

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TEXAS INSTRUMENTS INC.,

Petitioner,

v.

PARKERVISION, INC.

Patent Owner

U.S. Patent No. 7,865,177

Issue Date: January 4, 2011

Title: METHOD AND SYSTEM FOR DOWN-CONVERTING AN
ELECTROMAGNETIC SIGNAL, AND TRANSFORMS FOR
SAME, AND APERTURE RELATIONSHIPS

Inter Partes Review No. IPR2024-00935

PATENT OWNER'S MOTION TO EXCLUDE

TABLE OF CONTENTS

	<u>Page</u>
I. PO TIMELY OBJECTED TO EXHIBITS 1047-1049, 1054, 1058-1061, 1066-1067, 2034, AND 2040	1
II. THE BOARD SHOULD EXCLUDE EXHIBIT 1047 UNDER FRE 401-402 AND 901	1
III. THE BOARD SHOULD EXCLUDE EXHIBIT 1054 UNDER FRE 401-402	3
IV. THE BOARD SHOULD EXCLUDE PORTIONS OF EXHIBIT 1066 UNDER FRE 401-402 AND 702-703	4
V. THE BOARD SHOULD EXCLUDE PORTIONS OF EXHIBIT 1067 UNDER FRE 702-703	6
VI. THE BOARD SHOULD EXCLUDE EXHIBITS 1048-1049, 1058-1061, AND 1064 UNDER FRE 401-402	7
VII. THE BOARD SHOULD EXCLUDE PORTIONS OF EXHIBITS 2034 AND 2040 UNDER FRE 401-403	7
VIII. CONCLUSION.....	10

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>SK Innovation Co., Ltd. v. Celgard, LLC</i> , IPR2014-00680, Paper 57 (P.T.A.B. Sept. 25, 2015).....	5, 7
Other Authorities	
37 C.F.R. § 42.6(a)(3)	5
37 C.F.R. § 42.64(b)(1).....	1
37 C.F.R. § 42.64(c).....	1

Pursuant to 37 C.F.R. § 42.64(c), the Federal Rules of Evidence (“FRE”), and the Scheduling Order (Paper 10), Patent Owner ParkerVision, Inc. (“ParkerVision” or “PO”) respectfully moves to exclude Exhibits 1047-1049, 1054, 1058-1061, portions of Exhibits 1066-1067, 2034, and 2040 relied upon by Petitioner Texas Instrument Inc. (“TI” or “Petitioner”).

I. PO TIMELY OBJECTED TO EXHIBITS 1047-1049, 1054, 1058-1061, 1066-1067, 2034, AND 2040

PO timely objected to Exhibits 1047-1049, 1054, 1058-1061, 1066, and 1067 in Patent Owner's Objections to Petitioner's Evidence (Paper 35), filed on June 27, 2025, five business days after Petitioner filed its Reply (Paper 33). 37 C.F.R. § 42.64(b)(1) (“objections must be filed within five business days of service of evidence to which the objection is directed”).

PO contemporaneously objected to Dr. Galton's deposition testimony in lines 109:10-113:2, 179:21-182:19, and 209:18-211:2 of Ex. 2034 and lines 36:8-37:5 and 87:4-88:14 of Ex. 2040.

II. THE BOARD SHOULD EXCLUDE EXHIBIT 1047 UNDER FRE 401-402 AND 901

Exhibit 1047 is a purported copy of a user manual for “Norcal NC2030 Low [P]ower, High Performance 20m or 30m DC Transceiver,” dated December 18, 2005, and allegedly first made available to the public as of May 8, 2006 (Ex. 1069, ¶¶33-35). Petitioner relied upon Exhibit 1047 on page 39 of the Reply to support

its allegations: (1) regarding the knowledge of a POSITA; and (2) that Exhibit 1047 describes an implementation of U.S. Patent No. 6,230,000 (“Taylor,” Ex. 1004). Reply, 39.

Exhibit 1047 should be excluded under FRE 401-402 because it is not prior art and thus is irrelevant to the knowledge of a POSITA at the relevant time of the invention. Under Petitioner's alleged (and erroneous) priority date of March 9, 2000, the relevant time of the invention predates Exhibit 1047 by *at least five and a half years*. Reply, 21. The actual priority date of the '177 patent—January 20, 1998—predates Exhibit 1047 by *more than seven years*. POR, 26. Thus, Exhibit 1047 is irrelevant to information known to a POSITA at the relevant time period.

Exhibit 1047 should also be excluded under FRE 901 because Petitioner produced no evidence to support a finding that it is what Petitioner claims it to be—description of an implementation of the Taylor reference. Reply, 39.

Petitioner and its expert baselessly assert, with no evidentiary support, that Exhibit 1047 shows an implementation of the circuit described in the Taylor reference. *Id.*; Ex. 1066, ¶39. While Exhibit 1047 states that Figure 130 is a “Taylor quadrature detector and I/Q audio preamplifier schematic,” it nowhere mentions the Taylor reference nor the full name of the alleged inventor (Dan Taylor). Ex. 1047.

Indeed, Petitioner's expert admits that there are numerous differences between the circuit described in the Tayloe reference and that shown in Figure 130 of Exhibit 1047, but asserts that these differences are "cosmetic," "has no effect on the resistance," or "does not significantly affect the input impedance of the summing amplifier." Ex. 1066, ¶¶40-41. Regardless, Petitioner's expert's admission shows that Exhibit 1047 (and Figure 130 therein) is **not** an implementation of the Tayloe reference.

Consequently, Exhibit 1047 should be excluded under FRE 901.

III. THE BOARD SHOULD EXCLUDE EXHIBIT 1054 UNDER FRE 401-402

Exhibit 1054 is a purported copy of an article titled "Understanding Phase Error and Jitter: Definitions, Implications, Simulations, and Measurement," dated January 2019. Petitioner's expert relied upon Exhibit 1054 in paragraphs 58 and 103 of his Second Declaration to show information known to a POSITA at the relevant time of the invention. Ex. 1066, ¶¶58, 103.

Exhibit 1054 should be excluded under FRE 401-402 because it is not prior art and thus is irrelevant to the knowledge of a POSITA at the relevant time of the invention. The relevant time period predates Exhibit 1054 *by almost 19 years* under Petitioner's alleged priority date of March 9, 2000, and *by about 21 years* under the actual priority date of January 20, 1998. Thus, Exhibit 1054 is irrelevant

to information known to a POSITA at the relevant time period and should be excluded under FRE 401-402.

IV. THE BOARD SHOULD EXCLUDE PORTIONS OF EXHIBIT 1066 UNDER FRE 401-402 AND 702-703

Exhibit 1066 is the Second Declaration of Dr. Galton.

Dr. Galton offered opinions based on Exhibit 1047 in paragraphs 39-42, 44-45, and 47 of Exhibit 1066. Petitioner relied upon these paragraphs in pages 37-40 of its Reply. As discussed in Section II, Exhibit 1047 should be excluded under FRE 401-402 because it is not prior art and thus irrelevant to the knowledge of a POSITA, and under FRE 901 because no evidence supports that it shows an implementation of the Tayloe reference. *See supra* § II. For the same reasons, Dr. Galton's testimony based on, or pertaining to Exhibit 1047 should also be excluded under FRE 401, 402, 702, and 703. Moreover, Dr. Galton's assertions in these paragraphs that Exhibit 1047: (1) is written by the inventor of the Tayloe reference; and (2) shows an implementation of the Tayloe reference; should also be excluded under FRE 802 because they are offered for the truth of the matter asserted. Exhibit 1047 does not mention the Tayloe reference nor the inventor thereof by its full name. And Dr. Galton has no personal knowledge on the truthfulness of these assertions.

Dr. Galton also offered opinions based on Exhibit 1054 in paragraphs 58 and 103 of Exhibit 1066. Petitioner relied upon paragraph 58 in page 36 of its Reply, but did not reply upon paragraph 103. As discussed in Section III, Exhibit 1054 should be excluded under FRE 401-402 because it is not prior art and thus irrelevant to the knowledge of a POSITA. *See supra* § III. For the same reasons, Dr. Galton's testimony based on, or pertaining to Exhibit 1054 should also be excluded under FRE401, 402, 702, and 703.

Moreover, paragraphs 5, 27-28, 61-64, 87-88, and 103-106 of Exhibit 1066 should be excluded under FRE401-402 because it is not relied upon by Petitioner and thus is irrelevant to any issue in this IPR. *SK Innovation Co., Ltd. v. Celgard, LLC*, IPR2014-00680, Paper 57 at 27 (P.T.A.B. Sept. 25, 2015) (granting motion to exclude "[b]ecause Patent Owner does not explain where it cited [the exhibits] in this proceeding").

Accordingly, paragraphs 5, 27-28, 39-42, 44-45, 47, 58, 61-64, 87-88, and 103-106 of Exhibit 1066 should be excluded under FRE 401, 402, 702, and 703.¹

¹ As discussed in PO's Sur-reply, Petitioner improperly incorporates by reference paragraphs 5-26, 32-55, 65-82, and 89-99 of Ex. 1066. These paragraphs should be excluded under 37 C.F.R. § 42.6(a)(3) and C.F.R § 42.22(a)(2).

V. THE BOARD SHOULD EXCLUDE PORTIONS OF EXHIBIT 1067 UNDER FRE 702-703

Exhibit 1067 is the Supplemental Declaration of Dr. James Dickens. In paragraphs 16-20 of Exhibit 1067, Dr. Dickens opined that, as shown in the circuit diagram of Exhibit 2011, [REDACTED] [REDACTED] Ex. 1067, ¶¶16-20. Petitioner relied upon paragraphs 16-20 of Exhibit 1067 in page 10-13 of its Reply. Reply, 10-13.

Paragraphs 16-20 of Exhibit 1067 should be excluded under FRE 702-703 because it is unsupported by reliable facts, data, or methodology. Specifically, Dr. Dickens conclusion that Exhibit 2011's [REDACTED] [REDACTED] is dependent upon his assertion that, [REDACTED] [REDACTED] Ex. 1067, ¶17. While Dr. Dickens allegedly calculated the impedance of [REDACTED] [REDACTED] based on frequency and capacitance values shown in Exhibit 2011 (*id.*, ¶17 n.2), Exhibit 2011 does not provide sufficient information for calculating the impedance of [REDACTED]. Thus, Dr. Dickens has no reliable basis to determine the impedance of [REDACTED], let alone comparing them to the impedance of [REDACTED], and concluding that they exhibit "significantly larger impedance than [REDACTED]." *Id.*, ¶17. Accordingly, Dr. Dickens' opinion in paragraphs 16-20 of Exhibit 1067, critically dependent on his baseless

assertion that [REDACTED]

[REDACTED] is not based on any reliable facts, data, or methodology, and thus warrants exclusion under FRE 702-703.

Moreover, paragraphs 28-33 of Exhibit 1067 should be excluded under FRE 401-402 because it is not relied upon by Petitioner and thus is irrelevant to any issue in this IPR. *SK Innovation*, IPR2014-00680, Paper 57 at 27.

Consequently, paragraphs 16-20 and 28-33 of Exhibit 1067 should be excluded under FRE 401-402 and 702-703.

VI. THE BOARD SHOULD EXCLUDE EXHIBITS 1048-1049, 1058-1061, AND 1064 UNDER FRE 401-402

Exhibits 1048-1049, 1058-1061, and 1064 are irrelevant and thus inadmissible under FRE 401-402. Neither Petitioner nor its expert cites or relies upon Exhibits 1048-1049, 1058-1061, and 1064. These Exhibits are thus irrelevant to any issue in this IPR and should be excluded under FRE 401-402. *SK Innovation*, IPR2014-00680, Paper 57 at 27.

VII. THE BOARD SHOULD EXCLUDE PORTIONS OF EXHIBITS 2034 AND 2040 UNDER FRE 401-403

Exhibits 2034 and 2040 are, respectively, the certified copies of the Transcript of the First and Second Deposition of Ian Galton. During his depositions, Dr. Galton provided answers that were non-responsive to the questions asked and irrelevant to any issues of this IPR.

In lines 109:10-12 of Exhibit 2034, PO asked Dr. Galton whether he is “aware of ... the terms “energy” or “current” ... being used anywhere in Tayloe.” Ex. 2034, 109:10-12. Dr. Galton evaded the question, and went on a tangent about the purpose and function of a capacitor. *Id.*, 109:14-110:7. PO moved to strike this non-responsive answer, and rephrased the question. *Id.*, 110:8-111:14. Again, Dr. Galton did not provide a straight answer, and instead veered off course to talk about the function and operation of a “low-pass filter.” *Id.*, 111:16-113:2. None of these tangents are responsive or relevant to any issue in this IPR.

In lines 179:21-180:2 of Exhibit 2034, PO asked Dr. Galton whether, in the context of Razavi, “VDD is the power source that's providing the energy to M5 and M6.” *Id.*, 179:21-180:2. Dr. Galton's nonresponsive answer to this simple question spanned 29 lines, and gratuitously includes a surfing analogy. *Id.*, 180:3-182:1. Even after PO clarified the question, the most Dr. Galton could muster was that “it depends.” *Id.*, 182:2-19.

In lines 209:18-211:2 of Exhibit 2034, Dr. Galton provided a 20 lines answer to clarify what he meant by his prior nonresponsive answer that something is “impossible to say.” *Id.*, 209:18-211:2. Dr. Galton himself suspected that this answer is “irrelevant.” *Id.*, 210:4-5. He was correct.

In lines 36:8-37:5 of Exhibit 2040, PO asked Dr. Galton whether “[t]extbooks in the field talk about conventional current.” Ex. 2040, 36:8-37:5. Instead of answering the question, Dr. Galton provided a history lesson on the origin of conventional current:

Q. Okay. Textbooks in the field talk about conventional current, correct?

A. Usually, but -- but with a caveat; and that caveat is what I wrote in my declaration -- namely that conventional current is based on a mistake that Benjamin Franklin made. He guessed the direction of current flow, and he got it wrong.

Q. Sure.

A. And so historically we used that, but it's -- it's -- it's just a sign difference.

Id., 36:8-18. The history and origin of conventional current has no bearing on whether and how conventional current is used by a POSITA.

In lines 87:4-88:14 of Exhibit 2040, PO asked Dr. Galton whether “using zero-IF architecture results in a lower frequency that allows integration of the transmitter and receiver sections.” Ex. 2040, 87:4-7. Dr. Galton used this opportunity to pepper the record with irrelevant information about “phased-lock loop” and “crystal” that may not be on a hypothetical “chip.” *Id.*, 87:15-88:14.

The above testimony are not only non-responsive and irrelevant (FRE 401-402), they are also unfairly prejudicial, confusing, and misleading (FRE 403). Accordingly, lines 109:10-113:2, 179:21-182:19, and 209:18-211:2 of Exhibit

2034 and lines 36:8-37:5 and 87:4-88:14 of Exhibit 2040 should be excluded under FRE 401-403.

VIII. CONCLUSION

For the foregoing reasons, Patent Owner respectfully requests that the Board exclude Exhibits 1047-1049, 1054, 1058-1061, 1066, ¶¶ 5, 27-28, 39-42, 44-45, 47, 58, 61-64, 87-88, 103-106, 1067, ¶¶ 16-20, 28-33, Ex. 2034, 109:10-113:2, 179:21-182:19, 209:18-211:2, and Ex. 2040, 36:8-37:5, 87:4-88:14.

Dated: August 5, 2025

Respectfully submitted,

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