

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-22706-RNS

BELL NORTHERN RESEARCH, LLC,

Plaintiff

v.

JURY TRIAL DEMANDED

HMD AMERICA, INC.; HMD GLOBAL OY;
SHENZHEN CHINO-E COMMUNICATION
CO., LTD.; HON HAI PRECISION
INDUSTRY CO., LTD; TINNO MOBILE
TECHNOLOGY CORP.; SHENZHEN
TINNO MOBILE CO., LTD.; TINNO USA,
INC.; UNISOC TECHNOLOGIES CO., LTD.;
SPREADTRUM COMMUNICATIONS USA,
INC.; WINGTECH TECHNOLOGY CO.;
LTD.; WINGTECH INTERNATIONAL,
INC.; BEST BUY CO., INC.; BEST BUY
STORES L.P.; TARGET CORP.; WALMART
INC.

Defendants.

JOINT CLAIM CONSTRUCTIONS AND PREHEARING STATEMENT

Pursuant to Paragraph 1 of the Third Amended Scheduling Order, Order of Referral to Mediation, Patent Rules, and Protective Order (ECF No. 223 at 2) and Patent Rule 4-3 (*id.* at 16–17), Plaintiff Bell Northern Research, LLC (“BNR”) and Defendants HMD America, Inc., HMD Global Oy, Best Buy Co., Inc., Best Buy Stores L.P., Target Corp., and Walmart Inc. (collectively, “Defendants”) submit their Joint Claim Construction and Prehearing Statement regarding the asserted claims of U.S. Patent No. 8,204,554 (“the ’554 patent”), U.S. Patent No. 7,319,889 (“the ’889 patent”), U.S. Patent No. RE 48,629 (“the ’629 patent”), U.S. Patent No. 8,416,862 (“the ’862

patent”), U.S. Patent No. 7,564,914 (“the ’914 patent”), U.S. Patent No. 7,957,450 (“the ’450 patent”), U.S. Patent No. 6,941,156 (“the ’156 patent”), U.S. Patent No. 6,696,941 (“the ’941 patent”), U.S. Patent No. 6,693,129 (“the ’129 patent”), U.S. Patent No. 6,858,930 (“the ’930 patent”), U.S. Patent No. 8,396,072 (“the ’072 patent”), and U.S. Patent No. 8,792,432 (“the ’432 patent”).

I. P.R. 4-3(a) Agreed Terms

Pursuant to Patent Rule 4.3(a), the parties set forth below “[t]he construction of those terms on which the parties agree.”

Term	Agreed Construction
“substantially concurrently” ’889 patent: 1, 8 ’554 patent: 7, 13	“essentially at the same time”
“initiating an outgoing wireless telephone call or receiving an incoming wireless telephone call” ’889 patent: 1, 8	The claim must perform as recited by the claim language both when a call is initiated and when a call is received.
“performed an action to initiate an outgoing call or to answer an incoming call” ’554 patent: 1, 8, 14	The claim must perform as recited by the claim language both when a call is initiated and when a call is received.
“detecting the existence of an initiated-call condition or an answered-call condition” ’554 patent: 8	The claim must perform as recited by the claim language both when a call is initiated and when a call is received.

“thermal epoxy” '930 patent: 5	Plain and ordinary meaning
“the telephone call is a wireless telephone call” '889 patent: 1, 8	Plain and ordinary meaning
“adhesive” '129 patent: 1	Plain and ordinary meaning

For the following terms, the parties agree that 35 U.S.C. § 112(6) applies, and agree to the associated structure and function for each term¹:

Term	Agreed Construction
“remotely triggering means” '941 patent: 10, 12, 15	Preamble is limiting. Term should be treated under § 112(6). Function: triggering an alarm on a mobile wireless device from a remote location. Structure: a telephone remote from the wireless mobile device; public service telephone network infrastructure and/or wireless network infrastructure; data signal comprising an alarm PIN; mobile wireless device comprising: an antenna; a speaker, display, and/or vibrator; processor; memory; alarm PIN memory; alarm PIN detection module; and algorithms necessary to trigger an alarm on a mobile wireless device from a remote location.
“means for receiving an alarm trigger signal...” '941 patent: 10	Term should be treated under § 112(6). Function: receiving a data signal comprising an alarm PIN by the mobile wireless device. Structure: a telephone remote from the wireless mobile device; public service

¹ The parties, however, dispute whether these terms are definite under 35 U.S.C. § 112(6), as set forth below.

	telephone network infrastructure and/or wireless network infrastructure; data signal comprising an alarm PIN; mobile wireless device comprising: an antenna; processor; memory; and algorithms necessary to receive a data signal and isolate the alarm PIN from the data signal.
“means for triggering a sensory output...” '941 patent: 10	Term should be treated under § 112(6). Function: triggering a sensory output on the mobile wireless device. Structure: data signal comprising an alarm PIN; mobile wireless device comprising: a speaker, display, and/or vibrator; processor; memory; alarm PIN memory; alarm PIN detection module; and algorithms necessary to trigger a sensory output on the mobile wireless device based on the received alarm trigger signal.
“means for preventing a current holder...” '941 patent: 10	Term should be treated under § 112(6). Function: preventing a current holder of the mobile wireless device from stopping the sensory output unless an alarm PIN is manually entered by the holder into the mobile wireless device. Structure: a mobile wireless device comprising: a speaker, display, and/or vibrator; a user-input device, processor; memory; alarm PIN memory; alarm PIN detection module; and algorithms necessary to prevent a current holder of the mobile wireless device from stopping the sensory output unless an alarm PIN is manually entered by the holder into the mobile wireless device.

II. P.R. 4-3(b) Disputed Terms

Pursuant to Patent Rule 4.3(b), the parties set forth below “[e]ach party’s proposed construction of each disputed term[.]” “[A]n identification of all references from the specification or prosecution history that support that construction, and an identification of any

extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party's proposed construction" is attached hereto as Exhibit A.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction
"operatively coupled" '629 patent: 1, 20, 27	No construction necessary; plain and ordinary meaning.	"operatively connected, wherein the connected components are distinct from one another"
"blocks" '072 patent: 1	No construction necessary; plain and ordinary meaning.	"multiple bits that are transmitted as a unit"
"package" '930 patent: 1, 2, 5, 6	No construction necessary; plain and ordinary meaning.	"more than one chip arranged in a single structure with connections to mount on a printed circuit board"
"broadcast indication" '432 patent: 9, 12	No construction necessary; plain and ordinary meaning.	"at least one bit broadcast by an access node"
"requesting modification of a transmission mode for subsequent received data in transmitted response messages comprising said feedback information" '914 patent: 13, 17, 12	No construction necessary; plain and ordinary meaning.	"requesting response messages comprising feedback information about the transmission mode to be utilized for subsequent received data (e.g., by a receiving a mobile station)," otherwise indefinite.
"channel estimate" '914 patent: 13, 17, 21 "channel estimate	No construction necessary; plain and ordinary meaning.	"one or more matrices that is, or are, the estimates of the values of $H(t)$ "

matrices”/“matrix based on the plurality of channel estimates” ’450 patent: 1, 2, 11, 12, 13		
“coefficients derived from performing a singular value matrix decomposition (SVD)” ’450 patent: 1, 11, 22	No construction necessary; plain and ordinary meaning.	Plain and ordinary meaning, i.e., coefficients derived from performing a singular value matrix decomposition that comports with the disclosure in U.S. Application No. 11/052,389
“to establish simultaneous communication paths” ’156 patent: 1	No construction necessary; plain and ordinary meaning.	“to make two or more communication links from the multimode cell phone to a far-end communication device at the same time”
“alarm” ’941 patent: 1, 3, 6, 10, 12, 15	No construction necessary; plain and ordinary meaning.	Plain and ordinary meaning, i.e., a signal that warns or alerts by drawing attention to it
“alarm PIN” ’941 patent: 1, 12	No construction necessary; plain and ordinary meaning.	“a pin to enable/disable an alarm that is stored separately from a lock/unlock pin”

Pursuant to Patent Rule 4.3(b), the parties set forth below the terms for which the parties dispute the application of 35 U.S.C. § 112(6), and the definiteness of those terms should § 112(6) apply. “[A]n identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party’s proposed construction” is attached hereto as Exhibit B.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction
"a signal generator" '629 patent: 1	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: This term is a well-known term of art to be construed as a signal generating circuit of software, hardware or combination of both.	Term should be treated under 35 U.S.C. § 112(6). Function: Generating an extended long training sequence. Structure: No corresponding structure, therefore indefinite.
"a symbol mapper" '629 patent: 20	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: The term is "understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure." <i>Williamson v. Citrix Online, LLC</i>, 792 F.3d 1339, 1349 (Fed. Cir. 2015) FIG. 2 illustrates a schematic block diagram of a processor that is configured to generate an expanded long training sequence. Processor 200 includes a symbol mapper 202, a frequency domain window 204, a signal generating circuit 205, an inverse [fast] Fourier transform [(IFFT)] module 206, a [serial to] parallel to serial module 208, a digital transmit filter and/or time domain window module 210, and digital to analog converters (D/A) 212. For an expanded long training sequence, symbol mapper 202 generates symbols from the coded bits for each of the 64 subcarriers of an OFDM sequence.	Term should be treated under 35 U.S.C. § 112(6). Function: Receiving coded bits and generating symbols for each of 64 subcarriers of an Orthogonal Frequency Division Multiplexing sequence. Structure: No corresponding structure, therefore indefinite.

“an Inverse Fourier Transformer” ’629 patent: 1	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: The term is “understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure.” <i>Williamson v. Citrix Online, LLC</i>, 792 F.3d 1339, 1349 (Fed. Cir. 2015) FIG. 2 illustrates a schematic block diagram of a processor that is configured to generate an expanded long training sequence. Processor 200 includes a symbol mapper 202, a frequency domain window 204, a signal generating circuit 205, an inverse [fast] Fourier transform [(IFFT)] module 206, a [serial to] parallel to serial module 208, a digital transmit filter and/or time domain window module 210, and digital to analog converters (D/A) 212. For an expanded long training sequence, symbol mapper 202 generates symbols from the coded bits for each of the 64 subcarriers of an OFDM sequence.	Term should be treated under 35 U.S.C. § 112(6). Function: Performing inverse Fourier transform. Structure: No corresponding structure, therefore indefinite.
“a plurality of Radio Frequency (RF) components” ’862 patent: 9	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: The RF receiver component includes one or more antennas and includes one or more amplifiers, one or more intermediate frequency, one or more mixers and RF filters	Term should be treated under 35 U.S.C. § 112(6). Function: receiving an RF signal and converting the RF signal to a baseband signal. Structure: No corresponding structure, therefore indefinite.

“baseband processing module operable to...” ’862 patent: 9, 10	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: The baseband processing modules may be implemented using one or more processing devices, for transmit process or receive procession. Such a processing device may be a microprocessor, micro-controller, digital signal processor, microcomputer, central processing unit, field programmable gate array, programmable logic device, state machine, logic circuitry, analog circuitry, digital circuitry, and/or any device that manipulates signals (analog and/or digital) based on operational instructions.	Term should be treated under 35 U.S.C. § 112(6). Function (claim 9): receive a preamble sequence carried by the baseband signal; estimate a channel response based upon the preamble sequence; determine an estimated transmitter beamforming unitary matrix (V) based upon the channel response and a receiver beamforming unitary matrix (U); decompose the estimated transmitter beamforming unitary matrix (V) to produce the transmitter beamforming information; and form a baseband signal employed by the plurality of RF components to wirelessly send the transmitter beamforming information to the transmitting wireless device. Function (claim 10): produce the estimated transmitter beam forming unitary matrix (V) in Cartesian coordinates; and convert the estimated transmitter beam forming unitary matrix (V) to polar coordinates. Structure: No corresponding structure, therefore indefinite.
“module” ’156 patent: 1	No construction necessary; plain and ordinary meaning.	Term should be treated under 35 U.S.C. § 112(6). Function: establish simultaneous communication paths from said multimode cell phone using both said cell phone functionality and said RF communication functionality.

		Structure: No corresponding structure, therefore indefinite.
“automatic switch over module” ’156 patent: 1	No construction necessary; plain and ordinary meaning.	Term should be treated under 35 U.S.C. § 112(6). Function: in communication with both said cell phone functionality and said RF communication functionality, operable to switch a communication path established on one of said cell phone functionality and said RF communication functionality, with another communication path later established on the other of said cell phone functionality and said RF communication functionality. Structure: No corresponding structure, therefore indefinite.

Pursuant to Patent Rule 4.3(b), the parties set forth below the terms for which the parties dispute the definiteness of the term under 35 U.S.C. § 112. “[A]n identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any other party’s proposed construction” is attached hereto as Exhibit C.

Term	Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
“proximity” ’889 patent: 1	No construction necessary; plain and ordinary meaning.	Term is indefinite.

“proximate” ’889 patent: 6, 8 ’554 patent: 1, 6, 8, 14	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“optimal”/“optimal extended long training sequence” ’629 patent: 1, 14, 19	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“minimal peak-to-average ratio” ’629 patent: 1	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“signal generator ... generates” ’629 patent: 1	No construction necessary; plain and ordinary meaning	Term is indefinite.
“the Inverse Fourier Transformer processes” ’629 patent: 1	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“a standard wireless networking configuration for an Orthogonal Frequency Division Multiplexing scheme” ’629 patent: 1	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“legacy wireless local area network device in accordance with a legacy wireless networking protocol standard” ’629 patent: 14	No construction necessary; plain and ordinary meaning.	Term is indefinite.

“the symbol mapper receives coded bits” ’629 patent: 20	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“the transmitting wireless device” ’862 patent: 9	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“deriving said feedback information” ’914 patent: 13, 17, 21	No construction necessary; plain and ordinary meaning.	Term is indefinite.
“remotely triggering means” ’941 patent: 10, 12, 15	No construction necessary; plain and ordinary meaning.	Indefinite for failing to disclose algorithms necessary to perform the recited function.
“means for receiving an alarm trigger signal...” ’941 patent: 10	No construction necessary; plain and ordinary meaning.	Indefinite for failing to disclose algorithms necessary to perform the recited function.
“means for triggering a sensory output...” ’941 patent: 10	No construction necessary; plain and ordinary meaning.	Indefinite for failing to disclose algorithms necessary to perform the recited function.
“means for preventing a current holder...”	No construction necessary; plain and ordinary meaning.	Indefinite for failing to disclose algorithms necessary to perform the recited function.

III. P. R. 4-3(c) Most Significant Terms

Pursuant to Patent Rule 4-3(c) the parties provide “[a]n identification of the terms whose construction will be most significant to the resolution of the case.”²

Term	Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
“package” ’930 patent: 1, 2, 5, 6	No construction necessary; plain and ordinary meaning.	“more than one chip arranged in a single structure with connections to mount on a printed circuit board”
“requesting modification of a transmission mode for subsequent received data in transmitted response messages comprising said feedback information” ’914 patent: 13, 17, 12	No construction necessary; plain and ordinary meaning.	“requesting response messages comprising feedback information about the transmission mode to be utilized for subsequent received data (e.g., by a receiving a mobile station),” otherwise indefinite.
“to establish simultaneous communication paths” ’156 patent: 1	No construction necessary; plain and ordinary meaning.	“to make two or more communication links from the multimode cell phone to a far-end communication device at the same time”
“coefficients derived from performing a singular value matrix decomposition (SVD)” ’450 patent: 1, 11, 22	No construction necessary; plain and ordinary meaning.	Plain and ordinary meaning, i.e., coefficients derived from performing a singular value matrix decomposition that comports with the disclosure in U.S. Application No. 11/052,389

² The parties identify only the “most significant” terms for which there is a dispute of claim construction, and not terms for which there is a dispute of indefiniteness that would be dispositive of the validity and infringement of those claims.

“alarm” ’941 patent: 1, 3, 6, 10, 12, 15	No construction necessary; plain and ordinary meaning.	Plain and ordinary meaning, i.e., a signal that warns or alerts by drawing attention to it
“alarm PIN” ’941 patent: 1, 12	No construction necessary; plain and ordinary meaning.	“a pin to enable/disable an alarm that is stored separately from a lock/unlock pin”

IV. P.R. 4-3(d) Proposed Time for the Claim Construction Hearing

Pursuant to Patent Rule 4-3(d), the parties each identify the expected length of time necessary for the Claim Construction Hearing:

The Parties propose four (4) hours in total for the Claim Construction Hearing.

V. P.R. 4-3(e) Live Witness Testimony at the Claim Construction Hearing

Pursuant to Patent Rule 4-3(e), neither party proposes calling a witness at the Claim Construction Hearing. However, the Parties reserve the right to call their expert witness(es) identified in Exhibits A–C below in the event the other Party files an expert declaration on reply and for which the Party’s’ expert(s) are not provided an opportunity to respond.

VI. P.R. 4-3(f) Technology Tutorial

Pursuant to Patent Rule 4-3(f), the parties propose that they will provide a tutorial in the format of a DVD containing a slide presentation. In the event the slide presentation is narrated, the total length of narration will not exceed 30 minutes.

Date: August 28, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was served on counsel of record via email on August 28, 2023:

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Exhibit A**Identification of Intrinsic and Extrinsic Evidence for Disputed Constructions Pursuant to P.R. 4-3(b)**

Term	Plaintiff's Proposed Construction and Identification of Evidence	Defendants' Proposed Construction and Identification of Evidence
“operatively coupled” ’629 patent: 1, 20, 27	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’629 patent 1:34–36, 4:11–13 ’629 patent prosecution history, WO2004030265 ’629 patent prosecution history, Ogawa, Yasutaka et al. “A MIMOOFDM System for High-Speed Transmission,” 2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 ’629 patent prosecution history, Abhayawardhana, V.S. et al., “Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels,” 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002	“operatively connected, wherein the connected components are distinct from one another,” <u>Intrinsic Evidence</u> <i>Specification:</i> ’629 patent 1:34–36, 4:11–13; claims.

“blocks” ’072 patent: 1	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’072 patent 5:6–48, 5:59–6:12	“multiple bits that are transmitted as a unit” <u>Intrinsic Evidence</u> <i>Specification:</i> ’072 patent 5:6–48, 5:59–6:12; claims. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR’s or its expert’s constructions or opinions.
“package” ’930 patent: 1, 2, 5, 6	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’930 patent 2:51–54, 3:26–29 ’930 patent Prosecution History, Amendment 11/05/2014	“more than one chip arranged in a single structure with connections to mount on a printed circuit board” <u>Intrinsic Evidence</u> <i>Specification:</i> ’930 patent 2:51–54, 3:26–29; claims.

		<i>Prosecution History:</i> '930 patent prosecution history, 7/12/2004 Office Action (BNR00005741–5746). '930 patent prosecution history, JP1-199439 Kushima et al. (BNR00005756–5763). U.S. Patent Application No. 10/265,751 (parent) prosecution history, 3/24/2003 Office Action. U.S. Patent Application No. 10/265,751 (parent) prosecution history, U.S. Patent No. 5,956,576. <u>Extrinsic Evidence</u> <i>Documentary evidence:</i> Chung, <i>Materials for Electronic Packaging</i>, at p. 3 and Figure 1.1 (1995). Tummala, <i>Multichip Packaging – A Tutorial</i>, at p. 1924 and 1932 and Figures 5, 19, and 21 (1992). Blackwell, <i>The Electronic Packaging Handbook</i>, at p. 7–12 (2000). Ginsberg, <i>Multichip Modules and Related Technologies</i>, at p. 48 (1994). UC Davis, <i>Packaging</i>, at p. 6, 9, 15, 36, 44, 51, and 53–55. Techopedia, <i>What is a Multi-Chip Module (MCM)</i>.
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		Testimonial evidence: Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"broadcast indication" '432 patent: 9, 12	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '432 patent 4:29–45, 5:1–47, 6:33–50, 7:1–16, 8:3–8; Figs. 2, 3A–B	"at least one bit broadcast by an access node" <u>Intrinsic Evidence</u> <i>Specification:</i> '432 patent 4:29–45, 5:1–47, 6:33–50, 7:1–16, 8:3–8; Figs. 2, 3A–B; claims. <i>Prosecution history:</i> '432 patent prosecution history, 3/13/2013 Non-Final Rejection (BNR00001541–1564). '432 patent prosecution history, 7/12/2013 Claims (BNR00001514–1525). '432 patent prosecution history, 10/15/2013 Final Rejection (BNR00001447–1467).

		'432 patent prosecution history, 2/18/2014 After Final Amendment and Interview Summary (BNR00001430–1440). '432 patent prosecution history, 4/4//2014 Notice of Allowance (BNR00001402–1415). <u>Extrinsic Evidence</u> <i>Documentary evidence:</i> TS 124.007 v.10.0.0 at § 11.1.1. TS 123.110 v.10.0.0 at § 6.2.2.1.1.2.
“requesting modification of a transmission mode for subsequent received data in transmitted response messages comprising said feedback information” '914 patent: 13, 17, 21	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '914 Patent at 6:33–41, 12:33–37, 14:43–48, 16:27–32; Fig. 7; see generally 12:8–18:45 '914 patent prosecution history, amendment 03/30/2009	“requesting response messages comprising feedback information about the transmission mode to be utilized for subsequent received data (e.g., by a receiving a mobile station),” otherwise indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> '914 Patent at 6:33–41, 12:33–37, 14:43–48, 16:27–32; Fig. 7; <i>see generally</i> 12:8–18:45; claims. <i>Prosecution history:</i> '914 patent prosecution history, 10/10/2008 Amendment and Response (BNR00005357–5372). <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art

		relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"channel estimate" '914 patent: 13, 17, 21 "channel estimate matrices"/"matrix based on the plurality of channel estimates" '450 patent: 1, 2, 11, 12, 13	No construction necessary; plain and ordinary meaning. <u>Intrinsic Evidence</u> '914 Patent at 3:54–5:34, 6:9–22, 6:42–55; 7:5–18, 8:1–39, 8:49–9:9, 9:39–43, 10:27–39, 14:49–62; 15:39–44; Figs. 6b, 8 '914 patent prosecution history, amendment 03/30/2009 '914 Patent at 3:49–5:29, 6:4–18, 6:38–51; 7:1–14, 7:64–8:35, 8:45–9:4, 9:33–37, 10:20–32, 14:39–52; 15:30–35;	"one or more matrices that is, or are, the estimates of the values of $H(t)$" <u>Intrinsic Evidence</u> <u>Specification:</u> '914 Patent at 3:54–5:34, 6:9–22, 6:42–55; 7:5–18, 8:1–39, 8:49–9:9, 9:39–43, 10:27–39, 14:49–62; 15:39–44; Figs. 6b, 8; claims '450 Patent at 3:49–5:29, 6:4–18, 6:38–51; 7:1–14, 7:64–8:35, 8:45–9:4, 9:33–37, 10:20–32, 14:39–52; 15:30–35; Figs. 6b, 8; claims.

	Figs. 6b, 8	<i>Prosecution history:</i> '914 patent prosecution history, 6/26/2008 Non-Final Rejection (BNR00005379–5386). '914 patent prosecution history, 12/18/2008 Final Rejection (BNR00005344–5352). '450 patent prosecution history, 11/18/2010 Request for Continued Examination (BNR00002674–2692). '450 patent prosecution history, 8/18/2010 Response under 37 C.F.R. § 1.111 (BNR0002715–2729). '450 patent prosecution history, 5/18/2010 Non-Final Rejection (BNR00002750–2755). <u>Extrinsic Evidence</u> <i>Documentary evidence:</i> Chen, <i>The Electrical Engineering Handbook</i>, at 1038–59 (2004). <i>Other Proceedings:</i> <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, 18- cv- 1783, ECF No. 68 (Aug. 9, 2019).
“coefficients derived from performing a singular value matrix decomposition (SVD)”	No construction necessary; plain and ordinary meaning. Intrinsic Evidence	Plain and ordinary meaning, i.e., coefficients derived from performing a singular value matrix decomposition that comports with the disclosure in U.S. Application No. 11/052,389

'450 patent: 1, 11, 22	'450 Patent at 7:60–8:18, 8:45–9:58, 10:20–46, 16:23–37, 17:52–67, 18:37–44	<u>Intrinsic Evidence</u> <i>Specification:</i> '450 Patent at 7:60–8:18, 8:45–9:58, 10:20–46, 16:23–37, 17:52–67, 18:37–44; claims. <i>Prosecution history:</i> '450 patent prosecution history, 5/18/2010 Non-Final Rejection (BNR00002750–2755). '450 patent prosecution history, 8/18/2010 Response under 37 C.F.R. § 1.111 (BNR00002732–2746). '450 patent prosecution history, 11/18/2010 Request for Continued Examination (BNR00002674–2692). <i>Incorporated By Reference:</i> U.S. App. No. 11/052,389. <u>Extrinsic Evidence</u> <i>Other Proceedings:</i> <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, 18-cv-1783, ECF No. 68 (Aug. 9, 2019).
“to establish simultaneous communication paths” '156 patent: 1	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '156 patent, Abstract, 3:26–33, 3:64–4:6, 4:12–17, 4:23–27, 4:50–5:6, 8–10; Figs. 2, 4, 6	“to make two or more communication links from the multimode cell phone to a far- end communication device at the same time” <u>Intrinsic Evidence</u> <i>Specification:</i>

		'156 patent, Abstract, 3:26–33, 3:64–4:6, 4:12–17, 4:23–27, 4:50–5:6, 8–10; Figs. 2, 4, 6; claims. <i>Prosecution history:</i> '156 patent prosecution history, 12/8/2004 Office Action (BNR00001097–1109). '156 patent prosecution history, 1/6/2005 Response to Office Action (BNR00001087–1096). '156 patent prosecution history, 4/26/2005 Notice of Allowance (BNR00001081–1086). <u>Extrinsic Evidence</u> <i>Other proceedings:</i> <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, Case No. 18-CV-1783-CAB-BLM, Claim Construction Order (ECF No. 84) at 7–8 (S.D. Cal. Aug. 9, 2019). <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence.
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		The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"alarm" '941 patent: 1, 3, 6, 10, 12, 15	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '941 Patent at Abstract, 1:6–10, 2:30–35, 2:38–44, 2:51–62, 3:22–24, 3:31–33, 3:50–51, 3:59–65, 4:4–18, 4:49–52, 5:1–4, 5:28–37, 5:59–6:3; Figs. 1, 3 '941 patent prosecution history, Amendment 03/28/2011	Plain and ordinary meaning, i.e., a signal that warns or alerts by drawing attention to it <u>Intrinsic Evidence</u> <i>Specification:</i> '941 Patent at Abstract, 1:6–10, 2:30–35, 2:38–44, 2:51–62, 3:22–24, 3:31–33, 3:50–51, 3:59–65, 4:4–18, 4:49–52, 5:1–4, 5:28–37, 5:59–6:3; Figs. 1, 3; claims. <i>Prosecution history:</i> '941 prosecution history, 2/27/02 Office Action (BNR00131559–605). '941 prosecution history, 5/28/02 Amendment (BNR00131606–610). '941 prosecution history, 8/14/02 Office Action (BNR00131613–626). '941 prosecution history, 11/12/02 Amendment (BNR00131622–617). '941 prosecution history, 01/27/03 Office Action (BNR00131629–632). '941 prosecution history, 05/27/03 Amendment (BNR00131634–639).

		'941 prosecution history, 08/15/03 Office Action (BNR00131640–694). '941 prosecution history, 10/7/03 Amendment (BNR00131695–702). '941 prosecution history, 11/17/03 Notice of Allowance (BNR00131704–710). <u>Extrinsic Evidence</u> <i>Documentary evidence:</i> “Alarm,” Merriam-Webster’s Collegiate Dictionary (10th ed. 2000). “Alarm,” IEEE The Authoritative Dictionary of IEEE Standards Terms (7th ed. 2000). U.S. Pat. No. 6,075,456. U.S. Pat. No. 6,198,390. <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will
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		address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"alarm pin" '941 patent: 1, 12	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '941 Patent at Abstract, 1:19–24, 1:29–41, 1:48–2:29, 2:38–62, 3:28–49, 3:29–65, 4:34–65, 5:17–27, 5:38–46, 5:50–58; Figs. 1, 3, 4, 6, 7 '941 patent prosecution history, Amendment 03/28/2011	"a pin to enable/disable an alarm that is stored separately from a lock/unlock pin" <u>Intrinsic Evidence</u> <i>Specification:</i> '941 Patent at Abstract, 1:19–24, 1:29–41, 1:48–2:29, 2:38–62, 3:28–49, 3:29–65, 4:34–65, 5:17–27, 5:38–46, 5:50–58; Figs. 1, 3, 4, 6, 7; claims. <i>Prosecution history:</i> '941 prosecution history, 2/27/02 Office Action (BNR00131559–605). '941 prosecution history, 5/28/02 Amendment (BNR00131606–610). '941 prosecution history, 8/14/02 Office Action (BNR00131613–626). '941 prosecution history, 11/12/02 Amendment (BNR00131622–617). '941 prosecution history, 01/27/03 Office Action (BNR00131629–632). '941 prosecution history, 05/27/03 Amendment (BNR00131634–639). '941 prosecution history, 08/15/03 Office Action (BNR00131640–694). '941 prosecution history, 10/7/03 Amendment

		(BNR00131695–702). '941 prosecution history, 11/17/03 Notice of Allowance (BNR00131704–710).
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Exhibit B**Identification of Intrinsic and Extrinsic Evidence for Disputed Application of 35 U.S.C. 112(6) Pursuant to P.R. 4-3(b)**

Term	Plaintiff's Proposed Construction and Identification of Evidence	Defendants' Proposed Construction and Identification of Evidence
"a signal generator" '629 patent: 1	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: This term is a well-known term of art to be construed as a signal generating circuit of software, hardware or combination of both. <u>Intrinsic Evidence</u> '629 patent 4:53–58; '629 patent prosecution history, WO2004030265 '629 patent prosecution history, Ogawa, Yasutaka et al. "A MIMOOFDM System for High-Speed Transmission," 2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 '629 patent prosecution history, Abhayawardhana, V.S. et al., "Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels," 2002 IEEE	Term should be treated under 35 U.S.C. § 112(6). Function: Generating an extended long training sequence. Structure: No corresponding structure, therefore indefinite. <u>Intrinsic Evidence</u> Specification: '629 patent 4:53–58; claims. Prosecution history: U.S. Pat. No. 7,646,703 prosecution history, 7/29/2009 Amendment. <u>Extrinsic Evidence</u> Testimonial evidence: Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and

	Wireless Communications and Networking Conference Record, Mar. 21, 2002	prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"a symbol mapper" '629 patent: 20	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: The term is "understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure." <i>Williamson v. Citrix Online, LLC</i> , 792 F.3d 1339, 1349 (Fed. Cir. 2015) FIG. 2 illustrates a schematic block diagram of a processor that is configured to generate an expanded long training sequence. Processor 200 includes a symbol mapper 202, a frequency domain window 204, a signal generating circuit 205, an inverse [fast] Fourier transform [(IFFT)] module 206, a [serial to] parallel to serial module 208, a digital transmit filter and/or time domain window module 210, and digital to analog converters (D/A)	Term should be treated under 35 U.S.C. § 112(6). Function: Receiving coded bits and generating symbols for each of 64 subcarriers of an Orthogonal Frequency Division Multiplexing sequence. Structure: No corresponding structure, therefore indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> '629 patent 4:42–58; claims. <i>Prosecution history:</i> U.S. Pat. No. 7,646,703 prosecution history, 7/29/2009 Amendment.

	212. For an expanded long training sequence, symbol mapper 202 generates symbols from the coded bits for each of the 64 subcarriers of an OFDM sequence. Intrinsic Evidence '629 patent 4:42–58 '629 patent prosecution history, WO2004030265 '629 patent prosecution history, Ogawa, Yasutaka et al. "A MIMO OFDM System for High-Speed Transmission," 2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 '629 patent prosecution history, Abhayawardhana, V.S. et al., "Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels," 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002	<u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"an Inverse Fourier Transformer" '629 patent: 1	No construction necessary; plain and ordinary meaning. If § 112(6) applies:	Term should be treated under 35 U.S.C. § 112(6). Function: Performing inverse Fourier transform.

	Structure: The term is “understood by persons of ordinary skill in the art to have a sufficiently definite meaning as the name for structure.” <i>Williamson v. Citrix Online, LLC</i>, 792 F.3d 1339, 1349 (Fed. Cir. 2015) FIG. 2 illustrates a schematic block diagram of a processor that is configured to generate an expanded long training sequence. Processor 200 includes a symbol mapper 202, a frequency domain window 204, a signal generating circuit 205, an inverse [fast] Fourier transform [(IFFT)] module 206, a [serial to] parallel to serial module 208, a digital transmit filter and/or time domain window module 210, and digital to analog converters (D/A) 212. For an expanded long training sequence, symbol mapper 202 generates symbols from the coded bits for each of the 64 subcarriers of an OFDM sequence. Intrinsic '629 patent 4:42–58 '629 patent prosecution history, WO2004030265 '629 patent prosecution history, Ogawa, Yasutaka et al. “A MIMO OFDM System for High-Speed Transmission, “2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003	Structure: No corresponding structure, therefore indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> '629 patent 4:42–58; claims. <i>Prosecution history:</i> U.S. Pat. No. 7,646,703 prosecution history, 7/29/2009 Amendment. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr.
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	'629 patent prosecution history, Abhayawardhana, V.S. et al., "Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels," 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002	Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"a plurality of Radio Frequency (RF) components" '862 patent: 9	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: The RF receiver component includes one or more antennas and includes one or more amplifiers, one or more intermediate frequency, one or more mixers and RF filters Intrinsic Evidence '862 patent: 1:48-49, 5:56-63, 6:1-6, 7: 51-56, 7:51-56, 9:31-38; Figs 3; claim 9	Term should be treated under 35 U.S.C. § 112(6). Function: receiving an RF signal and converting the RF signal to a baseband signal. Structure: No corresponding structure, therefore indefinite. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will

		address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"baseband processing module operable to..." '862 patent: 9, 10	No construction necessary; plain and ordinary meaning. If § 112(6) applies: Structure: The baseband processing modules may be implemented using one or more processing devices, for transmit process or receive procession. Such a processing device may be a microprocessor, microcontroller, digital signal processor, microcomputer, central processing unit, field programmable gate array, programmable logic device, state machine, logic circuitry, analog circuitry, digital circuitry, and/or any device that manipulates signals (analog and/or digital) based on operational instructions. Intrinsic Evidence '862 patent: 7:56-8:9, 8:46-55, 9:14-26, 9:29-38; Figs 3, 4 and 5; claims 9,10	Term should be treated under 35 U.S.C. § 112(6). Function (claim 9): receive a preamble sequence carried by the baseband signal; estimate a channel response based upon the preamble sequence; determine an estimated transmitter beamforming unitary matrix (V) based upon the channel response and a receiver beamforming unitary matrix (U); decompose the estimated transmitter beamforming unitary matrix (V) to produce the transmitter beamforming information; and form a baseband signal employed by the plurality of RF components to wirelessly send the transmitter beamforming information to the transmitting wireless device. Function (claim 10): produce the estimated transmitter beam forming unitary matrix (V) in Cartesian coordinates; and convert the estimated transmitter beam forming unitary matrix (V) to polar coordinates.

		Structure: No corresponding structure, therefore indefinite. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"module" '156 patent: 1	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '156 patent, 1:51–2:4, 2:10–33, 3:56–60, 4:1–6,	Term should be treated under 35 U.S.C. § 112(6). Function: establish simultaneous communication paths from said multimode cell phone using both

	7:9–12, 7:51–55; Figs. 1–6;	said cell phone functionality and said RF communication functionality. Structure: No corresponding structure, therefore indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> '156 patent, 1:51–2:4, 2:10–33, 3:56–60, 4:1–6, 7:9–12, 7:51–55; Figs. 1–6; claims. <i>Prosecution history:</i> '156 patent prosecution history, 12/08/2004 Non-Final Rejection (BNR00001097–1104). '156 patent prosecution history, 01/06/2005 Response to Office Action (BNR00001088– 1096). '156 patent prosecution history, 04/26/2005 Notice of Allowance (BNR00001081–1086). U.S. Pat. No. 5,842,122 (HMD-BNR- FL_008879–8897). <u>Extrinsic Evidence</u> <i>Other proceedings:</i> <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, Case No. 18-CV-1783-CAB-BLM, Defendants' Joint Motion for Summary Judgment on Indefiniteness (ECF No. 68) (S.D. Cal. May 24, 2019).
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		<i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, Case No. 18-CV-1783-CAB-BLM, Reporter's Transcript of Proceedings. Claims Construction Hearing Day One, Volume 1 (S.D. Cal. June 19, 2019). <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, Case No. 18-CV-1783-CAB-BLM, Claim Construction Order (ECF No. 84) at 9–11 (S.D. Cal. Aug. 9, 2019). <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
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“automatic switch over module” ’156 patent: 1	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’156 patent, 1:51–61, 3:56–60, 4:1–6;	Term should be treated under 35 U.S.C. § 112(6). Function: in communication with both said cell phone functionality and said RF communication functionality, operable to switch a communication path established on one of said cell phone functionality and said RF communication functionality, with another communication path later established on the other of said cell phone functionality and said RF communication functionality. Structure: No corresponding structure, therefore indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> ’156 patent, 1:51–61, 3:56–60, 4:1–6; Fig. 1; claims. <i>Prosecution history:</i> ’156 patent prosecution history, 12/08/2004 Non-Final Rejection (BNR00001097–1104). ’156 patent prosecution history, 01/06/2005 Response to Office Action (BNR00001088–1096). ’156 patent prosecution history, 04/26/2005 Notice of Allowance (BNR00001081–1086).
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		U.S. Pat. No. 5,842,122 (HMD-BNR-FL_008879–8897). <u>Extrinsic Evidence</u> <i>Other proceedings:</i> <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, Case No. 18-CV-1783-CAB-BLM, Defendants’ Joint Motion for Summary Judgment on Indefiniteness (ECF No. 68) (S.D. Cal. May 24, 2019). <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, Case No. 18-CV-1783-CAB-BLM, Reporter’s Transcript of Proceedings Claims Construction Hearing Day One, Volume 1 (S.D. Cal. June 19, 2019). <i>Bell N. Rsch., LLC v. Coolpad Techs., Inc.</i>, Case No. 18-CV-1783-CAB-BLM, Claim Construction Order (ECF No. 84) at 11–13 (S.D. Cal. Aug. 9, 2019). <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is
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		therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
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Exhibit C**Identification of Intrinsic and Extrinsic Evidence for Terms of Disputed Definiteness Pursuant to P.R. 4-3(b)**

Term	Plaintiff's Proposed Construction and Identification of Evidence	Defendants' Proposed Construction and Identification of Evidence
"proximity" '889 patent: 1	No construction necessary; plain and ordinary meaning. <u>Intrinsic Evidence</u> '554 patent 2:56–67, 3:48–62, Figs. 1, 3, 4 '889 patent prosecution history, 4/30/2007 Amendment Under 37 CFR 1.111.	Term is indefinite. <u>Intrinsic Evidence</u> <u>Specification:</u> '889 patent 2:56–67, 3:48–62, Figs. 1, 3, 4; claims.
"proximate" '889 patent: 6, 8 '554 patent: 1, 6, 8, 14	No construction necessary; plain and ordinary meaning. <u>Intrinsic Evidence</u> '554 patent 2:56–67, 3:48–62, Figs. 1, 3, 4 '889 patent prosecution history, 4/30/2007 Amendment Under 37 CFR 1.111. '889 patent prosecution history, 9/19/2007 Amendment Under 37 CFR 1.116	Term is indefinite. <u>Intrinsic Evidence</u> <u>Specification:</u> '889 patent 2:56–67, 3:48–62, Figs. 1, 3, 4; claims. '554 patent 2:56–67, 3:48–62, Figs. 1, 3, 4; claims.

“optimal”/“optimal extended long training sequence” ’629 patent: 1, 14, 19	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’629 patent at 1:34-45; 2:46-52; 4:15-29; 5:30-41 ’629 patent prosecution history, WO2004030265 ’629 patent prosecution history, Ogawa, Yasutaka et al. “A MIMOOFDM System for High-Speed Transmission,” 2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 ’629 patent prosecution history, Abhayawardhana, V.S. et al., “Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels,” 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002.	Term is indefinite. <u>Intrinsic Evidence</u> <u>Specification:</u> ’629 patent 2:65–67, 3:5–12, 3:17–24, 3:27–33, 5:2–7; claims. <u>Prosecution history:</u> ’629 patent prosecution history, WO2004030265 (BNR00003765–3824). ’629 patent prosecution history, Ogawa, Yasutaka et al. “A MIMO-OFDM System for High-Speed Transmission,” 2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 (cited at BNR00003761). ’629 patent prosecution history, Abhayawardhana, V.S. et al., “Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels,” 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002 (cited at BNR00003761). U.S. Patent No. 7,318,185. <i>See, e.g.</i>, 18:54–56 (HMD-BNR-FL_008607–8649). U.S. Patent No. 7,349,436. <i>See, e.g.</i>, 11:25–29 (HMD-BNR-FL_009173–9191). U.S. Patent No. 7,394,865. <i>See, e.g.</i>, 2:27–29, 2:65–67, 8:65–67, 13:14–16, 15:18–27. U.S. Patent No. 7,433,418. <i>See, e.g.</i>, 4:25–29
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		(HMD-BNR-FL_009364-9376). U.S. Patent Pub. No. 2004/0264585. <i>See, e.g.</i>, ¶ 0006. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR’s or its expert’s constructions or opinions.
“minimal peak-to-average ratio” ’629 patent: 1	No construction necessary; plain and ordinary meaning. <u>Intrinsic Evidence</u> ’629 patent at 1:34-45; 2:46-52; 4:15-29; 5:30-41 ’629 patent prosecution history, WO2004030265	Term is indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> ’629 patent, 2:46–67, 4:15–17, 5:30–41; claims. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr.

	'629 patent prosecution history, Ogawa, Yasutaka et al. "A MIMOOFDM System for High-Speed Transmission," "2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 '629 patent prosecution history, Abhayawardhana, V.S. et al., "Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels," 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002	Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"signal generator ... generates" '629 patent: 1	No construction necessary; plain and ordinary meaning Intrinsic Evidence '629 patent 4:42–58 '629 patent prosecution history, WO2004030265 '629 patent prosecution history, Ogawa, Yasutaka et al. "A MIMOOFDM System for High-Speed Transmission," "2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003	Term is indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> '629 patent 4:42–58; claims. <i>Prosecution history:</i> U.S. Pat. No. 7,646,703 prosecution history, 7/29/2009 Amendment. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art

	'629 patent prosecution history, Abhayawardhana, V.S. et al., "Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels," 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002 .	relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"the Inverse Fourier Transformer processes" '629 patent: 1	No construction necessary; plain and ordinary meaning	Term is indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> '629 patent 4:42–58; claims. <i>Prosecution history:</i> U.S. Pat. No. 7,646,703 prosecution history, 7/29/2009 Amendment. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the

		understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"a standard wireless networking configuration for an Orthogonal Frequency Division Multiplexing scheme" '629 patent: 1	No construction necessary; plain and ordinary meaning. <u>Intrinsic Evidence</u> '629 patent 2:18–20 '629 patent prosecution history, WO2004030265 '629 patent prosecution history, Ogawa, Yasutaka et al. "A MIMOOFDM System for High-Speed Transmission, "2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003	Term is indefinite. <u>Intrinsic Evidence</u> <u>Specification:</u> '629 patent 2:18–20; claims. <u>Extrinsic Evidence</u> <u>Testimonial evidence:</u> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and

	'629 patent prosecution history, Abhayawardhana, V.S. et al., “Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels,” 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002	prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR’s or its expert’s constructions or opinions.
“legacy wireless local area network device in accordance with a legacy wireless networking protocol standard” '629 patent: 14	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '629 patent claims 13, 14, 15, 16 '629 patent prosecution history, WO2004030265 '629 patent prosecution history, Ogawa, Yasutaka et al. “A MIMOOFDM System for High-Speed Transmission, “2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 '629 patent prosecution history, Abhayawardhana, V.S. et al., “Frequency Scaled Time Domain Equalization for OFDM in Broadband	Term is indefinite. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR’s or its

	Fixed Wireless Access Channels,” 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002	expert’s constructions or opinions.
“the symbol mapper receives coded bits” ’629 patent: 20	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’629 patent 4:42–58 ’629 patent prosecution history, WO2004030265 ’629 patent prosecution history, Ogawa, Yasutaka et al. “A MIMOOFDM System for High-Speed Transmission,” 2003 IEEE 58th Vehicular Technology Conference, Oct. 9, 2003 ’629 patent prosecution history, Abhayawardhana, V.S. et al., “Frequency Scaled Time Domain Equalization for OFDM in Broadband Fixed Wireless Access Channels,” 2002 IEEE Wireless Communications and Networking Conference Record, Mar. 21, 2002	Term is indefinite. <u>Intrinsic Evidence</u> <u>Specification:</u> ’629 patent 4:42–58; claims. <u>Extrinsic Evidence</u> <u>Testimonial evidence:</u> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR’s or its expert’s constructions or opinions.

“the transmitting wireless device” ’862 patent: 9	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’862 patent: 14:4-14, 14:21-26, 14: 38-46; Figs 7 and 8; claims 1,7,8,9,15,17	Term is indefinite. <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR’s or its expert’s constructions or opinions.
“deriving said feedback information” ’914 patent: 13, 17, 21	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’914 Patent at 6:9–22, 6:42–55, 7:5–18, 8:1–9,8:29–37, 8:50–9:38, 10:27–54, 15:45–16:10,16:33–47; ’914 patent prosecution history, amendment 03/30/2009.	Term is indefinite. <u>Intrinsic Evidence</u> <i>Specification:</i> ’914 Patent at 6:9–22, 6:42–55, 7:5–18, 8:1–9, 8:29–37, 8:50–9:38, 10:27–54, 15:45–16:10, 16:33–47; claims <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the

		intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or that the term cannot be construed with reasonable certainty and is therefore indefinite. The substance of the proposed expert testimony will address the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"remotely triggering means" '941 patent: 10, 12, 15	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '941 Patent at Abstract, 1:6–10, 1:25–28, 2:38–55, 3:22–4:11, 4:18–52, 5:10–58; Figs. 1–3, 5; '941 patent prosecution history, Amendment 03/28/2011	Indefinite for failing to disclose algorithms necessary to perform the recited function. <u>Intrinsic Evidence</u> <i>Specification:</i> '941 Patent at Abstract, 1:6–10, 1:25–28, 2:38–55, 3:22–4:11, 4:18–52, 5:10–58; Figs. 1–3, 5; claims. <i>Prosecution history:</i> '941 prosecution history, 2/27/02 Office Action (BNR00131559–605). '941 prosecution history, 5/28/02 Amendment (BNR00131606–610). '941 prosecution history, 8/14/02 Office Action (BNR00131613–626). '941 prosecution history, 11/12/02 Amendment (BNR00131622–617). '941 prosecution history, 01/27/03 Office Action (BNR00131629–632). '941 prosecution history, 05/27/03 Amendment (BNR00131634–639). '941 prosecution history, 08/15/03 Office Action

		(BNR00131640–694). '941 prosecution history, 10/7/03 Amendment (BNR00131695–702). '941 prosecution history, 11/17/03 Notice of Allowance (BNR00131704–710). <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
“means for receiving an alarm trigger signal...” '941 patent: 10	No construction necessary; plain and ordinary meaning. Intrinsic Evidence	Indefinite for failing to disclose algorithms necessary to perform the recited function.

	'941 Patent at Abstract, 1:6–10, 1:25–28, 2:38–55, 3:22–4:11, 4:18–52, 5:10–58; Figs. 1–3, 5; '941 patent prosecution history, Amendment 03/28/2011	<u>Intrinsic Evidence</u> <i>Specification:</i> '941 Patent at Abstract, 1:6–10, 1:25–28, 2:38–55, 3:22–4:11, 4:18–52, 5:10–58; Figs. 1–3, 5; claims. <i>Prosecution history:</i> '941 prosecution history, 2/27/02 Office Action (BNR00131559–605). '941 prosecution history, 5/28/02 Amendment (BNR00131606–610). '941 prosecution history, 8/14/02 Office Action (BNR00131613–626). '941 prosecution history, 11/12/02 Amendment (BNR00131622–617). '941 prosecution history, 01/27/03 Office Action (BNR00131629–632). '941 prosecution history, 05/27/03 Amendment (BNR00131634–639). '941 prosecution history, 08/15/03 Office Action (BNR00131640–694). '941 prosecution history, 10/7/03 Amendment (BNR00131695–702). '941 prosecution history, 11/17/03 Notice of Allowance (BNR00131704–710). <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions,
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		e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR’s or its expert’s constructions or opinions.
“means for triggering a sensory output...” ’941 patent: 10	No construction necessary; plain and ordinary meaning. Intrinsic Evidence ’941 Patent at Abstract, 1:6–10, 1:25–28, 2:38–55, 3:22–3:49, 3:59–4:11, 4:39–52, 4:66–67, 5:10–58; Figs. 1–3, 5 ’941 patent prosecution history, Amendment 03/28/2011	Indefinite for failing to disclose algorithms necessary to perform the recited function. <u>Intrinsic Evidence</u> <i>Specification:</i> ’941 Patent at Abstract, 1:6–10, 1:25–28, 2:38–55, 3:22–3:49, 3:59–4:11, 4:39–52, 4:66–67, 5:10–58; Figs. 1–3, 5; claims. <i>Prosecution history:</i> ’941 prosecution history, 2/27/02 Office Action (BNR00131559–605). ’941 prosecution history, 5/28/02 Amendment (BNR00131606–610). ’941 prosecution history, 8/14/02 Office Action (BNR00131613–626). ’941 prosecution history, 11/12/02 Amendment

		(BNR00131622–617). ’941 prosecution history, 01/27/03 Office Action (BNR00131629–632). ’941 prosecution history, 05/27/03 Amendment (BNR00131634–639). ’941 prosecution history, 08/15/03 Office Action (BNR00131640–694). ’941 prosecution history, 10/7/03 Amendment (BNR00131695–702). ’941 prosecution history, 11/17/03 Notice of Allowance (BNR00131704–710). <u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent’s claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr.
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		Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
"means for preventing a current holder..."	No construction necessary; plain and ordinary meaning. Intrinsic Evidence '941 Patent at Abstract, 1:6–10, 1:25–28, 2:56–62 3:22–49, 4:53–65, 5:10–27 '941 patent prosecution history, Amendment 03/28/2011	Indefinite for failing to disclose algorithms necessary to perform the recited function. <u>Intrinsic Evidence</u> <i>Specification:</i> '941 Patent at Abstract, 1:6–10, 1:25–28, 2:56–62 3:22–49, 4:53–65, 5:10–27; Figs. 1, 3; claims. <i>Prosecution history:</i> '941 prosecution history, 2/27/02 Office Action (BNR00131559–605). '941 prosecution history, 5/28/02 Amendment (BNR00131606–610). '941 prosecution history, 8/14/02 Office Action (BNR00131613–626). '941 prosecution history, 11/12/02 Amendment (BNR00131622–617). '941 prosecution history, 01/27/03 Office Action (BNR00131629–632). '941 prosecution history, 05/27/03 Amendment (BNR00131634–639). '941 prosecution history, 08/15/03 Office Action (BNR00131640–694). '941 prosecution history, 10/7/03 Amendment (BNR00131695–702). '941 prosecution history, 11/17/03 Notice of Allowance (BNR00131704–710).

		<u>Extrinsic Evidence</u> <i>Testimonial evidence:</i> Defendants may rely on expert opinion from Dr. Jonathan Wells and/or Dr. Paul Min regarding the technology background and the state of the art relating to this patent, and/or to establish the understanding of the term by a person of ordinary skill in the art at the time of the alleged inventions, e.g., how the patent's claims, viewed in light of the intrinsic evidence, including the specification and prosecution history inform those skilled in the art about the scope of the term and/or how the proposed construction is consistent with extrinsic evidence. The substance of the proposed expert testimony will address the preliminary construction set forth here and the intrinsic and extrinsic evidence cited here that support the preliminary construction, and/or the indefiniteness of this claim term and the intrinsic and extrinsic evidence cited here that support a conclusion of indefiniteness. Dr. Wells and/or Dr. Min may also provide expert opinion rebutting BNR's or its expert's constructions or opinions.
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