by a second ratio of traffic data to pilot, based on the cell-specific parameter and a number of cell-specific antenna ports configured in the base	No construction necessary.	Intrinsic Evidence: 10:35-53; 11:4-24; 11:25-44; 12:19-38 Extrinsic Evidence: EP No. 091500163.5, Letter dated 15 January 2013, pgs. 1-2 (HW_Samsung_002624 60-61)	See "a cell-specific parameter," and "a number of cell-specific antenna ports configured in the base station," above. <i>See also:</i> Intrinsic Evidence: '350 patent at 12:3-14:10; '419 patent at 12:1-13:65;

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,509,350					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
		station			U.S. Prov. Pat. App. No. 61/006,343, Specification at pp. 4-9; U.S. Prov. Pat. App. No. 61/136,328, Specification at pp. 11-22; R1-081600, "Draft LS on information about RAN1decision regarding downlink power settings", Nokia, Shenzhen, China, which is incorporated by reference in the '350 and '419 patents, at p. 1; 3GPP TS 36.213 Standard, Version 8.3.0, which is incorporated by reference in the '350 and '419 patents, at Sec. 5.2

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 9,113,419					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
13	"signaling parameter" (Claims 1, 6)	a parameter representing an RS boosting value	No construction necessary.	Intrinsic Evidence: 1:58-60; 4:49-53 Extrinsic Evidence: EP No. 091500163.5, Letter dated 15 January 2013, pgs. 1-2 (HW_Samsung_002624 60-61)	Intrinsic Evidence: '350 patent at 2:56-60, 12:3-14:10; '419 patent at 2:56-60, 12:1-13:65; U.S. Prov. Pat. App. No. 61/006,343, Specification at pp. 6-9; U.S. Prov. Pat. App. No. 61/136,328, Specification at pp. 4, 17, 21; R1-080047, "Further Discussion on Data Power Setting for PDSCH", Samsung, January 2008, Seville, Spain, which is incorporated by reference in the '350 and '419 patents, at pp. 3-4; R1-081600, "Draft LS on information about RAN1decision regarding downlink

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 9,113,419					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					power settings”, Nokia, Shenzhen, China, which is incorporated by reference in the ‘350 and ‘419 patents, at p. 1; 3GPP TS 36.213 Standard, Version 8.3.0, which is incorporated by reference in the ‘350 and ‘419 patents, at Sec. 5.2. Extrinsic Evidence: M-W Dictionary, available at https://www.merriam-webster.com/dictionary/parameter Microsoft Encarta College Dictionary (2001) 1054
14	“determining” / “determine” (Claims 1, 6)	calculating/calculate	See ‘350 patent, above (“determining” / “determine”).	Intrinsic Evidence: Fig. 7; Fig. 8; Fig. 9; 3:47-58; 10:22-35; 10:36-54; 11:5-23; 11:24-42; 12:10-27	See ‘350 patent, above (“determining” / “determine”).

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 9,113,419					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
15	"a number of cell-specific antenna port configured in the base station" (Claims 1, 6)	a number of cell-specific transmit antennas configured in the base station This term is indefinite with respect to the language "a number of . . . antenna ports . . . configured in the base station"	See '350 patent, above ("a number of cell-specific antenna ports configured in the base station").	Intrinsic Evidence: Fig. 3, Fig.4, Fig. 5, Fig. 6; 5:9-57; 6:57-7:40; 12:21-38; 12:59-13:43 Extrinsic Evidence: Expert testimony summary of Dr. Robert Akl: at least that this claim term is indefinite because the phrase "a number of . . . antenna ports . . . configured in the base station" fail to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.	See '350 patent, above ("a number of cell-specific antenna ports configured in the base station").
16	"the ratio of the first ratio to the second ratio for one cell-specific antenna port for the [signal/signaling] parameter 0, 1, 2, or 3 is respectively 1, 4/5, 3/5, or 2/5" (Claims 1, 6)	the ratio of the first ratio to the second ratio for one cell-specific antenna port in the base station is exactly 1, 4/5, 3/5, or 2/5 respectively for signaling parameter 0, 1, 2, or 3	No construction necessary.	Intrinsic Evidence: 10:36-54; 11:5-23; 11:24-42; 12:8-27; 13:18-40	Intrinsic Evidence: '350 patent at 12:11-38, 13:44-51; '419 patent at 12:1-28, 13:33-40;

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 9,113,419					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
17	“wherein the ratio of the first ratio to the second ratio for one cell-specific antenna port for the signaling parameter is 0, 1, 2, or 3 is respectively 1, 4/5, 3/5, or 2/5, and wherein the ratio of the first ratio to the second ratio for 2 or 4 of cell-specific antenna ports for the signaling parameter is 0, 1, 2, or 3 is respectively 5/4, 1, 3/4, or 1/2.” (claim 6)	wherein the ratio of the first ratio to the second ratio is: - For one antenna configured in the base station: exactly 1, 4/5, 3/5, or 2/5 respectively for signaling parameter 0, 1, 2, or 3; or - For two or four antennas configured in the base station: exactly 5/4, 1, 3/4, or 1/2 respectively for signaling parameter 0, 1, 2, or 3	No construction necessary.	Intrinsic Evidence: 10:36-54; 11:5-23; 11:24-42; 12:8-27; 13:18-40	Intrinsic Evidence: ‘350 patent at 12:11-38, 13:44-51; ‘419 patent at 12:1-28, 13:33-40;
18	“the second ratio is acquired based on a terminal-specific parameter signaled from the base station by the higher layers.” (Claims 4, 9)	the second ratio is a terminal-specific parameter sent by one or more higher layers from the base station	See ‘350 patent, above (“the second ratio is acquired based on a terminal-specific parameter (PA) signaled by the one or more higher layers from the base station”).	Intrinsic Evidence: Fig. 7; Fig. 8; Fig. 9; 3:47-58; 10:22-35; 10:36-54; 11:5-23; 11:24-42; 12:1-7 Extrinsic Evidence: EP No. 091500163.5, Letter dated 15 January 2013, pgs. 1-2 (HW_Samsung_002624	See ‘350 patent, above (“the second ratio is acquired based on a terminal-specific parameter (PA) signaled by the one or more higher layers from the base station”).

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 9,113,419					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				60-61)	
19	“a ratio ... based on the signaling parameter and a number of cell-specific antenna ports configured in the base station” (Claims 1, 6)	a ratio, which is the same for all UEs within a cell, having the value of a first ratio of traffic data to pilot for a first set of OFDM symbols divided by a second ratio of traffic data to pilot, based on the signaling parameter and a number of cell-specific antenna ports configured in the base station	See ‘350 patent, above (“a cell-specific ratio ... based on the cell-specific parameter and a number of cell-specific antenna ports configured in the base station”).	Intrinsic Evidence: 10:36-54; 11:5-23; 11:24-42; 12:8-27; 13:18-40 Extrinsic Evidence: EP No. 091500163.5, Letter dated 15 January 2013, pgs. 1-2 (HW_Samsung_002624 60-61)	See ‘350 patent, above (“a cell-specific ratio ... based on the cell-specific parameter and a number of cell-specific antenna ports configured in the base station”).

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
20	"time multiplexing" (Claims 31, 41)	a transmission technique for sending signals in the time domain, whereby the transmission of one signal is interrupted for some period of time in order to transmit some portion of another signal	No construction necessary.	Intrinsic Evidence: Fig. 9; Fig. 10; 1:44-59; 2:24-26; 4:14-19; 6:23-26; 9:29-45 Extrinsic Evidence: Microsoft Computer Dictionary (5th Ed. 2002) – definition of "time-division multiplexing" at 520 (HW_Samsung_002624 77: HW_Samsung_0026300 6) FED-STD-1037C – definition of "timedivision multiplexing" at T-11 (HW_Samsung_002635 22: HW_Samsung_0026353 2)	Intrinsic Evidence: '105 patent at Figs. 9, 10, and accompanying disclosures; '105 patent at 6:15-18, 8:63-9:5, 9:17-21, 9:29-38 U.S. Prov. Pat. App. No. 60/668,797, Specification at pp. 2-5, 7-9 U.S. App. No. 11/374,863, which is incorporated by reference in the '105 patent, at ¶ 36 Extrinsic Evidence: Stern and Mahmoud, "Communication Systems: Analysis and Design" (2004), available at http://www.ni.com/white-paper/14886/en/ Zyren and McCoy, "Overview of the 3GPP

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Long Term Evolution Physical Layer" (2007), available at http://www.nxp.com/assets/documents/data/en/white-papers/3GPPEVOLUTIONWP.pdf Javvin Network Dictionary (2007) 324, 488 Microsoft Press Computer Dictionary (1991) 235, 343 Microsoft Computer Dictionary (5th Ed. 2002) 353 The Focal Illustrated Dictionary of Telecommunications (Mazda and Mazda eds. 1999) 419, 421, 616 Webster's New World Computer Dictionary (10th Ed. 2003) at 246

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					McGraw-Hill Dictionary of Scientific and Technical Terms (Sixth Ed. 2003) at 1386, 2153-54 Microsoft Encarta College Dictionary (2001) 949 Newton's Telecom Dictionary (22nd Ed. 2006) at 612, 913 M-W Dictionary, <i>available at</i> https://www.merriam-webster.com/dictionary/multiplexing
21	"[mapping/map] the non-FT pre-coded modulation control symbols to a second set of subcarriers" (Claims 28, 38)	assigning modulated symbols that contain signaling and/or control information directly to a set of subcarriers that is different than the set of subcarriers to which the FT pre-coded data symbols are assigned	No construction necessary.	Intrinsic Evidence: Fig. 3; Fig. 4; Fig. 5A; Fig. 6A; Fig. 6B; Fig. 6C; Fig. 7; Fig. 9; Fig. 10; Fig. 12; 2:40-42; 2:46-61; 3:55-:4-25; 6:7-10; 6:43-7:11; 7:12-43; 7:44-67; 8:22-59; 8:60-9:10; 9:29-45; 9:46-9:62; 10:12-26	Intrinsic Evidence: '105 patent at Figs. 3, 4, 5A, 6A-C, 7-9, 11-12, and accompanying disclosures; '105 patent at Abstract: 6:57-67, 7:23-30, 7:61-66, 8:22-59, 9:55-62;

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					U.S. Prov. Pat. App. No. 60/668,797, Specification at pp. 2-7, 10; U.S. App. No. 11/374,863, which is incorporated by reference in the '105 patent, at Fig. 6, ¶¶ 42, 50, 51, 54-56 Extrinsic Evidence: Newton's Telecom Dictionary (22nd Ed. 2006) 571 McGraw-Hill Dictionary of Scientific and Technical Terms (Sixth Ed. 2003) 1281 Webster's New World Computer Dictionary (10th Ed. 2003) 226 Dictionary of Computer Science, Engineering and Technology (Laplante ed. 2001) 295

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Microsoft Encarta College Dictionary (2001) 878 The Focal Illustrated Dictionary of Telecommunications (Mazda and Mazda eds. 1999) 395 Microsoft Press Computer Dictionary (1991) 222 Microsoft Computer Dictionary (5th Ed. 2002) 328 Zyren and McCoy, "Overview of the 3GPP Long Term Evolution Physical Layer" (2007), available at http://www.nxp.com/assets/documents/data/en/white-papers/3GPPEVOLUTIONWP.pdf

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Antennas and Propagation for Wireless Communication Systems (2nd Ed. 2007) at 430-35 R1-050439, Uplink Multiple Access and Multiplexing for Evolved UTRA", Samsung, Athens, Greece 3GPP TS 36.211 Standard, Version 8.3.0, at Secs. 5.3, 5.4, 5.6
22	"non-FT pre-coded modulation data symbols" (Claims 28, 38)	a sequence of frequency-domain modulation data symbols	No construction necessary.	Intrinsic Evidence: Fig. 3; Fig. 4; Fig. 5A; Fig. 6A; Fig. 6B; Fig. 6C; Fig. 7; Fig. 9; Fig. 10; Fig. 12; 2:40-42; 2:46-61; 3:55-:4-25; 6:7-10; 6:43-7:11; 7:12-43; 7:44-67; 8:22-59; 8:60-9:10; 9:29-45; 9:46-9:62; 10:12-26	Intrinsic Evidence: '105 patent at Figs. 3, 4, 5A, 7-9, 11, and accompanying disclosures; '105 patent at 6:52-58, 7:56-61; U.S. Prov. Pat. App. No. 60/668,797, Specification at pp. 2-5, 7-10;

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					U.S. App. No. 11/374,863, which is incorporated by reference in the '105 patent, at Figs. 3, 5A, ¶¶ 8-13, 33-36, 40-45, 50, 51, 62
23	"FT [Fourier Transform] pre-coded symbols" (Claims 28, 38)	modulated data symbols that do not contain signaling or control information and have been put through a Fourier transform operation	No construction necessary.	Intrinsic Evidence: Fig. 3; Fig. 4; Fig. 5A; Fig. 6A; Fig. 6B; Fig. 6C; Fig. 7; Fig. 9; Fig. 10; Fig. 12; 2:40-42; 2:46-61; 3:55-:4-25; 6:7-10; 6:43-7:11; 7:12-43; 7:44-67; 8:22-59; 8:60-9:10; 9:29-45; 9:46-9:62; 10:12-26	Intrinsic Evidence: '105 patent at Figs. 3, 4, 5A, 7-12, and accompanying disclosures; '105 patent at Abstract: 2:24-45, 2:49-61, 5:54-58, 5:63-6:6, 6:52-65, 7:59-61, 9:54-55, 10:12-26, 10:27-33; U.S. Prov. Pat. App. No. 60/668,797, Specification at pp. 2-5, 7-10 U.S. App. No. 11/374,863, which is incorporated by reference in the '105 patent, at Figs. 3, 5A, ¶¶ 8-13, 33-36, 40-45, 50, 51, 62

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Extrinsic Evidence: Javvin Network Dictionary (2007) at 201 Microsoft Press Computer Dictionary (1991) at 153-54 Microsoft Computer Dictionary (5th Ed. 2002) 223 Dictionary of Computer Science, Engineering and Technology (Laplante ed. 2001) at 194 McGraw-Hill Dictionary of Scientific and Technical Terms (Sixth Ed. 2003) at 845 Zyren and McCoy, "Overview of the 3GPP Long Term Evolution Physical Layer" (2007), available at

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					http://www.nxp.com/assets/documents/data/en/white-papers/3GPPEVOLUTI_ONWP.pdf Antennas and Propagation for Wireless Communication Systems (2nd Ed. 2007) at 430-35 LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 16, 24, 31, 32 R1-050439, Uplink Multiple Access and Multiplexing for Evolved UTRA", Samsung, Athens, Greece 3GPP TS 36.211 Standard, Version 8.3.0, at Secs. 5.3, 5.4, 5.6

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
24	"modulation block" (Claim 38)	Indefinite; Means plus function element subject to 112(6) Function: modulate data information to generate non-FT precoded modulation data symbols and modulate control information to generate non-FTprecoded modulation control symbols Structure: <u>no corresponding structure disclosed,</u>	No construction necessary. Samsung additionally disagrees that this claim term should be construed according to section 112, paragraph 6. In the event the Court determines this term to be governed by section 112 paragraph 6, Samsung proposes the following construction: <u>Function:</u> modulate data information to generate non-FT pre-coded modulation data symbols and control information to generate non-FT pre-coded modulation control symbols. <u>Corresponding Structure:</u> QAM	Extrinsic Evidence: Expert testimony summary of Dr. Kevin Negus: At least that no structure disclosed in the specification for performing the function of modulating data information to generate non-FT precoded modulation data symbols and modulate control information to generate non FTprecoded modulation control symbols	Intrinsic Evidence: '105 patent at Figs. 2A, 5A, and accompanying disclosures; '105 patent at 6:7-10, 7:56-59; U.S. Prov. Pat. App. No. 60/668,797, Specification at pp. 2-3, 5, 6; U.S. App. No. 11/374,863, which is incorporated by reference in the '105 patent, at Figs. 3, 5A, ¶¶ 8-13, 33-36, 40-45, 50, 51, 62 Extrinsic Evidence: Javvin Network Dictionary (2007) at 316, 396 Microsoft Computer Dictionary (5th Ed. 2002) 346

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
			modulator 505 or equivalents thereof.		Zyren and McCoy, "Overview of the 3GPP Long Term Evolution Physical Layer" (2007), available at http://www.nxp.com/assets/documents/data/en/white-papers/3GPPEVOLUTIONWP.pdf Antennas and Propagation for Wireless Communication Systems (2nd Ed. 2007) at 430-35 R1-050439, Uplink Multiple Access and Multiplexing for Evolved UTRA", Samsung, Athens, Greece 3GPP TS 36.211 Standard, Version 8.3.0, at Secs. 5.3, 5.4, 5.6

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Analog Devices Datasheet, AD9853, "Programmable Digital QPSK/16-QAM Modulator" (1999) Analog Devices Datasheet, AD8346, "0.8 GHz to 2.5 GHz Quadrature Modulator" (2005) Analog Devices Datasheet AD7008, "CMOS DDS Modulator" (1995) Broadcom Product Brief, BCM3034 "Universal Advanced Downstream Modulator" (2004) Joseph H. Gray, <i>Application Note: Building a QAM Modulator Using a GC2011 Digital Filter Chip</i>, Oct. 6, 1994

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EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Brian Millier, <i>Analog's New High-Flying DDS Family</i>, Circuit Cellar #156, Jul. 2003, at 22-30 <i>RF Quadrature Modulator</i>, Circuit Cellar #223, Feb. 2009, at 8 Cho and Samueli, <i>A Frequency-Agile Single-Chip QAM Modulator with Beamforming Diversity</i>, IEEE J. of Solid-State Circuits, Mar. 2001, at 398-407 Samsung will rely on expert testimony from Dr. Paul Min as an Expert Witness. Dr. Min will provide testimony regarding the relevant technology of the '105 patent; the disclosure of the '105 patent; the applications that gave rise to the

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. RE44,105					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					'105 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Min will explain how one of ordinary skill in the art would understand a modulation block to have definite structure.

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
25	"a first timer to monitor control data via a shared control channel" (Claims 1, 7)	Indefinite.	No construction necessary.	Intrinsic Evidence: 5:23-26 5:50-54 6:3-8 7:8-15 7:51-53 8:18-20 8:25-26 8,270,932 prosecution history, September 23, 2011 Amendment and Remarks (SAMSUNG HNDCA-000004079: SAMSUNG-HNDCA-000004467-74) 8,270,932 prosecution history, May 3, 2012 Remarks (SAMSUNG HNDCA-000004079: SAMSUNG-HNDCA-000004843-49) Extrinsic Evidence: Expert testimony summary of Dr. Robert Akl:	Intrinsic Evidence: Abstract: 3-6; 3:30-33, 44-47, 64-67; 4:20-23; 7:1-21; 8:17-34; 11:21-34; Figs. 3, 6 and accompanying disclosure U.S. Patent Application 11/729,032 Prosecution History: July 28 2010 Office Action Response at p. 4-5 U.S. Patent Application 11/729,032 Prosecution History: December 13, 2010 Office Action Response at p. 2 U.S. Patent Application 11/729,032 Prosecution History: February 22, 2011 Office Action Response at p. 5 U.S. Patent Application 11/729,032 Prosecution History: September 23,

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				at least that this claim term is indefinite because the phrase "a first timer to monitor control data via a shared control channel" fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.	2011 Office Action Response at p. 4-5 U.S. Patent Application 11/729,032 Prosecution History: May 3, 2012 Office Action Response at p. 7-9 Korean Application No. 10-2006-0027986: Abstract: 10-12; 6:34-36; 10:3-8; 12:7-22; Figs. 3-6 and accompanying disclosure Korean Application No. 10-2006-0085757: Abstract: 11-13; 7:1-4, 16-18; 8:6-8; 11:12-17; 13:16-31; 20:1-17; Figs 3-8, 10 and accompanying disclosure Extrinsic Evidence: M-W Dictionary, available at https://www.merriam-

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					webster.com/dictionary/timer M-W Dictionary, available at https://www.merriam-webster.com/dictionary/to Samsung will rely on expert testimony from Dr. Valenti to rebut Huawei's contention that "at least that this claim term is indefinite because the phrase 'a first timer to monitor control data via a shared control channel' fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention." As an initial matter, Samsung objects to Huawei's use of the phrase "at least" to the extent Huawei intends to offer testimony from Dr. Akl that was not disclosed

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					in connection with its 4-2 obligations. Moreover, Huawei's summary of Dr. Akl's testimony fails to adequately convey the substance of that witness' proposed testimony. Samsung is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice. To the extent the substance of Dr. Akl's testimony is discernable from Huawei's disclosure, Dr. Valenti may offer testimony that the phrase "a first timer to monitor control data via a shared control channel," viewed in light of the specification and prosecution history,

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					informs those skilled in the art about the scope of the invention with reasonable certainty. Specifically, Dr. Valenti may provide testimony regarding the relevant technology of the '588 patent; the disclosure of the '588 patent; the applications that gave rise to the '588 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Valenti may explain how the phrase "a first timer to monitor control data" would be customarily

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EXHIBIT C

U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					understood and used in the art. Dr. Valenti may also explain what one of ordinary skill in the art would understand the term "a first timer to monitor control data" to require.
26	"controlling an active time period during a Discontinuous Reception (DRX) operation" (Claims 1, 7)	Preamble needs to be construed. Indefinite. Alternatively: monitoring control data on a shared control channel during a DRX operation only between the start of a first timer and the expiration of a second timer	No construction necessary.	Intrinsic Evidence: 1:20-23 2:23-28 4:42-45 4:57-64 3:26-29 7:42-45 8:18-20 8:25-26 8:35-38 Figs 3, 6 8,270,932 prosecution history, September 23, 2011 Amendment and Remarks (SAMSUNG-HNDCA-000004079: SAMSUNG-HNDCA-000004467-74) 8,270,932 prosecution	Intrinsic Evidence: Abstract: 1-13; 1:21-25; 3:13-4:32; 5:17-6:47; 6:51-12:54; Figs. 3, 6 and accompanying disclosure U.S. Patent Application 11/729,032 Prosecution History: July 28 2010 Office Action Response at p. 4-5 U.S. Patent Application 11/729,032 Prosecution History: December 13, 2010 Office Action Response at p. 2 U.S. Patent Application 11/729,032 Prosecution History: February 22,

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				history, May 3, 2012 Remarks (SAMSUNG HNDCA-000004079: SAMSUNG-HNDCA-000004843-49) Extrinsic Evidence: Expert testimony summary of Dr. Robert Akl: at least that this claim term is indefinite because the phrase "controlling an active time period during a Discontinuous Reception (DRX) operation" fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.	2011 Office Action Response at p. 5 U.S. Patent Application 11/729,032 Prosecution History: September 23, 2011 Office Action Response at p. 4-5 U.S. Patent Application 11/729,032 Prosecution History: May 3, 2012 Office Action Response at p. 5-9 Korean Application No. 10-2006-0027986: Abstract: 1-16; 2:26-30; 5:36-14:22; Figs. 3-7 and accompanying disclosure. Korean Application No. 10-2006-0085757: Abstract: 1-19; 6:30-21:24; Figs. 3-10 and accompanying disclosure

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EXHIBIT C

U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Samsung will rely on expert testimony from Dr. Valenti to rebut Huawei's contention that "at least that this claim term is indefinite because the phrase 'controlling an active time period during a Discontinuous Reception (DRX) operation' fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention." As an initial matter, Samsung objects to Huawei's use of the phrase "at least" to the extent Huawei intends to offer testimony from Dr. Akl that was not disclosed in connection with its 4-2 obligations. Moreover, Huawei's summary of Dr. Akl's testimony fails to adequately convey the substance of that

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					witness' proposed testimony. Samsung is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice. To the extent the substance of Dr. Akl's testimony is discernable from Huawei's disclosure, Dr. Valenti may offer testimony that the phrase 'controlling an active time period during a Discontinuous Reception (DRX) operation,' viewed in light of the specification and prosecution history, informs those skilled in the art about the scope of the invention with reasonable certainty. Specifically, Dr. Valenti

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					may provide testimony regarding the relevant technology of the '588 patent; the disclosure of the '588 patent; the applications that gave rise to the '588 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Valenti may explain how the phrase "controlling an active time period during a Discontinuous Reception (DRX) operation" would be customarily understood and used in the art. Dr. Valenti may also

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					explain what one of ordinary skill in the art would understand the term "controlling an active time period" and "Discontinuous Reception (DRX) operation" to require.
27	"second timer" (Claims 1, 2, 4, 5, 7, 8, 10, 11)	timer used to terminate the active period	No construction necessary.	Intrinsic Evidence: 8:35-41 8:44-48 8:49-54 8:55-67 9:1-12 8,270,932 prosecution history, September 23, 2011 Amendment and Remarks (SAMSUNG-HNDCA-000004079: SAMSUNG-HNDCA-000004467-74) 8,270,932 prosecution history, May 3, 2012 Remarks (SAMSUNG-HNDCA-000004079: SAMSUNG-HNDCA-000004843-49)	Intrinsic Evidence: Abstract: 7-12; 3:34-37, 47-53, 3:67-4:6; 4:23-27; 8:35-54; Figs. 3, 6 and accompanying disclosure U.S. Patent Application 11/729,032 Prosecution History: July 28 2010 Office Action Response at p. 4-5 U.S. Patent Application 11/729,032 Prosecution History: December 13, 2010 Office Action Response at p. 2 U.S. Patent Application 11/729,032 Prosecution History: February 22,

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					2011 Office Action Response at p. 5 U.S. Patent Application 11/729,032 Prosecution History: September 23, 2011 Office Action Response at p. 4-5 U.S. Patent Application 11/729,032 Prosecution History: May 3, 2012 Office Action Response at p. 7-9 Korean Application No. 10-2006-0027986: 7:11-12; 12:24-13:4; Figs. 3, 6 and accompanying disclosure Korean Application No. 10-2006-0085757: 7:20-23; 13:33-14:12; Figs 3, 6, 8 and accompanying disclosure Extrinsic Evidence: M-W Dictionary, <i>available at</i> https://www.merriam-

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent No. 8,457,588					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					webster.com/dictionary/ timer

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,619,726					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
28	"persistent resource" (Claims 1, 11)	transmission resources that are periodically allocated to a particular User Equipment (UE) without separate allocation information	No construction necessary.	Intrinsic Evidence: 1:46-49 1:49-51 1:55-56 12:63-65	Intrinsic Evidence: '726: 1:38-2:60; 5:18-7:51; 7:55-10:62; 10:66-12:62; 13:32-14:25; FIG. 1- 7, 9 Korean Application No. 10-2007-0079246: 3:5-4:29; 10: 34-14:34; 14:36-17:23; FIG. 1- 7, 9 Korean Application No. 10-2007-0113640: 3:15-22; 11:31-16:16; 16:19-19:14; 20:10-21:7; FIG. 1- 7, 9
29	"[calculating/calculates] a HARQ process Identifier (ID) using the number of HARQ processes of the persistent resource allocation, the persistent resource allocation interval information, and time information" (Claims 1, 11)	Calculating a HARQ process ID using Equation 3: persistent resource-dedicated HARQ process's $\text{index} = \text{MOD}[s, n]$, $s = \text{ceiling}[t/i, 1]$	No construction necessary.	Intrinsic Evidence: 9:4-18	Intrinsic Evidence: '726: 1:38-2:60; 5:18-7:51; 7:55-10:62; 10:66-12:62; 13:32-14:25; FIG. 1- 7, 9 Korean Application No. 10-2007-0079246: 3:5-4:29; 10: 34-14:34; 14:36-17:23; FIG. 1- 7, 9

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

EXHIBIT C

U.S. Patent No. 8,619,726					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Korean Application No. 10-2007-0113640: 3:15-22; 11:31-16:16; 16:19-19:14; 20:10-21:7; FIG. 1- 7, 9 Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 28. https://www.merriam-webster.com/dictionary/calculate
30	“associating a HARQ process with the calculated HARQ process ID” (Claims 1, 11)	mapping a HARQ process with a calculated HARQ process ID index	No construction necessary.	Intrinsic Evidence: 7:26-30 10:3-13 10:22-26 10:36-39	Intrinsic Evidence: ‘726: 1:38-2:60; 5:18-7:51; 7:55-10:62; 10:66-12:62; 13:32-14:25; FIG. 1- 7, 9 Korean Application No. 10-2007-0079246: 3:5-4:29; 10: 34-14:34; 14:36-17:23; FIG. 1- 7, 9 Korean Application No. 10-2007-0113640: 3:15-22; 11:31-16:16; 16:19-

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EXHIBIT C

U.S. Patent No. 8,619,726					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					19:14; 20:10-21:7; FIG. 1- 7, 9 Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 28. https://www.merriam-webster.com/dictionary/associating
31	"HARQ process Identifier (ID)/HARQ process ID" (Claims 1, 11)	HARQ process identifier calculated according to an index	No construction necessary.	Intrinsic Evidence: 6:4-8 7:46-51 8:60-9:30 10:22-27 10:36-39 11:3-4	Intrinsic Evidence: '726: 1:20-2:60; 5:18-7:51; 7:55-10:62; 10:66-12:62; 13:32-14:25; FIG. 1- 7, 9, 11 Korean Application No. 10-2007-0079246: 3:5-4:29; 10: 34-14:34; 14:36-17:23; FIG. 1- 7, 9 Korean Application No. 10-2007-0113640: 3:15-22; 11:31-16:16; 16:19-19:14; 20:10-21:7; FIG. 1- 7, 9

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U.S. Patent No. 8,619,726					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 28.
32	"time information" (Claims 1, 11)	SFN + subframe number x 0.1	No construction necessary.	Intrinsic Evidence: 8:8-12 8:33-55	Intrinsic Evidence: '726: 1:38-2:60; 5:18-7:51; 7:55-10:62; 10:66-12:62; 13:32-14:25; FIG. 1- 7, 9 Korean Application No. 10-2007-0079246: 3:5-4:29; 10: 34-14:34; 14:36-17:23; FIG. 1- 7, 9 Korean Application No. 10-2007-0113640: 3:15-22; 11:31-16:16; 16:19-19:14; 20:10-21:7; FIG. 1- 7, 9
33	"persistent resource allocation interval information" (Claims 1, 11)	Persistent resource allocation interval expressed in units of frames	No construction necessary.	Intrinsic Evidence: 5:31-35 10:14-19 9:4-18	Intrinsic Evidence: '726: 1:38-2:60; 5:18-7:51; 7:55-10:62; 10:66-12:62; 13:32-14:25; FIG. 1- 7, 9 Korean Application No. 10-2007-0079246: 3:5-

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)
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U.S. Patent No. 8,619,726					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					4:29; 10: 34-14:34; 14:36-17:23; FIG. 1- 7, 9 Korean Application No. 10-2007-0113640: 3:15- 22; 11:31-16:16; 16:19- 19:14; 20:10-21:7; FIG. 1- 7, 9

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U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
34	"system information indicating a group of identification(ID)s" (Claims 1, 4)	System information including a group of IDs	No construction necessary.	Intrinsic Evidence: 5: 38-49 7:11-20 8:50-63 5:31-37 7:11-20 7:53-57 8:53-55 9:66-67	Intrinsic Evidence: Col. 5:31-37; 7:11-14; 8:44-53; 9:59-61; Figs. 6, 7, 8, 9, 11, and accompanying disclosure Korean Application No. 10-2005-00113193: Abstract 4-5; 7:14-16, 26-28; 8:32-34; 9:6-10; 12:29-33; 14:13-21; 16:16-19; Figs. 4, 7, 9, 11, 12 and accompanying disclosure
35	"a first uplink signal corresponding to the selected first ID" (Claims 1, 4)	A first uplink signal including the selected first ID	No construction necessary.	Intrinsic Evidence: 5:41-49	Intrinsic Evidence: Abstract 3-6; 3:33-37, 46-52, 61-66; 5:38-49; 6:50-52; 7:11-20, 51-50; 8:55-60; 9:56-59; 9:67-10:1; 10:33-45; Figs. 6, 7, 8, 9, 11, and accompanying disclosure U.S. Patent Application 11/603,237 Prosecution History: November 29,

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U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					2010 Office Action Response at p. 9-10 U.S. Patent Application 11/603,237 Prosecution History: September 19, 2012 Office Action Response at p. 8-9 Korean Application No. 10-2005-00113193: Abstract 6-7; 7:15-17, 25-29; 9:12-19; 11:6-7, 14-15, 29-30; 12:3-6, 29-33; 13:1-6; 14:21-26; 16:24-26; 17:14-29; Figs. 4, 7, 8, 9, 11, 12 and accompanying disclosure
36	"first uplink signal" (Claims 1, 4)	Initial uplink message	No construction necessary.	Intrinsic Evidence: 5:38-41	Intrinsic Evidence: Abstract 3-6; 3:33-37, 46-52, 61-66; 5:38-49; 6:50-52; 7:11-20, 51-50; 8:55-60; 9:56-59; 9:67-10:1; 10:33-45; Figs. 6, 7, 8, 9, 11, 12 and accompanying disclosure

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U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					U.S. Patent Application 11/603,237 Prosecution History: November 29, 2010 Office Action Response at p. 9-10 U.S. Patent Application 11/603,237 Prosecution History: September 19, 2012 Office Action Response at p. 8-9 Korean Application No. 10-2005-00113193: Abstract 6-7; 7:15-17, 25-29; 9:12-19; 11:6-7, 14-15, 29-30; 12:3-6, 29-33; 13:1-6; 14:21-26; 16:24-26; 17:14-29; Figs. 4, 7, 9, 11, 12 and accompanying disclosure
37	"without checking a downlink channel" (Claims 1, 4)	Without checking any downlink channel	No construction necessary.	Intrinsic Evidence: 3:1-18 5: 31-37 7:21-32 6:53-54 7:24-26 10:1-5	Intrinsic Evidence: Abstract: 5-8; 3:38-39; 3:52-55, 67-68; 6:53-57; 6:55-7:7; 7:24-28; 10:1-5; Figs. 6, 7, 8, 9, 11, 12 and accompanying disclosure

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U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					U.S. Patent Application 11/603,237 Prosecution History: November 29, 2010 Office Action Response at p. 7, 9 U.S. Patent Application 11/603,237 Prosecution History: January 28, 2011 Office Action Response at p. 8, 10 U.S. Patent Application 11/603,237 Prosecution History: June 1, 2012 Office Action Response at p. 7, 9 U.S. Patent Application 11/603,237 Prosecution History: September 19, 2012 Office Action Response at p. 8-9 U.S. Patent Application 11/603,237 Prosecution History: December 18, 2012 Office Action Response at p. 12

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EXHIBIT C

U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					Korean Application No. 10-2005-00113193: 11:8-11, 18-24, 30-32; 12:4-7; 13:8-10; 16:26-27; 17:19-21, 31-33; Figs. 6, 7, 11, 12 and accompanying disclosure
38	"predetermined delay duration" (Clams 1, 4)	Delay duration provided by base station	No construction necessary.	Intrinsic Evidence: 6:65-7:7 8:50-53 6:24-28 6:34-39 6:53-56 6:61-64 7:66-8:3 8:50-51 10:1-4	Intrinsic Evidence: Abstract: 5-8; 3:38-39; 3:52-55, 67-68; 6:34-39; 6:53-57; 6:65-7:7; 7:24-28; 10:1-5; Figs. 6, 7, 8, 9, 11, and accompanying disclosure U.S. Patent Application 11/603,237 Prosecution History: November 29, 2010 Office Action Response at p. 7, 9 U.S. Patent Application 11/603,237 Prosecution History: January 28, 2011 Office Action Response at p. 8, 10

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U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					U.S. Patent Application 11/603,237 Prosecution History: June 1, 2012 Office Action Response at p. 7, 9 U.S. Patent Application 11/603,237 Prosecution History: September 19, 2012 Office Action Response at p. 8-9 U.S. Patent Application 11/603,237 Prosecution History: December 18, 2012 Office Action Response at p. 12 Korean Application No. 10-2005-00113193: 11:8-11, 18-24, 30-32; 12:4-7; 13:8-10; 16:26-27; 17:19-21, 31-33; Figs. 6, 7, 11, 12 and accompanying disclosure Extrinsic Evidence: M-W Dictionary, <i>available at</i>

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EXHIBIT C

U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					https://www.merriam-webster.com/dictionary/predetermined Cambridge Advanced Learner's Dictionary & Thesaurus, Cambridge University Press <i>Collins English Dictionary - Complete & Unabridged 10th Edition</i> . retrieved March 15, 2017
39	"UE-ID" (Claims 1, 4)	Short ID from the same pool as temporary IDs	An identifier for the user equipment	Intrinsic Evidence: 5:50 – 6:5 8:64 – 9:5 2:39-53 5:22-30 6:28-34 5:22-30 5:41-49	Intrinsic Evidence: 1:47-48, 59-62; 5:50-54; 6:1-5, 63-64; 7:34-36; 8:3-12, 27-38; 8:64-9:10; 9:38-44; 11:15-25; Figs. 6, 7, 8, 9, 10A, 10B, 11, and accompanying disclosure Korean Application No. 10-2005-00113193: Abstract: 3-4; 9-14; 7:12-14, 19-26, 31-33; 8:11-16; 9:21-24; 9:33-10:5; 12:12-14; 13:10-

PATENT L.R. 4-3 JOINT CLAIM CONSTRUCTION STATEMENT (CASE NO. 3:16-CV-2787-WHO)

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U.S. Patent No. 9,288,825					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					22; 14:6-9; 14:30-15:8; 15:12-15, 20-24; 15:28-16:2; 16:34-17:1; 18:5-16, 30-32; 19:9-12; Figs. 4, 5, 7, 9, 10, 11, 12 and accompanying disclosure Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 88, 12, 20, 94.

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U.S. Patent No. 8,228,827					
No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
40	"transmitting...if" (Claims 9, 12)	Transmitting...only if	No construction necessary. Ordinary meaning (i.e., transmitting...if).	Intrinsic Evidence: 5:25-67 6:1-14 6:22-25 6:31-35 6:53-54	Intrinsic Evidence: Abstract; Figs. 1, 3-7 and accompanying disclosure; col. 2:60-3:53; 3:61-62; 3:65-4:8; 4:30-49; 4:61-5:8; 5:11-7:56; 8:6, 15, 32, 38-51, 60, 63-65; 9:3-5, 8, 24-25; 10:1-5, 23-25. Extrinsic Evidence: IEEE 100, The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition (2000) at 1209. Merriam-Webster Dictionary ("transmit"). Merriam-Webster Dictionary ("if"). Webster's Third New International Dictionary (2002) at 2429.
41	"UE-specific control information	Indefinite.	No construction necessary.	Extrinsic Evidence: Expert testimony summary of Dr. Michael	Intrinsic Evidence: Figs. 1, 3, 6 and accompanying

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	addressable by the C-RNTI" (Claims 9,12)			Brogioli: at least that this claim term is indefinite because the phrase "UE-specific control information addressable by the CRNTI" fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.	disclosures; col. 3:22-53; 4:30-49; 4:61-5:10; 5:24-35; 5:45-67; 6:23-38; 6:53-61; 6:64-7:9; 7:37-47; 8:16-21, 49-54, 57-58, 60-61; 9:10-12, 18-20; 10:10-13, 15-20. Final Rejection, 9/6/2011. US 2007/0161377 ("Kodikara"), [0102]. Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 14. Samsung will rely on expert testimony from Dr. Valenti to rebut Huawei's contention that "at least that this claim term is indefinite because the phrase "UE-specific control information addressable

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					by the C-RNTI" fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention." As an initial matter, Samsung objects to Huawei's use of the phrase "at least" to the extent Huawei intends to offer testimony from Dr. Brogioli that was not disclosed in connection with its 4-2 obligations. Moreover, Huawei's summary of Dr. Brogioli's testimony fails to adequately convey the substance of that witness' proposed testimony. Samsung is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					To the extent the substance of Dr. Brogioli's testimony is discernable from Huawei's disclosure, Dr. Valenti may offer testimony that the phrase "UE-specific control information addressable by the C-RNTI," viewed in light of the specification and prosecution history, informs those skilled in the art about the scope of the invention with reasonable certainty. Specifically, Dr. Valenti may provide testimony regarding the relevant technology of the '827 patent; the disclosure of the '827 patent; the application that gave rise to the '827 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one

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					of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Valenti may explain how "UE-specific control information" and "addressable by the C-RNTI" are customarily understood and used in the art. Dr. Valenti may also explain what one of ordinary skill in the art would understand the term "UE-specific control information addressable by the C-RNTI" to require.
42	"activating a timer for collision detection" (Claims 9, 12)	Indefinite	No construction necessary.	Expert testimony summary of Dr. Michael Brogioli: at least that this claim term is indefinite because the phrase "activating a timer for	Intrinsic Evidence: Figs. 3, 4, 6, and 7 and accompanying disclosures; col. 4:30-49; 5:36-44; 6:1-14; 6:26-38; 6:53-61; 7:10-29; 7:48-60; 8:29-30;

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				collision detection” fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.	8:59-62; 9:6-7; 9:16-17; 10:7-8; 10:12-13. Final Rejection 9/6/2011. US 2003/0223452 (“Toskala”), [0005]. Extrinsic Evidence: Merriam-Webster Dictionary (“timer”). Samsung will rely on expert testimony from Dr. Valenti to rebut Huawei's contention that “at least that this claim term is indefinite because the phrase “activating a timer for collision detection” fails to inform, with reasonable certainty, one of skill in the art as to the scope of the invention.” As an initial matter, Samsung objects to Huawei's use of the phrase “at least”

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					to the extent Huawei intends to offer testimony from Dr. Brogioli that was not disclosed in connection with its 4-2 obligations. Moreover, Huawei's summary of Dr. Brogioli's testimony fails to adequately convey the substance of that witness' proposed testimony. Samsung is unable to discern what aspect of the claim term is alleged to be indefinite, and in what way, and reserves its rights to offer rebuttal testimony as necessary to cure any prejudice. To the extent the substance of Dr. Brogioli's testimony is discernable from Huawei's disclosure, Dr. Valenti may offer testimony that the phrase "activating a

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					timer for collision detection," viewed in light of the specification and prosecution history, informs those skilled in the art about the scope of the invention with reasonable certainty. Specifically, Dr. Valenti may provide testimony regarding the relevant technology of the '827 patent; the disclosure of the '827 patent; the application that gave rise to the '827 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Valenti

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					may explain how a "timer" is customarily understood and used in the art. Dr. Valenti may also explain what one of ordinary skill in the art would understand the term "activating a timer for collision detection" to require.
43	"Cell-Radio Network Temporary Identifier (C-RNTI)" (Claims 9, 10, 12, 13)	No construction necessary.	An identifier that is allocated to a UE to be used in connected mode in a cell.	Intrinsic Evidence: 5:36-37 5:36-44 7:10-13 Extrinsic Evidence: Expert testimony summary of Dr. Michael Brogioli may include, in response to Samsung's expert testimony from Dr. Matthew Valenti regarding this claim term: the technical background of the '827 patent, the qualifications of one of skill in the art, and the understanding of one of skill in the art of the term "Cell-Radio	Intrinsic Evidence: Figs. 1, 3, 6; col. 3:22-53; 4:30-49; 4:61-5:10; 5:24-35; 5:45-67; 6:23-38; 6:53-61; 6:64-7:9; 7:37-47; 8:9, 15-21, 43-44, 48-54; 9:3-5, 9-12, 18-20; 10:10-13, 15-20. Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 14. Samsung may rely on expert testimony from Dr. Matthew Valenti as an Expert Witness. Dr. Valenti may provide

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
				Network Temporary Identifier (C-RNTI)," as used in the art and in light of the intrinsic and extrinsic evidence. Huawei objects to Samsung's summary of Dr. Valenti's testimony as it fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	testimony regarding the relevant technology of the '827 patent; the disclosure of the '827 patent; the application that gave rise to the '827 patent; the state of the art at the relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Valenti may explain how col. 5:26-27's use of this term is consistent with how this term is customarily used in the art. Dr. Valenti may also explain the difference between idle-mode and connected-mode, and how C-

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					RNTIs are assigned to connected-mode UEs. Dr. Valenti may also explain how C-RNTIs are assigned by base stations for use in a cell; while the C-RNTIs are supposed to be a unique identifier for a given cell, different base stations may use the same C-RNTI for different UEs.
44	"Cyclic Redundancy Check (CRC) specifically mapped to the C-RNTI of the UE" (Claims 9, 12)	No construction necessary.	An error detection code that is converted into another code using the identifier that was allocated to the UE for use in the cell (<i>see definition for C-RNTI above</i>).	Intrinsic Evidence: 5:36-37 5:36-44 7:10-13 Extrinsic Evidence: Expert testimony summary of Dr. Michael Brogioli may include, in response to Samsung's expert testimony from Dr. Matthew Valenti regarding this claim term: the technical background of the '827 patent, the qualifications	Intrinsic Evidence: Figs. 1, 3, 6; col. 3:22-53; 4:30-49; 4:61-5:10; 5:24-35; 5:45-67; 6:23-38; 6:53-61; 6:64-7:9; 7:37-47; 8:16-21, 49-54, 57-58, 60-61; 9:10-12, 18-20; 10:10-13, 15-20. Final Rejection 9/6/2011. US 2007/0161377 ("Kodikara"), [0102].

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				of one of skill in the art, and the understanding of one of skill in the art of the term "Cyclic Redundancy Check (CRC) specifically mapped to the C-RNTI of the UE," as used in the art and in light of the intrinsic and extrinsic evidence. Huawei objects to Samsung's summary of Dr. Valenti's testimony as it fails to adequately convey the substance of that witness' proposed testimony. Huawei reserves its rights to offer rebuttal testimony as necessary to cure any prejudice.	Extrinsic Evidence: LTE, The UMTS Long Term Evolution, A Pocket Dictionary of Acronyms (2009) at 14. Dictionary of Computer Science, Engineering and Technology (Laplane ed. 2001) at 295. The Focal Illustrated Dictionary of Telecommunications (Mazda and Mazda eds. 1999) at 395. IEEE 100, The Authoritative Dictionary of IEEE Standards Terms, Seventh Edition (2000) at 664. McGraw-Hill Dictionary of Scientific and Technical Terms (Sixth Ed. 2003) at 1281.

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					Microsoft Encarta College Dictionary (2001) at 878. Microsoft Press Computer Dictionary (1991) at 222. Newton's Telecom Dictionary (22nd Ed. 2006) at 571. Webster's New World Computer Dictionary (10th Ed. 2003) at 226. Samsung may rely on expert testimony from Dr. Matthew Valenti as an Expert Witness. Dr. Valenti may provide testimony regarding the relevant technology of the '827 patent; the disclosure of the '827 patent; the application that gave rise to the '827 patent; the state of the art at the

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No.	Claim Term, Phrase or Clause	Huawei's Proposed Construction	Samsung's Proposed Construction	Huawei's Supporting Evidence	SS's Supporting Evidence
					relevant time; the meaning of the claim term; and an explanation of how one of ordinary skill in the art would have understood the terms in light of the specification, prosecution history, and the level of ordinary skill in the art. More specifically, Dr. Valenti may explain how a CRC is an error detection code that is attached to a downlink message, and this error detection code is used to detect errors in the message. Dr. Valenti may also explain that one of ordinary skill in the art would have understood that the error detection code is specifically mapped to the C-RNTI by using the C-RNTI to convert

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					the error detection code into another code.