

ACTIVE WIRELESS TECHNOLOGIES §
LLC, §
§
Plaintiff, §
§
§
v. §
§
§
T-MOBILE USA, INC. and T-MOBILE US, §
INC., §
§
Defendants, §
§
§
ERICSSON INC. and NOKIA OF AMERICA §
CORPORATION, §
§
Intervenors. §
§

Case No. 2:23-cv-00261-JRG

JURY TRIAL DEMANDED

CONFIDENTIAL – OUTSIDE ATTORNEYS’ EYES ONLY – SOURCE CODE

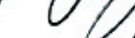

Regis (Bud) Bates

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Objections to Active Wireless Technologies LLC's First Set of Common Interrogatories ("Ericsson ROG 3"), at 14-15 (Oct. 2, 2024). I disagree.

223. In my opinion, even if the Accused Products do not provide a specific codeBlockGroupTransmission information element or CBGTI/CBGFI fields, the Accused Products would still infringe due to the presence of transport blocks split into code blocks. As I explained in Appendix A, Claim [3A], "[a]ny grouping of code blocks within the transport block, the transport block, or each of the multiple code blocks is itself a code block group since a code block group is 'a collection of one or more Code Blocks'" and "[t]herefore, the Accused Products are configured to send a physical downlink shared channel (PDSCH) that includes code block groups (CBGs) of a transport block."

d) *PDSCH Scheduling in CSS / USS*

224. I understand that Nokia and Ericsson have contended that their witnesses testified that the Accused Products do not schedule the PDSCH in CSS / USS. Nokia ROG 3, 23; Ericsson ROG 3, 14. I disagree. Nokia's and Ericsson's statement is based on Nokia's and Ericsson's misunderstanding of the claim language "scheduled in". For example, Ericsson's witness, Mr. Skarby, while acknowledging that PDCCH can schedule resources for the transmission of a PDSCH (Skarby Depo. Tr., 96:15-97:12), did not understand what it meant to schedule a PDSCH in a search space. Rather he understood the claim language as "transmit[ting] PDSCH in the common search space, and [admitted] that will probably not work" logically. Similarly, Dr. Mackowiak misunderstood the term "scheduled in," and even noted that "[w]e are coming to the problem with the word 'scheduling,' right?" Mackowiak Depo. Tr., 77:10-17. Dr. Mackowiak's and Mr. Skarby's misunderstanding is not proof of non-infringement.

225. As I explain in Appendix A, Claims [3B] and [3C], a PDCCH monitored in a

