

IPR2024-00934 (U.S. Patent No. 7,496,342)
Patent Owner's Motion to Exclude

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEXAS INSTRUMENTS INC.,
Petitioner,

v.

PARKERVISION, INC.
Patent Owner

Inter Partes Review No. IPR2024-00934

U.S. Patent No. 7,496,342

**PATENT OWNER'S OPPOSITION TO PETITIONER'S
MOTION TO EXCLUDE PURSUANT TO 37 C.F.R. § 42.64**

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I. INTRODUCTION

The Motion to Exclude (“Mot.”) (Paper 40) filed by Petitioner Texas Instrument Inc. (“TI” or “Petitioner”) is meritless and should be denied. It ignores the full scope of the material examined by Dr. Ricketts, improperly criticizes the time-period illustrated by Dr. Ricketts (which is longer than the period presented by Petitioner’s expert), and claims prejudice where simply none exists. To the extent that Petitioner has complaints about Dr. Rickett’s analysis, those complaints are best addressed through cross-examination and argument – not exclusion of Dr. Rickett’s well-founded analysis.

II. ARGUMNET

A. Dr. Ricketts’ Opinion Is Based On A Comprehensive Analysis Of Simulation Data

Petitioner argues that Dr. Ricketts’ opinions on the DeMaw circuit in paragraphs 318, 329, 342, 352, 418, 419, 421, 424, and Appendix B are based on insufficient data because: (1) Dr. Ricketts “excluded the first 10 microseconds of simulation data from each table in Appendix B;” and (2) Dr. Ricketts only produced data from a 2 microseconds time period. Mot., 2-6. Contrary to Petitioner’s argument, Dr. Ricketts’ analysis is based on a comprehensive analysis of the simulation data and is “sufficient” under FRE 702.

As Dr. Ricketts explained, the simulation results shown in Appendix B were generated using Dr. Galton's own simulation files. Ex. 1051, 49:9-13 ("I took [Dr. Galton's] files as he delivered them and I hit run, and this is dat[a] from that run of his files.")

With respect to the first 10 microseconds of data, there is no dispute that Dr. Ricketts reviewed and considered it. Dr. Ricketts analyzed that data and concluded that it is a "wake-up period" that is not indicative of the circuit's "normal" or "intended" operation. *Id.*, 57:1-18 ("[W]hen circuits start up, they're not operating as intended. And at 10 microseconds, a POSITA would understand ... the circuit is now operating ... as its intended to operate."), 65:1-18 ("[W]hen circuits start up the node voltages aren't where they're intended to be -- so there's a startup/wake-up time -- and so, I looked for when that wake-up time ended, and then I saw the repeating pattern.").

With respect to the data produced in Appendix B, there is also no question that Dr. Ricketts analyzed the simulation data "well beyond" those exported to Appendix B, but that he concluded that because the waveform is "periodic," "repeating," and "not changing," he would focus on a representative subset of the data to explain his conclusions. *Id.*, 61:8-20 ("I ran the simulator so that I ... could see from the results well past the start-up period of the circuit when it starts at zero

and I could see ... the circuit was operating as it's intended, and that would have been well beyond the time shown here. I don't recall the exact time, but I do recall that ... the period continued on and that's how I could determine that it was operating in its intended mode because the wave forms were not changing.”), 61:22-62:3 (“Based on that simulation, I identified the repeating pattern.”), 62:16-63:4 (“[T]he signal was repeating. So I wanted to capture two cycles to show what was going on in those two cycles. Those two cycles repeat. I could have captured more data, but ... you could spend ... a very long time doing simulations. So I looked for one that would represent the normal operation of the circuit....”), 63:15-23 (“I evaluated the simulations ... when it was operating as it's intended to operate and I checked ... the simulation results for multiple cycles [in] the simulator. I then exported just two cycles.”), 65:1-18 (“I saw the repeating pattern.”), 65:19-66:5 (“The simulation is periodic. ... [W]e wanted to capture all of the behavior of those signals. And so that why I looked for ... the lowest frequency of the repeating information. And that's ... what's plotted in 418 paragraph.”).

For example, Petitioner complains that Dr. Ricketts only uses a “few” data points in Figure 2 of paragraph 419. Mot., 4-5. But as Dr. Ricketts explained, Figure 2 is a “zoomed in” view included for *illustrative purposes*—to better

demonstrate the timing of the RF clock on the waveform. Ex. 2021, ¶ 419; Ex. 1051, 55:5-13 (“So figure 2, after paragraph 419, has a zoom in so you can see the timing a little better where you can see the actual RF clock and you can see the clock in the wave form on there.”) As explained above, Dr. Ricketts’ analysis is not limited to the data points from which Figure 2 of paragraph 419 and Appendix B are based.

Petitioner’s complaints that Dr. Ricketts based his opinion on “insufficient” data is thus flatly wrong. He reviewed and analyzed an extensive amount of data. The fact that Petitioner does not agree with the conclusions that Dr. Rickett’s reached about the importance of portions of that data is not a justification for excluding Dr. Rickett’s opinions – which were arrived at after review of data that was plainly sufficient under FRE 702.

B. Dr. Ricketts’ Opinion Is Based On Reliable Methodologies

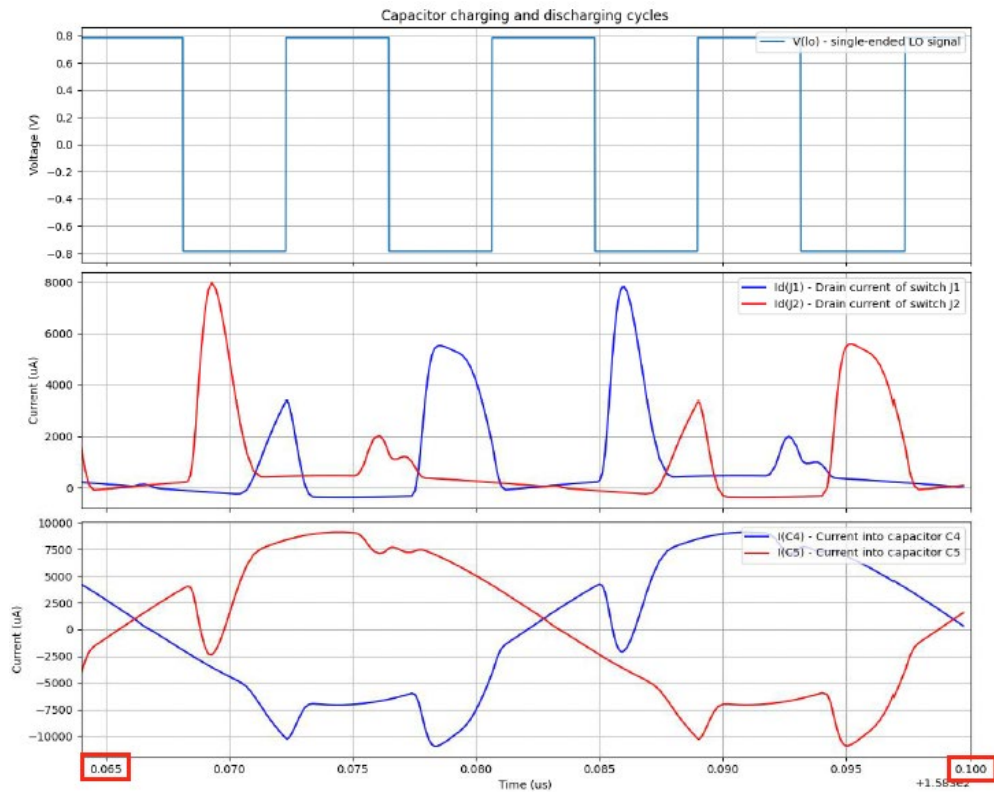
Petitioner argues that Dr. Ricketts opinion is not a product of reliable principles and methods under FRE 702 because “[Dr.] Ricketts selected (seemingly at random) a small sample set with a statistically insignificant amount of data from his simulations to draw conclusions about the DeMaw circuit operation.” Mot., 6-9. As discussed in Section II.A above, Dr. Ricketts did *not* select the sample data at random. Dr. Ricketts’ chose data that represented the normal operation of the

DeMaw circuit and to illustrate that, under such normal operation, the waveform repeats itself at a period of 1 microsecond. *See supra* §II.A. There is no randomness or mystery about Dr. Rickett's selections of relevant data.

Petitioner's argument that Dr. Ricketts' data is "statistically insignificant" is a strawman. Mot., 6-7. Dr. Ricketts nowhere purports to conduct nor rely upon a statistical analysis. Rather, Dr. Ricketts relies upon Appendix B and the data and figures therein to respond to the opinion of Dr. Galton, who himself relies upon figures with time periods as little as ***0.035 microseconds***.

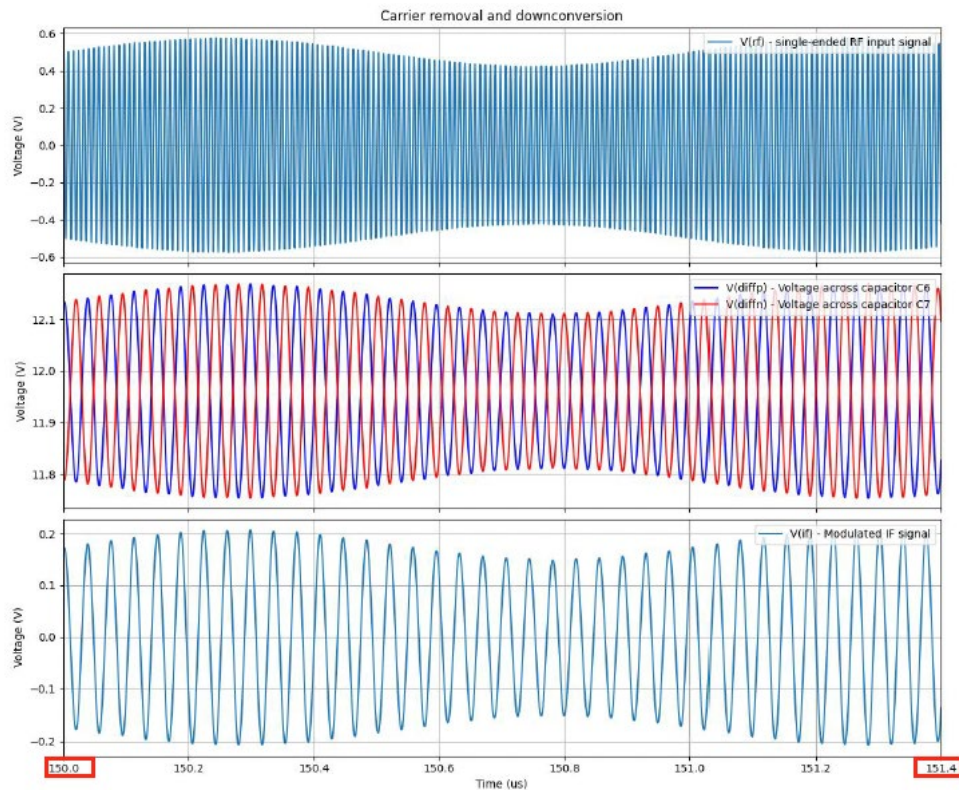
Paragraphs 318, 329, 342, and 352 of Dr. Ricketts' declaration address DEMA-W-SIM-FIG. 5.2-5.21 in Dr. Galton's declaration. *See* Ex. 2021, ¶¶ 318, 329, 342, 352. As shown below, each of DEMA-W-SIM-FIG. 5.2-5.21 begins at 0.065 microsecond (red box) and ends at 0.100 microsecond (red box), thus spanning merely ***0.035 microseconds***.

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See, e.g., DEMA-W-SIM-FIG. 5.2 (annotated).

And DEMA-W-SIM-FIG. 6.1-6.22, like paragraphs 418, 419, 421, and 424 of Dr. Ricketts' declaration, depict voltage across capacitors over a time period. As shown below, each of DEMA-W-SIM-FIG. 6.1-6.22 begins at 150.0 microsecond (red box) and ends at 151.4 microsecond (red box), thus spanning merely ***1.4 microseconds***.



See, e.g., DEMA-SIM-FIG. 6.1 (annotated).

Dr. Ricketts' data thus covers *a longer time period* and includes more data points than those of Dr. Galton's. Moreover, like Dr. Ricketts, Dr. Galton also relies on figures and underlying data that do not begin from time 0. See Mot., 7-8. Petitioner's argument regarding the reliability of Dr. Ricketts' methodologies is disingenuous, particularly in light of Dr. Galton's own methods – which Petitioner puts forth as reliable. To the extent the Board finds Dr. Ricketts' methodologies to be unreliable (they are not), it should find the same regarding Dr. Galton's opinion based on similar methodologies and reject the Petition.

C. The Probative Value Of Appendix B Far Outweighs Any Prejudice

Appendix B is highly probative because it contains data and figures in direct response to Dr. Galton's opinion regarding the same simulation. The sample size of the data in Appendix B is well-tailored to the simulation, which shows a repeating waveform that does not change after an initial wake-up period (which is not representative of the DeMaw circuit's intended operation). Excluding the wake-up period from the data set is not prejudicial at all (much less unfairly prejudicial) because *neither* the Petition nor Petitioner's Reply assert that this period is relevant to unpatentability. And Petitioner cannot do so now in a Motion to Exclude which conflicts with its own analysis presented in this case. Moreover, including an unwieldy amount of additional data that covers a signal that is repeating itself makes no sense and would be more confusing, misleading, and inefficient than discussing a representative data set for the repeating signal (as Dr. Ricketts did in his declaration). Any complaint that Petitioner has with Dr. Rickett's analysis is plainly fodder for cross-examination and is not a proper basis for exclusion. *Pfizer Inc. v. Sanofi-Aventus Deutschland GMBH*, IPR2019-00979, Paper 38 at 102 (P.T.A.B. Aug. 11, 2020) (holding that whether the bases of expert's opinion are credible "are the proper subject of cross-examination, go to

the weight accorded the evidence, and do not justify excluding [expert]
testimony.”)

III. CONCLUSION

For the foregoing reasons, Petitioner's Motion to Exclude should be denied.

Dated: August 15, 2025

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CERTIFICATE OF SERVICE

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