

From: [Palani P. Rathinasamy](#)
To: [Sam A Hamer](#); [Trials](#)
Cc: [Cliff Win](#); [David Schumann](#); [Moses Xie](#); [Timothy Dewberry](#); [Phil Caspers](#); [William F Bullard](#); [IPRs](#)
Subject: Re: IPR2022-01242, IPR2022-01293
Date: Thursday, February 2, 2023 3:47:48 PM
Attachments: [image003.png](#)

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Dear Honorable Board,

The markman order has issued today from the Western District of Texas. Patent Owner does not oppose Petitioner submitting the order should the Board authorize it. Patent Owner maintains that the proper construction of the term is: "RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is being transmitted by a remote unit, but do not include the underlying data that is transmitted."

Best,

Palani P. Rathinasamy
Folio Law Group PLLC
Partner
(404) 432-0206

From: Palani P. Rathinasamy <palani@foliolaw.com>
Date: Wednesday, February 1, 2023 at 8:07 PM
To: Sam A Hamer <SHamer@carlsoncaspers.com>, [Trials@uspto.gov](#) <Trials@USPTO.GOV>
Cc: Cliff Win <cliff.win@foliolaw.com>, David Schumann <David.schumann@foliolaw.com>, Moses Xie <moses.xie@foliolaw.com>, Timothy Dewberry <timothy.dewberry@foliolaw.com>, Phil Caspers <PCaspers@carlsoncaspers.com>, William F Bullard <WBullard@carlsoncaspers.com>, IPRs <iprs@foliolaw.com>
Subject: Re: IPR2022-01242, IPR2022-01293

Dear Honorable Board,

Patent Owner would like to point out Petitioner's mischaracterization of Patent Owner's position in the *Markman* proceedings in the co-pending Western District of Texas case. Petitioner incorrectly states that Patent Owner did not oppose the District Court's preliminary construction of the "radio resources" term. Patent Owner continues to rest on its briefing and submit that the proper construction of the term is: "RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is being transmitted by a remote unit, but do not include the underlying data that is transmitted." Also, note that in Judge Albright's court, a party's election to not present oral argument on a claim term at the *Markman* hearing does not in any way waive its

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Ex. 3001

arguments. Patent Owner reserves all rights of appeal concerning the District Court's claim construction.

Best,

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From: Sam A Hamer <SHamer@carlsoncaspers.com>

Date: Wednesday, February 1, 2023 at 2:28 PM

To: Trials@uspto.gov <Trials@USPTO.GOV>

Cc: Cliff Win <cliff.win@foliolaw.com>, David Schumann <David.schumann@foliolaw.com>, Palani P. Rathinasamy <palani@foliolaw.com>, Moses Xie <moses.xie@foliolaw.com>, Timothy Dewberry <timothy.dewberry@foliolaw.com>, Phil Caspers <PCaspers@carlsoncaspers.com>, William F Bullard <WBullard@carlsoncaspers.com>

Subject: IPR2022-01242, IPR2022-01293

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IPR2022-01242
IPR2022-01293

Dear Honorable Board:

Petitioners respectfully request permission to file as an exhibit in both of the above-captioned IPRs new claim constructions issued from the Western District of Texas that construe (i) "radio resources" and (ii) "operator hub...that provides the plurality of radio resources...using the Common Public Radio Interface (CPRI) protocol." These are two of the claim terms disputed in the POPRs. The constructions include a note explaining "when data is modulated on an RF carrier, the RF carrier is a radio resource...." The constructions also include a note explaining that "the phrase 'that provides the plurality of radio resources...using the Common Public Radio Interface (CPRI) protocol' modifies 'operator hub.'" (This is in contrast to modifying the "one or more central nodes.") These notes are relevant to the arguments raised in the POPRs.

Petitioners have made this request as soon as possible. The claim construction hearing was on Monday (1/30/2023). Petitioner immediately sought Patent Owner's position on whether it would oppose filing the constructions with the PTAB. Yesterday (1/31/2023), Patent Owner declined to provide its position because Patent Owner wants to wait until the Court memorializes the constructions in a further written order, even though Patent Owner did not oppose the Court's preliminary construction of "radio resources" at the hearing and the court expressly maintained at the hearing its preliminary construction regarding the CPRI phrase modifying operator hub. Given the approaching deadline for institution decisions, Petitioner seeks to bring this to the Board's attention as soon as possible rather than wait. If the Board

would like any further context, we are available for a call whenever it is convenient for the Board.

Respectfully,

Sam Hamer

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