

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

INTERDIGITAL COMMUNICATIONS, INC., a Delaware corporation, INTERDIGITAL TECHNOLOGY CORPORATION, a Delaware corporation, IPR LICENSING, INC., a Delaware corporation, and INTERDIGITAL HOLDINGS, INC., a Delaware corporation,,

Plaintiffs and Counterclaim Defendants,

v.

HUAWEI TECHNOLOGIES CO., LTD., a Chinese corporation, FUTUREWEI TECHNOLOGIES, INC. D/B/A HUAWEI TECHNOLOGIES (USA), a Texas corporation, and HUAWEI DEVICE USA, INC., a Texas corporation,,

Defendants and Counterclaim Plaintiffs.

Civil Action No.: 1:13-cv-00008-RGA

JURY TRIAL DEMANDED

INTERDIGITAL COMMUNICATIONS, INC., a Delaware corporation, INTERDIGITAL TECHNOLOGY CORPORATION, a Delaware corporation, IPR LICENSING, INC., a Delaware corporation, and INTERDIGITAL HOLDINGS, INC., a Delaware corporation,

Plaintiffs and Counterclaim Defendants,

v.

ZTE CORPORATION, a Chinese corporation, and ZTE (USA) INC., a New Jersey corporation,

Defendants and Counterclaim Plaintiffs.

Civil Action No.: 1:13-cv-00009-RGA

JURY TRIAL DEMANDED

INTERDIGITAL COMMUNICATIONS, INC., a
Delaware corporation, INTERDIGITAL
TECHNOLOGY CORPORATION, a Delaware
corporation, IPR LICENSING, INC., a Delaware
corporation, and INTERDIGITAL HOLDINGS,
INC., a Delaware corporation,

Plaintiffs and Counterclaim Defendants,

v.

NOKIA CORPORATION, and NOKIA, INC.,

Defendants and Counterclaim Plaintiffs.

Civil Action No.: 1:13-cv-00010-RGA

JURY TRIAL DEMANDED

AMENDED JOINT CLAIM CONSTRUCTION CHART

EXHIBIT A¹

Claim Terms	Plaintiffs' Proposed Claim Constructions and Intrinsic Evidence ²	Defendants' Proposed Claim Constructions and Intrinsic Evidence
1	U.S. Patent No. 7,286,847 ("847 Patent") carry no data/ not providing data/does not include data	<u>Proposed Construction:</u> not modulated by data <u>Intrinsic Evidence:</u> '847 patent, claims 1, 2, 4; 5:9-13, 7:44-49. '010 patent, 12:1-4, 20:14-16, 21:14-16, 24:42-47; Fig. 2d. '768 patent, 4:59-67, 7:28-37. U.S. Patent No. 6,493,563, 5:4, 7:45.
		<u>Proposed Construction:</u> not modulated by an information signal <u>Intrinsic Evidence:</u> 847/966 Patents: 2:1-5; 3:25-36; 5:5-13; 6:18-24; 7:15-25; 7:41-49; 8:5-14; 8:15-22; 8:32-35; 8:54-66; 9:14-28; 9:54-61; Fig. 3; Fig. 6A; Fig. 8. To the extent that the common specification incorporates by reference the disclosure of U.S. Patent No. 5,799,010 ("the 010 Patent"), support for Defendants' proposed claim

¹ The parties have provided examples of intrinsic evidence, and the parties reserve the right to rely on additional evidence as needed, including evidence cited by the other parties and rebuttal evidence. Citations to a figure should be construed as including the text in the specification describing that figure. Likewise, citation to text in the specification describing a figure should be construed as including the figure.

² The '847 and '966 Patents share a common specification. Thus, citations to the specification of one of the patents is equally applicable to the other patent and vice versa.

			construction may be found as follows in the '010 Patent: ³ 1:53-54; 17:47-48; 25:51-55.
2	function of a same code	<u>Proposed Construction:</u> produced from a same code <u>Intrinsic Evidence:</u> '847 patent, claims 6, 9, 11; 9:20-21, 10:3-13. '010 patent, 4:38-49, 6:10-12, 12:1-4, 17:15-60, 17:52-19:22, 21:36-48, 22:15-18. NK868ITCSG000031057 at 31160 (U.S. Patent No. 5,022,049 at 5:61-6:9).	<u>Proposed Construction:</u> selected from [a same / a portion of a / a remainder of the] code <u>Intrinsic Evidence:</u> 847/966 Patents: st14-28; Fig. 8.
3	code of a second type	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., "of a second type" modifies the claim term "code" as per the plain and ordinary meaning of "of a second type"	<u>Proposed Construction:</u> sequence of chips or bits of a type different from the first type, not modulated by a data signal, transmitted during power ramp-up to facilitate the initiation of communications <u>Intrinsic Evidence:</u>

³ The identification of sections of the '010 Patent in this chart is in no way an admission that any of the sections identified are incorporated by reference into the common specification of the '966 and '847 Patents. It is Defendants' position that the only subject matter that is incorporated by reference into the common specification is a detailed description of a closed loop power control algorithm. It is Plaintiffs' position that the '010 patent is incorporated by reference into the common specification of the '966 and '847 Patents in its entirety.

		<u>Intrinsic Evidence:</u> See “code.” ’847 patent, claims 7, 8, 10; 3:7-11, 8:5-14, 8:32-45. ’010 patent, 14:34-37, 24:42-47, 58:3-8. U.S. Patent No. 7,117,004, claims 3-5.	847/966 Patents: 2:1-5; 3:30-36; 5:9-10; 6:20-23; 7:15-25; 7:41-49; 8:5-14; 8:15-20; 8:32-35; 9:14-28; 9:54-61; Fig. 8. To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants’ proposed claim construction may be found as follows in the 010 Patent: 1:53-54; 17:47-48; 25:51-55.
4	access signal	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., “a signal for gaining access to a communication channel” where “signal” means “a measurable quantity (e.g., a voltage) which varies in time in order to transmit information” <u>Intrinsic Evidence:</u> ’847 patent, claims 2, 5, 6, 9, 11; 4:15-17, 4:51-54, 4:64-5:2-4, 5:10-13, 6:67-7:2, 8:5-14, 8:32-45, 8:66-9:4-6, 9:36-49, 9:54-61, 10:10-19, 10:40-46, 10:49-53, Figs. 1, 4, 9, 10. ’966 patent, claims 1, 9-11. ’010 patent, 1:10-16, 1:50-60, 1:65-2:3,	<u>Proposed Construction:</u> sequence of chips or bits, not modulated by a data signal, transmitted during power ramp-up to facilitate the initiation of communications <u>Intrinsic Evidence:</u> 847/966 Patents: 1:31-34; 2:1-5; 2:38-42; 3:19-23; 3:30-36; 5:2-4; 5:9-10; 5:63-67; 6:1-6; 6:20-23; 7:15-25; 7:41-49; 8:5-14; 8:15-20; 8:23-45; 9:14-28; 9:54-61; Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8. To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants’ proposed claim construction may be found as follows in the 010 Patent:

		2:34-60, 5:44-47, 5:56-62, 6:1-4, 11:15-21, 12:1-2, 12:23-24, 14:34-37, 14:48-50, 14:52-54, 21:3-48, 32:36-49, 32:63-33:5, 33:17-18, 35:23-33, 37:9-13, 42:32-35, 44:3-11, 44:55-67, 46:66-47:22, 48:3-23, 56:45-58:47, 69:39-42, Tables 2, 5a, Figs. 6, 13, 14, 17, 29, 30. U.S. Patent No. 5,228,056 at 2:67-3:9. NK868ITCSG000031057 at 31446 (EP 0 565 507 A2 6:27-33). NK868ITCSG000031057 at 31284 to 31285 (U.S. Patent No. 5,309,474 at 8:65-9:54). U.S. Patent No. 7,117,004, claims 3-5.	1:53-54; 11:1-4; 17:47-48; 25:51-55; 57:44-49; Fig. 24; Fig. 25.
5	associated with the same or different code	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., “related to the same or different code” <u>Intrinsic Evidence:</u> ’847 patent, claim 7; 4:32-37, 4:61-63, 9:14-28. ’010 patent, 14:34-37, 14:48-54, 21:36-48, 21:57-62, 22:15-23:67, 57:31-36; Table 5a; Figs. 2a-2d. NK868ITCSG000031057 at 31808.	<u>Proposed Construction:</u> the shorter of the related codes is a portion of the longer related codes <u>Intrinsic Evidence:</u> 847/966 Patents: 2:1-5; 3:30-36; 5:9-10; 6:20-23; 7:15-25; 7:41-49; 8:5-14; 8:15-20; 8:32-35; 9:14-28; 9:54-61; Fig. 8. To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants’ proposed claim construction may be found as

		'768 patent, 4:19-24, 4:48-50.	follows in the 010 Patent: 1:53-54; 17:47-48; 25:51-55.
6	first power level	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., "power level at which the first code is transmitted" <u>Intrinsic Evidence:</u> '847 patent, claim 7; 7:65-8:4. '010 patent, 3:22-38, 58:53-55. '768 patent, claims 12, 21; 7:53-59. NK868ITCSG000031057 at 31446 (EP 0 5650501 A2 at 6:34-56). U.S. Patent No. 5,528,623, claim 8. U.S. Patent No. 6,181,949, claims 1, 2.	<u>Proposed Construction:</u> a power level lower than the minimum power level required for communicating with the base station
7	[re-]synchronize[d/ing] to the/a pilot signal	<u>Proposed Construction:</u> [re-]establish[ed/ing] a timing reference with the/a pilot signal transmitted by said base station <u>Intrinsic Evidence:</u> '847 patent, claims 5, 6, 9, and 11; 5:5-32,	<u>Proposed Construction:</u> to [re-]align the beginning of the subscriber unit's signals to the beginning of a pilot signal <u>Intrinsic Evidence:</u> 847/966 Patents:

	5:51-56, 7:59-64, 9:62-10:9, 10:19-22; Figs. 3-4, 6a. '010 patent, 5:44-6:4, 13:50-58, 24:22-29, 25:53-26:40, 32:35-35:19, 35:62-66, 36:16-43, 45:66-46:14, 46:64-47:23, 47:57-48:2, 49:8-32, 55:22, 57:21-26, 58:38-47. NK868ITCSG00031057 at 31290 (U.S. Patent No. 5,309,474 at 20:40-46).	5:16-21; 5:22-32; 5:34-50; 6:51-56; 7:59-64; Fig. 4; Fig. 6A. To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants' proposed claim construction may be found as follows in the 010 Patent: 22:10-30; 40:58-65; 24:66-25:5; 25:39-44; 19:64-20:10.
8	circuit	<u>Proposed Construction:</u> No construction necessary, but if construed plain meaning should apply, i.e., "electronic components that may include digital circuitry, analog circuitry, software, firmware, or a combination of these elements" <u>Intrinsic Evidence:</u> '847 patent, claims 3, 5; 9:62-10:22; Fig. 10. '010 patent, 8:38-40, 39:15-21, 39:31-40:21, 42:62-66, 45:4-14; Figs. 14, 17, 23. NK868ITCSG00031057 at 31131 (U.S. Patent No. 4,811,421 at 3:10-12). <u>Proposed Construction:</u> circuit [further] configured to" = "arrangement of electrical components [further] configured, without the use of software, to <u>Intrinsic Evidence:</u> To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants' proposed claim construction may be found as follows in the 010 Patent: 39:17-20; 45:4-8; 39:60-63; 54:12-16.
9	transmitting/transmit ... a signal by said subscriber unit as part of the access procedure	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., "transmitting/transmit ... a signal by said <u>Proposed Construction:</u> transmitting ... a sequence of chips or bits, not modulated by data, during power ramp-up to facilitate the initiation of

		subscriber unit during the access procedure”	communications
		<u>Intrinsic Evidence:</u> ’847 patent, claims 7, 10, 11; Title, 4:3-5; Figs. 11A, 11B.	<u>Intrinsic Evidence:</u> 847/966 Patents: 1:31-34; 2:1-5; 2:38-42; 3:19-23; 3:30-36; 5:2-4; 5:9-10; 5:63-67; 6:1-6; 6:20-23; 7:15-25; 7:41-49; 8:5-14; 8:15-20; 8:23-45; 9:14-28; 9:54-61; Fig. 4; Fig. 5; Fig. 6; Fig. 7.; Fig. 8. To the extent that the common specification incorporates by reference the disclosure of the 010 Patent, support for Defendants’ proposed claim construction may be found as follows in the 010 Patent: 1:53-54; 11:1-4; 17:47-48;25:51-55; 57:44-49; Fig. 24; Fig. 25.
10	subsequently transmitting, with respect to said first code a same or a different code, at increasing power levels	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., “transmitting later in time a same or a different code with respect to said first code at a higher power level than that of said first code” <u>Intrinsic Evidence:</u> ’847 patent, claims 7, 10; 6:65-67, 8:32-35. ’010 patent, 35:66-36:2, 57:31-60.	<u>Proposed Construction:</u> subsequently [transmit/transmitting], with respect to said first code a same or a different code, the power level increasing continuously or stepwise during transmission of the same or different code <u>Intrinsic Evidence:</u> 847/966 Patents: 8:38-45; 9:20-28; Fig. 6A.

		NK868ITCSG000031057 at 31446 (EP 0 5650501 A2 at 6:34-56).	
11	periodically	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., “intermittently” <u>Intrinsic Evidence:</u> ’847 patent, claims 1, 4; 2:54-62, 51-56, 6:51-56, 7:54-64, 9:29-30.	<u>Proposed Construction:</u> at a fixed interval
		U.S. Patent Nos. 7,190,966 (“’966 Patent”); 7,286,847 (“’847 Patent”)	
12	code	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, i.e., “a sequence of chips” <u>Intrinsic Evidence:</u> U.S. Patent No. 5,799,010 (“’010 patent”), Abstract, 1:10-16, 1:36-45, 1:50-60, 1:65-2:3, 2:34-60, 5:44-47, 5:56-62, 6:1-4, 11:15-21, 12:1-2, 12:23-24, 14:52-54, 17:16-26, 17:46-48; 32:36-49, 32:63-33:5, 33:17-18, 35:23-33, 42:32-35, 44:3-11, 44:55-67, 46:66-47:22, 48:3-23, 57:31-35, 57:49-55, 58:3-37, 69:39-42, Tables 2, 5a, Figs. 6, 13, 14, 17, 24, 30.5. ’847 patent, claims 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11; 1:53, 2:1-12, 3:22-25, 5:7, 5:9-13,	<u>Proposed Construction:</u> sequence of chips or bits not modulated by a data signal <u>Intrinsic Evidence:</u> 847/966 Patents: 2:1-5; 3:30-36; 5:9-10; 6:20-23; 7:15-25; 7:41-49; 8:5-14; 8:15-20; 8:32-35; 9:14-28; 9:54-61; Fig. 8. To the extent that the common specification incorporates by reference the disclosure of the ’010 Patent, support for Defendants’ proposed claim construction may be found as follows in the ’010 Patent: 1:53-54; 17:47-48; 25:51-55.

		5:33-35, 8:5-24, 8:46-61, 8:66-9:6, 9:40-49, 10:10-19, 10:40-46; Figs. 1, 4, 9, 10. '966 patent, claims 1, 6. U.S. Patent No. 5,228,056 to Schilling at 2:67-3:9. NK868ITCSG000031057 (File History Of U.S. Patent No. 5,841,768 ("'768 patent")) at 31448 (EP 0 565 507 A2 8:33-37). NK868ITCSG000031057 at 31284 to 31285 (U.S. Patent No. 5,309,474 at 8:65-9:54).	
13	generated using [a same / a portion of a / a remainder of the] code	<u>Proposed Construction:</u> produced from [a same / a portion of a / a remainder of the] code <u>Intrinsic Evidence:</u> '847 patent, claims 3, 5; 9:20-21, 10:3-13; Fig. 10. '010 patent, 4:38-49, 6:10-12, 12:1-4, 14:34-47, 14:48-54, 17:15-60, 17:52-19:22, 21:36-48, 21:57-62, 22:15-18, 57:31-36; Table 5a, Figs. 2a-2d. '966 patent, claim 1; 9:20-21. NK868ITCSG000031057 at 31160 (U.S. Patent No. 5,022,049 at 5:61-6:9).	<u>Proposed Construction:</u> selected from [a same / a portion of a / a remainder of the] code <u>Intrinsic Evidence:</u> 847/966 Patents: 9:14-28; Fig. 8.

14	successively transmits signals; successively transmitted signals	<u>Proposed Construction:</u> No construction necessary, but if construed, plain meaning should apply, <i>i.e.</i>, “transmits signals one after the other” and “signals transmitted one after the other,” respectively, where “signal” means “a measurable quantity (<i>e.g.</i>, a voltage) which varies in time in order to transmit information” <u>Intrinsic Evidence:</u> ’847 patent, claims 1, 2, 3, 4, 5; 6:20-27, 6:57-67, 7:65-9:6, 9:14-28, 9:42-49, 10:10-19, 10:26-53; Figs. 7, 8, 10. ’010 patent, 8:41-42, 8:62-63, 19:20-22, 20:67-21:62, 21:63-22:6, 22:10-32, 42:21-40, 44:14-26, 54:60-55:1; Figs. 2a-c, 14, 23; Table 5(a). ’966 patent, claims 1, 8; 6:20-27, 6:57-67, 7:62-8:4, 8:32-37, 10:26-53. NK868ITCSG000031057 at 31446 (EP 0 5650501 A2 at 6:34-56).	<u>Proposed Construction:</u> successively [transmits/transmitted] sequences of chips not modulated by a data signal <u>Intrinsic Evidence:</u> 847/966 Patents: 3:25-36; 5:5-13; 6:18-24; 7:41-49; 8:5-22; 8:54-66; 9:14-28; Fig 3; Fig. 6A; Fig. 8.
15	[a/the] same physical downlink control channel	<u>Proposed Construction:</u> a radio resource used to transmit uplink and/or downlink channel assignment information	<u>Proposed Construction:</u> [a/the] channel used for transfer of downlink control information only that occupies a same radio resource defined by a channelization code

		<u>Intrinsic Evidence:</u> <i>See, e.g.,</i> U.S. Patent No. 7,941,151 (“151 Patent”) at Fig. 1; 1:33-39; 2:22-31; 3:15-21; 3:30-32; 3:37-50; 5:1-16; and patent claims, including 5:58-6:9. U.S. Provisional Appl. No. 60/523,049 (“049 Application”) at [0018], [0020], [0025], [0026], [0030].	<u>Intrinsic Evidence:</u> 151 Patent 1:37-40; 2:2-6; 3:4-9 3:27-29; 3:40-50 App. Ser. No. 60/523,049 at Coversheet, [0001], [0003], [0018], [0019], [0020], [0025], [0026], [0027], [0028], [0029], [0030]. App. Ser. No. 11/709,970, Apr. 4, 2008 Reply to Office Action, at 2, 12; Jan. 29, 2009 Response to Office Action at 2-4, 5-8; May 6, 2009 Reply to Office Action, at 2-4, 5-9, Feb. 24, 2011 Request for Continued Examination, at 2. App. Ser. No. 10/902,704, Aug. 25, 2005, Non Final Rejection at 16; Feb. 27, 2006 Reply to Office Action at 2; Aug. 28, 2006 reply to office action at 19. EP1685720, Feb. 3, 2011 Response to Rejection at 2.
16	utilizing the radio resources for the uplink shared channel or the downlink shared channel	<u>Proposed Construction:</u> As used in claim 1: using the assigned radio resources for the uplink or downlink shared channel. As used in claim 16: the controller is configured to use the assigned radio resources for the uplink or downlink shared channel. <u>Intrinsic Evidence:</u>	<u>Proposed Construction:</u> As used in claim 1: “either transmitting data on the uplink shared channel or receiving data on the downlink shared channel depending on whether the assigned radio resources are for the uplink shared channel or downlink shared channel.” However, as used in claim 16 and its dependent claims, this phrase is indefinite and thus renders claims 16-21 and 23-24 invalid under 35 U.S.C § 112.

		<i>See, e.g.,</i> '151 Patent at 5:40-46; and patent claims, including 5:58-6:9; 6:61-7:10. '049 Application at [0025] and [0026].	<u>Intrinsic Evidence:</u> App. Ser. No. 60/523,049 at [0031], App. Ser. No. 10/902,704, August 28, 2006 response to office action at 3, 5, 18, 19. App. Ser. No. 11/709,970, April 4, 2008 claim amendment at 2; Apr. 12, 2010 Request for Continued Examination at 3. 151 Patent at Abstract, FIG. 3, 2:16-31, 5:25-55. EP1685720, Feb. 3, 2011 Response to Rejection at 2.
17	channel assignment information	<u>Proposed Construction:</u> information regarding radio resource assignment for the uplink or downlink channel <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '151 Patent at 1:18-20; 2:16-31; 3:15-5:24; and patent claims, including 5:58-6:9.	<u>Proposed Construction:</u> This term should be given its plain and ordinary meaning, but, to the extent a construction is necessary, Defendants propose "information identifying a channel assigned to the WTRU" <u>Intrinsic Evidence:</u> App. Ser. No. 60/523,049 at [0007], [0012], [0029], [0030] App. Ser. No. 10/902,704, February 27, 2006 reply to office action at 16 151 Patent at 2:32-40; 3:19-21 U.S. Patent Application No. 60/523,049 (see, e.g., at ¶¶ 0006, 0012, 0029-0030) U.S. Patent No. 7,200,405, Prosecution History (see, e.g., at Amendment dated Feb. 27, 2006; Amendment dated Aug. 28, 2006)

18	downlink control information	<u>Proposed Construction:</u> information transmitted on a downlink control channel <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '151 Patent at Figs. 1-3; Abstract; 1:33-55; 2:3-6; 2:20-31; 3:30-45; 3:57-59; 5:25-26; and patent claims, including 5:58-6:9.	App. Ser. No. 11/709,970, Apr. 4, 2008 Reply to Office Action; Jan. 29, 2009 Request for Continued Examination, at 2. 151 Patent (<i>see, e.g.,</i> at 1:37-48, 1:66-2:3, 2:13-40, 3:15-21, 3:30-50, 6:4-7) <u>Proposed Construction:</u> [the] complete set of control information transmitted from a base station to one or more WTRUs <u>Intrinsic Evidence:</u> App. Ser. No. 60/523,049 at Abstract, [0012], [0018], [0025] 151 Patent at 1:33-36, 40-55; 3:34-39; 5:27-50.
19	radio resources	<u>Proposed Construction:</u> resources for uplink or downlink transmissions from or to the WTRU <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '151 Patent at Fig. 3; 3:25-27; 3:34-37; 3:40-45; 5:25-27; 5:35-40; and patent claims, including 5:58-6:9.	<u>Proposed Construction:</u> This term should be given its plain and ordinary meaning, but, to the extent a construction is necessary, Defendants propose “physical resources for uplink or downlink transmissions [from or to a WTRU]” <u>Intrinsic Evidence:</u> 151 Patent at 3:25-27, 3:34-37, 3:40-45, 5:37-38 App. Ser. No. 60/523,049 at Abstract, [0006], [0013], [0018]-[0020], [0025]-[0029] EP1685720, February 3, 2011 response to

		rejection at 2.	
20	shared channel	<u>Proposed Construction:</u> a radio resource that can convey information to or from a plurality of WTRUs <u>Intrinsic Evidence:</u> See, e.g., '151 Patent at 1:33-36; 1:40-42; 1:58-65; 3:40-50; and patent claims, including 5:58-6:9. The '049 Application at [0018].	<u>Proposed Construction:</u> channel that can convey information to or from a plurality of WTRUs <u>Intrinsic Evidence:</u> 151 Patent at 3:57-59 App. Ser. No. 60/523,049 at [0005], [0018] App. Ser. No. 10/902,704, February 27, 2006 reply to office action, at 15-16. App. Ser. No. 11/709,970, January 29, 2009 Reply to Office Action at 5-6.
21	based on WTRU identity (ID)-masked cyclic redundancy check (CRC) parity bits	<u>Proposed Construction:</u> based on cyclic redundancy check parity bits masked by a masking code associated with the WTRU <u>Intrinsic Evidence:</u> See, e.g., '151 Patent at 2:25-27; 4:21-22; 4:38-46; 5:32-35; and patent claims, including 5:58-6:9.	<u>Proposed Construction:</u> by comparing the WTRU identity (ID)-masked cyclic redundancy check (CRC) transmitted along with the downlink control information with the WTRU ID-masked CRC generated by the WTRU using the downlink control information <u>Intrinsic Evidence:</u> 151 Patent 4:4-57; 5:30-35. App. Ser. No. 11/709,970, May 6, 2009 response to office action at 2.
22	and to	<u>Proposed Construction:</u> This term should be given its plain and ordinary meaning, and does not impose any	<u>Proposed Construction:</u> and after determining that the downlink control information is intended for the

		required sequence among the two “to determine” clauses in claim 16.	WTRU
		<u>Intrinsic Evidence:</u> <i>See, e.g.,</i> ’151 Patent at Abstract, 2:25-29; 2:53-55; 5:25-40; and patent claims, including 5:58-6:9; 6:61-7:10. ’049 Application at [0018], [0025], [0031].	<u>Intrinsic Evidence:</u> App. Ser. No. 60/523,049 at Abstract, [0018], [0025], [0031]. App. Ser. No. 11/709,970, January 29, 2009 Response to office action at 2-8; May 6, 2009 response to office action at 2, 5-9. 151 Patent Abstract; Col. 1:21-31; 2:25-29; 2:53-55; 5:25-50; Fig. 3. EP1685720, February 3, 2011 response to rejection at 2.
U.S. Patent No. 8,380,244 (“’244 Patent”)			
23	configured to	<u>Proposed Construction:</u> operable/arranged to <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> U.S. Patent No. 8,380,244 (“’244 Patent”) at 2:7-65; 8:53-59; 10:44-64; and patent claims, including 11:5-16; 11:24-36; 11:43-61; 12:1-33; <i>see also</i> intrinsic evidence cited below for “configured to communicate with an IEEE 902.11 wireless local area network” and “configured to maintain a communication session with the cellular wireless network in an absence of the plurality of assigned physical channels.”	<u>Proposed Construction:</u> set up to <u>Intrinsic Evidence:</u> 244 Patent: 2:50-62; 2:63-3:9; 3:10-63; 4:19-22; 6:37-39; 8:53-67; 10:44-59; Fig. 6.
24	configured to communicate with an IEEE 802.11 wireless	<u>Proposed Construction:</u> This phrase does not require construction,	<u>Proposed Construction:</u> [set up to] always connect directly to an

	local area network	but if construed it should be construed to mean “[operable/arranged to] transmit data to and/or receive data from an IEEE 802.11 wireless local area network.” <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> ’244 Patent at Figs. 5, 6; 2:6-3:11; 8:53-59; 10:44-64; and patent claims, including 11:5-12:36. Geier, J., Wireless LAN’s (referenced at ’244 Patent at 2:27-34), at 113-118; 138-141, 149-152.	IEEE 802.11 wireless local area network when such a connection is possible <u>Intrinsic Evidence:</u> 244 Patent: Abstract; 2:50-3:9; 3:10-62; 8:53-67; 10:44-54; Fig. 6. EP1214815 (foreign counterpart to US 7,616,970); Nov. 13, 2001 Reply to Written Opinion at 2.
25	maintain a communication session with the cellular wireless network in an absence of the plurality of assigned physical channels	<u>Proposed Construction:</u> maintain a logical connection with the cellular wireless network when none of the [two or more physical layer channels allocable by the subscriber unit as needed to transfer data] are in use by the subscriber unit <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> Figs. 5, 6; 3:40-4:33; 6:20-39; 9:36-63; 10:28-43 and patent claims, including 11:5-16; 11:20-23; 12:24-27. ’244 prosecution history, including January 28, 2011, Response to Office Action at pp.	<u>Proposed Construction:</u> spoof the subscriber unit to make it appear that a cellular wireless communication link is continuously available in an absence of the plurality of assigned physical channels <u>Intrinsic Evidence:</u> 244 Patent: 3:55-4:14; 4:14-28; 4:29-33; 5:9-37; 6:30-39; 9:27-53; 9:58-10:3;

		8-9.	10:28-43; Fig. 6. File History of Pat. App. Ser. No. 12/615,098 (244 Patent): July 28, 2010 Office Action; Oct. 27, 2010 Interview Summary; Jan. 28, 2011 Amendment and Response; Feb. 23, 2011 Final Rejection; Aug. 23, 2011 Response; Oct. 20, 2011 Non-Final Rejection. 6,236,647 Patent (incorporated by reference into the 244 Patent): 5:35-56. 08/992,759 application (now U.S. Pat. No. 6,151,332), incorporated by reference in the 647 Patent: 5:24-6:18; Fig. 4. 08/992,760 (now U.S. Patent 6,081,536), incorporated by reference in the 08/992,759 application: Fig. 5; Fig. 7; 8:5-15.
26	[a] plurality of assigned physical channels	<u>Proposed Construction:</u> two or more [physical layer channels allocable by the subscriber unit as needed to transfer data]	<u>Proposed Construction:</u> No construction necessary for “[a] plurality of”; see below for “assigned physical channels.”

		<u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '244 Patent at Figs. 3, 6; 1:34-53; 3:40-4:4; 4:13-29; 6:40-45; 7:08-33; 9:27-10:59; and patent claims including 11:5-16; 11:30-32; 11:37-38; 12:1-3; 12:28-32; 12:59-60; 14:24-28. '244 prosecution history, including January 28, 2011, Response to Office Action at pp. 8-9.	
27	assigned channels	<u>Proposed Construction:</u> physical layer channels allocable by the subscriber unit as needed to transfer data <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '244 Patent at Figs. 3, 6; 1:34-53; 3:40-4:4; 4:13-29; 6:40-45; 7:08-33; 9:27-10:59; and patent claims including 11:5-16; 11:30-32; 11:37-38; 12:1-3; 12:28-32; 12:59-60; 14:24-28. '244 prosecution history, including January 28, 2011, Response to Office Action at pp. 8-9.	<u>Proposed Construction:</u> physical channels available for the subscriber unit to select for use <u>Intrinsic Evidence:</u> 244 Patent: 2:8-20; 3:40-43; 3:55-4:33; 4:64-5:2; 5:29-50; 5:55-61; 6:30-39; 6:45-7:14; 7:21-42; 9:58-10:10; 10:21-43; Fig. 1; Fig. 2;

		Fig. 6. File History of Pat. App. Ser. No. 12/615,098 (244 Patent): Jan. 28, 2011 Amendment and Response at 8-9. File History of 11/326,809 (U.S. Pat. No. 7,616,970) Reply to OA 5/5/2009 at 2-3. 08/992,760 (now U.S. Patent 6,081,536), incorporated by reference in the 08/992,759 application: Fig. 3; Fig. 5; Fig. 7; 2:46-59; 6:44-60; 8:44-9:8.	
28	release	<u>Proposed Construction:</u> stop the subscriber unit from using <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '244 Patent at Figs. 3, 6; 3:40-4:4; 4:13-29; 7:08-20; 9:64-10:11; 10:28-43; and patent claims, including 11:5-16; 11:30-32; 11:37-38; 12:1-3; 12:28-32; 12:59-60; 14:24-28.	<u>Proposed Construction:</u> make no longer assigned <u>Intrinsic Evidence:</u> 244 Patent: 2:8-20; 3:40-43; 3:55-4:33; 4:64-5:2; 5:29-50; 5:55-61; 6:30-39; 6:45-7:14;

		7:21-42; 9:58-10:10; 10:21-43 Fig. 1; Fig. 2; Fig. 6. File History of Pat. App. Ser. No. 12/615,098 (244 Patent): Jan. 28, 2011 Amendment and Response at 8-9. File History of 11/326,809 (U.S. Pat. No. 7,616,970) Reply to OA 5/5/2009 at 2-3. 08/992,760 (now U.S. Patent 6,081,536) , incorporated by reference in the 08/992,759 application: Fig. 3; Fig. 5; Fig. 7; 2:46-59; 6:44-60; 8:44-9:8.
		<u>Proposed Construction:</u> hardware alone or in combination with software [operable/arranged to] select [hardware alone or in combination with software operable to transmit and/or receive IEEE 802.11 signals] <u>Intrinsic Evidence:</u>
29	a circuit configured to select the IEEE 802.11 transceiver	<u>Proposed Construction:</u> no construction necessary; but if needed, then: hardware alone [set up to] choose exclusively the IEEE 802.11 transceiver <u>Intrinsic Evidence:</u>

		<i>See, e.g.,</i> '244 Patent at Figs. 5 and 6; 2:7-65; 8:53-59; 9:35-51; 10:44-64 and patent claims, including 11:24-29. '244 prosecution history, including October 20, 2011, Office Action at p. 8. U.S. Patent No. 6,243,581 at 3:65-6:20. U.S. Patent Appl. No. 2008/0274767 at [0039], [0040]; [0081]-[0083]. Geier, J., Wireless LAN's at 113-118.	244 Patent: Abstract; 2:50-3:9; 3:11-63; 8:53-67; 9:36-50; 10:21-27; 10:43-59; Fig. 6. File History of 11/326,809 (U.S. Pat. No. 7,616,970) Reply to OA 5/5/2009 at 2-7; File History of 11/326,809 (U.S. Pat. No. 7,616,970) Reply to OA 9/11/2008 at 2-5; EP1214815 (foreign counterpart to US 7,616,970) Nov. 13, 2001 Reply to Written Opinion at 2.
30	allocate	<u>Proposed Construction:</u> assign <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '244 Patent at Figs. 3, 6; 3:40-4:4; 4:13-29; 7:08-20; 9:64-10:11; 10:28-43; and patent claims, including 11:5-16; 11:30-32; 11:37-38; 12:1-3; 12:28-32; 12:59-60; 14:24-28.	<u>Proposed Construction:</u> select for use <u>Intrinsic Evidence:</u> 244 Patent: 2:8-20; 3:40-43; 3:55-4:33; 4:64-5:2; 5:29-50; 5:55-61; 6:30-39; 6:45-7:14; 7:21-42;

			9:58-10:10; 10:21-43; Fig. 1; Fig. 2; Fig. 6. File History of Pat. App. Ser. No. 12/615,098 (244 Patent): Jan. 28, 2011 Amendment and Response at 8-9. File History of 11/326,809 (U.S. Pat. No. 7,616,970) Reply to OA 5/5/2009 at 2-3. 08/992,760 (now U.S. Patent 6,081,536) , incorporated by reference in the 08/992,759 application: Fig. 3; Fig. 5; Fig. 7; 2:46-59; 6:44-60; 8:44-9:8.
31	deallocate	<u>Proposed Construction:</u> stop the subscriber unit from using <u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '244 Patent at Figs. 3, 6; 3:40-4:4; 4:13-29; 7:08-20; 9:64-10:11; 10:28-43; and patent claims, including 11:5-16; 11:30-32; 11:37-38; 12:1-3; 12:28-32; 12:59-60; 14:24-28.	<u>Proposed Construction:</u> select to stop using <u>Intrinsic Evidence:</u> 244 Patent: 2:8-20; 3:40-43; 3:55-4:33; 4:64-5:2; 5:29-50;

		5:55-61; 6:30-39; 6:45-7:14; 7:21-42; 9:58-10:10; 10:21-43; Fig. 1; Fig. 2; Fig. 6. File History of Pat. App. Ser. No. 12/615,098 (244 Patent): Jan. 28, 2011 Amendment and Response at 8-9. File History of 11/326,809 (U.S. Pat. No. 7,616,970) Reply to OA 5/5/2009 at 2-3. 08/992,760 (now U.S. Patent 6,081,536) , incorporated by reference in the 08/992,759 application: Fig. 3; Fig. 5; Fig. 7; 2:46-59; 6:44-60; 8:44-9:8.
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