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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 HUAWEI TECHNOLOGIES CO., LTD., et al.,
 16 Plaintiffs,
 17 v.
 18 SAMSUNG ELECTRONICS CO., LTD., et al.,
 19 Defendants.

CASE NO. 16-cv-02787-WHO

**REPLY IN SUPPORT OF
SAMSUNG'S MOTION FOR
SUMMARY JUDGMENT**

**Hearing Date: August 8, 2018
Time: 2:00 p.m.
Place: Courtroom 2, 17th Floor
Judge: Hon. William H. Orrick**

21 SAMSUNG ELECTRONICS CO., LTD. &
 SAMSUNG ELECTRONICS AMERICA, INC.
 22 Counterclaim-Plaintiffs,
 23 v.
 24 HUAWEI TECHNOLOGIES CO., LTD.,
 25 HUAWEI DEVICE USA, INC., HUAWEI
 TECHNOLOGIES USA, INC., & HISILICON
 26 TECHNOLOGIES CO., LTD.
 27 Counterclaim-Defendants.

REDACTED VERSION OF DOCUMENT SOUGHT TO BE SEALED

TABLE OF CONTENTS

	<u>Page</u>
1	
2	
3	I. INTRODUCTION.....1
4	II. ARGUMENT1
5	A. The Accused Samsung Products Do Not Infringe the “Group Number k”
6	Limitation of the ’239 Patent1
7	1. Huawei Varies the Claimed “Group Number k” in Its Infringement
8	Analysis, Thereby Violating the Court’s Claim Construction Order1
9	2. The Accused Products Cannot Infringe Using “u+1” as the Claimed
10	“Group Number k”2
11	B. The Asserted ’239 Claims Are Either Invalid as Indefinite Or Not Infringed2
12	1. The Lack of a Clear Antecedent for “The Sequences” in the
13	Asserted Claims Renders Them Invalid as Indefinite2
14	2. In the Alternative, the Accused Samsung Products Do Not Infringe
15	Because “The Sequences” Are Not Zadoff-Chu or Gauss Sequences4
16	C. The Asserted Claims of the ’239 Patent Contain Unpatentable Subject
17	Matter5
18	1. Huawei Presents No Basis to Challenge the Court’s Holding That
19	the Asserted ’239 Claims Are Directed to an Abstract Idea5
20	2. The Asserted Claims of the ’239 Patent Contain No Inventive Step7
21	D. Huawei Fails to Identify Any Evidence That the Accused Samsung
22	Products Are Even Capable of Infringing the Asserted ’613 Claims9
23	1. Test Results Do Not Raise a Genuine Issue of Material Fact9
24	2. Huawei’s Remaining Evidence—Marketing Documents and Press
25	Releases—Do Not Raise a Genuine Issue of Material Fact11
26	3. Samsung’s Noninfringement Arguments Apply Equally to Claim 512
27	E. Huawei Failed to Identify Any Legally Cognizable Reduction to Practice
28	for the Motorola Draft, Which Does Not Qualify as Prior Art as a Matter Of
	Law13
	F. There is No Inequitable Conduct With Respect to Samsung’s ’105 Patent15
	III. CONCLUSION15

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1 *Trans Video Elecs., Ltd. v. Sony Elecs., Inc.*,
2 278 F.R.D. 505 (N.D. Cal. 2011) 14

3 *Visual Memory LLC v. Nvidia Corp.*,
4 867 F.3d 1253 (Fed. Cir. 2017) 7

5 **Additional Authorities**

6 35 U.S.C. § 102(g) 13

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1 **I. INTRODUCTION**

2 In its Motion, Samsung raised several issues that are ripe for summary judgment. Huawei's
3 Opposition fails to present any arguments that would generate a genuine issue of material fact.

4 **II. ARGUMENT**

5 **A. The Accused Samsung Products Do Not Infringe the "Group Number k"
6 Limitation of the '239 Patent**

7 **1. Huawei Varies the Claimed "Group Number k" in Its Infringement
8 Analysis, Thereby Violating the Court's Claim Construction Order**

9 In its Motion, Samsung demonstrated that there is no genuine issue of material fact as to
10 infringement of the '239 patent because Huawei's disclosed infringement theory is that the alleged
11 "group number k" was "u" for the "obtain[ing]" limitation, but then "u+1" for the remaining
12 limitations. (Mot., 2-4.) Huawei attempts to avoid summary judgment by now arguing that its
13 expert Dr. Veeravalli consistently asserts that the claimed "group number k" is "u+1." (See Opp.,
14 2-3.) But in paragraph 252 of the Veeravalli '239 Infringement Report, Dr. Veeravalli explicitly
15 states in the section on the limitation "obtain[ing] a group number k of a sequence group allocated
16 by the system" that: "[t]he Infringing Samsung Products perform steps required by the LTE standard
17 to *obtain a value for "u,"* which is allocated by the system as described in Section 5.5.1.3 (Group
18 hopping)." (Dkt. 333-9 ¶ 252.) Dr. Veeravalli then proceeds to explain how the Accused Samsung
19 Products obtain a value "u" allocated by the system by quoting a portion of the LTE standard that
20 defines "[t]he sequence-group number u" in terms of other parameters received from the network.
21 (*Id.* ("The sequence-group number u in slot n_s is defined by a group hopping pattern $f_{gh}(n_s)$ and a
22 sequence-shift pattern f_{ss} according to $u = (f_{gh}(n_s) + f_{ss}) \bmod 30 \dots$ Sequence-group hopping can
23 be enabled or disabled \dots *by higher layers*. \dots The sequence-shift pattern \dots is configured *by*
24 *higher layers*.")) (emphasis added).) Thus, the UE calculates "u" from multiple parameters received
25 from the "higher layers" (*i.e.*, the network). (*Id.*) Because the only values "allocated" by the system
26 cited by Dr. Veeravalli are the values used to compute the "sequence-group number u," the value
27 "u" must be the claimed "group number k" that is obtained by the UE. So while Huawei may now
28 assert that its expert points to "u+1" as opposed to "u" for the "obtain[ing]" limitation, Dr.
Veeravalli's '239 Infringement Report says otherwise.

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