



James C. Otteson
jim@agilityiplaw.com

March 12, 2013

VIA OVERNIGHT COURIER

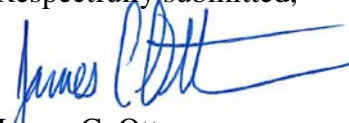
The Honorable E. James Gildea
Administrative Law Judge
U.S. International Trade Commission
500 E Street, S.W., Room 317
Washington, DC 20436

Re: *Certain Wireless Consumer Electronics Devices and Components Thereof*
Inv. No. 337-TA-853

Dear Judge Gildea:

Enclosed please find two double-sided copies of the **FINAL JOINT SUBMISSION CONCERNING CONSTRUCTION OF CLAIM TERMS FROM U.S. PATENT NO. 5,809,336** which is being submitted in the above-referenced investigation.

Respectfully submitted,



James C. Otteson

Enclosures

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before the Honorable E. James Gildea
Administrative Law Judge**

In the Matter of

**CERTAIN WIRELESS CONSUMER
ELECTRONICS DEVICES AND
COMPONENTS THEREOF**

Investigation No. 337-TA-853

**FINAL JOINT SUBMISSION CONCERNING CONSTRUCTION OF
CLAIM TERMS FROM U.S. PATENT NO. 5,809,336**

Pursuant to Order No. 15: Setting Markman Schedule and Amending the Procedural Schedule (January 9, 2013), Complainants Technology Properties Limited LLC, Phoenix Digital Solutions LLC and Patriot Scientific Corporation (collectively “TPL”), Respondents Acer Inc. and Acer America Corporation (collectively “Acer”), Amazon.com, Inc. (“Amazon”), Barnes & Noble, Inc. (“B&N”), Garmin Ltd., Garmin International, Inc. and Garmin USA, Inc. (collectively “Garmin”), HTC Corporation and HTC America (collectively “HTC”), Huawei Technologies Co., Ltd., Huawei Device Co., Ltd., (collectively “Huawei”), Kyocera Corporation and Kyocera Communications, Inc. (collectively “Kyocera”), LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively “LG”), Nintendo Co., Ltd. and Nintendo of America, Inc. (collectively “Nintendo”), Novatel Wireless, Inc. (“Novatel”), Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”), ZTE Corporation and ZTE (USA) Inc. (collectively “ZTE”) (all collectively “Respondents”) and the Commission Investigative Staff (“Staff”) hereby respectfully submit their joint list of proposed constructions, attached hereto as Exhibit A, for all disputed claim terms identified by either TPL or Respondents. The proposed constructions are for claim terms from the asserted claims of U.S.

Patent No. 5,809,336 (“the ’336 Patent”). In the attached table, the party that proposed the term/phrase for construction is indicated in brackets.

Dated: March 12, 2013

Respectfully submitted,

/s/ James C. Otteson

James C. Otteson
Philip W. Marsh
Agility IP Law, LLP
149 Commonwealth Drive
Menlo Park, California 94025
Telephone: (650) 227-4800
TPL853@agilityiplaw.com

Michelle G. Breit
Agility IP Law, LLP
14350 North 87th Street, Suite 190
Scottsdale, Arizona 85260
Telephone: (480) 646-3434
TPL853@agilityiplaw.com

*Counsel for Complainants
Technology Properties Limited LLC and Phoenix
Digital Solutions LLC*

/s/ Charles T. Hoge

Charles T. Hoge
KIRBY NOONAN LANCE & HOGE, LLP
350 Tenth Avenue, Suite 1300
San Diego, California 92101
Telephone: (619) 231-8666
choge@knlh.com

*Counsel for Complainant Patriot Scientific
Corporation*

/s/ R. Whitney Winston

Anne Goalwin, Acting Director
David O. Lloyd, Supervisory Attorney
R. Whitney Winston, Investigative Attorney
OFFICE OF UNFAIR IMPORT
INVESTIGATIONS
U.S. International Trade Commission
500 E Street SW, Suite 401
Washington, D.C. 20436
(202) 205-2221
(202) 205-2158 (fax)
whitney.winston@usitc.gov

/s/ Eric C. Rusnak

Eric C. Rusnak
K&L GATES LLP
1601 K Street, NW
Washington, DC 20006-1600
Telephone: (202) 778-9000
Facsimile: (202) 778-9100
AcerAmazonNovatel_ITC853@klgates.com

Counsel for Respondents Acer Inc., Acer America Corporation, Amazon.com, Inc. and Novatel Wireless, Inc.

/s/ Paul F. Brinkman

Paul F. Brinkman
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
1299 Pennsylvania Avenue NW, Suite 825
Washington, DC 20004
Tel.: (202) 538-8000
Fax: (202) 538-8100
BN-853@quinnemanuel.com

Counsel for Respondent Barnes & Noble, Inc.

/s/ Louis S. Mastriani

Louis S. Mastriani
ADDUCI, MASTRIANI & SCHAUMBERG,
L.L.P.

1133 Connecticut Avenue, N.W., 12th Floor
Washington, DC 20036

Telephone: (202) 467-6300

Facsimile: (202) 466-4006

Garmin-853@adduci.com

Garmin-853@eriseIP.com

*Counsel for Respondents Garmin Ltd., Garmin
International, Inc. and Garmin USA, Inc.*

/s/ Stephen R. Smith

Stephen R. Smith

COOLEY LLP

11951 Freedom Drive

Reston, VA 20190

Telephone: (703) 456-8000

Facsimile: (703) 456-8100

HTC-TPL@cooley.com

*Counsel for Respondents HTC Corporation and
HTC America, Nintendo Co., Ltd. and Nintendo of
America Inc.*

/s/ Timothy C. Bickham

Timothy C. Bickham

STEPTOE & JOHNSON LLP

1330 Connecticut Avenue, N.W.

Washington, D.C. 20036

Telephone: (202) 429-3000

Facsimile: (202) 429-3902

Huawei853@steptoe.com

*Counsel for Respondent Huawei Technologies
Co., Ltd.*

/s/ M. Andrew Woodmansee

M. Andrew Woodmansee
MORRISON & FOERSTER LLP
12531 High Bluff Drive
San Diego, CA 92130
Telephone: (858) 720-5100
Facsimile: (858) 720-5125
Kyocera-TPL-ITC@mofo.com

*Counsel for Respondents Kyocera Corporation
and Kyocera Communications, Inc.*

/s/ Scott A. Elengold

Scott A. Elengold
FISH & RICHARDSON P.C.
1425 K Street, N.W. 11th Floor
Washington, DC 20005
Telephone: (202) 783-5070
Facsimile: (202) 783-2331
LG-TPLITCSERVICE@FR.COM

*Counsel for Respondents LG Electronics, Inc. and
Electronics U.S.A., Inc.*

/s/ Aaron Wainscoat

Aaron Wainscoat
DLA PIPER LLP
2000 University Avenue
East Palo Alto, CA 94303-2214
Telephone: (650) 833-2065
Facsimile: (650) 687-1204
853-DLA-Samsung-Team@dlapiper.com

*Attorneys for Respondents Samsung Electronics
Co., Ltd. and Samsung Electronics America, Inc.*

/s/ Jay H. Reiziss

Jay H. Reiziss
BRINKS HOFER GILSON & LIONE
1850 K Street, NW, Suite 675
Washington, D.C. 20006-2219
Telephone: (202) 296-6940
Facsimile: (202) 296-8701
Brinks-853-ZTE@brinkshofer.com

*Counsel for Respondents ZTE Corporation and
ZTE (USA) Inc.*

CERTIFICATE OF SERVICE

I, Tracey Nero, hereby certify that on March 12, 2013, a copy of the foregoing *Final Joint Submission Concerning Construction of Claim Terms from U.S. Patent No. 5,809,336* was served upon each of the following parties or their counsel in the manner indicated:

<i>Administrative Law Judge</i>	
The Honorable E. James Gildea U.S. International Trade Commission 500 E Street, S.W., Room 317 Washington, D.C. 20436	<input type="checkbox"/> Via Hand Delivery <input checked="" type="checkbox"/> Via Overnight Courier <i>Two Double-Sided Copies</i>
<i>Administrative Law Judge Attorney Advisors</i>	
Ken Schopfer Primary Attorney Advisor 500 E Street, S.W., Room 317 Washington, DC 20436 kenneth.schopfer@usitc.gov	<input checked="" type="checkbox"/> Via Email (PDF copy)
Sarah Zimmerman Attorney Advisor 500 E Street, S.W., Room 317 Washington, DC 20436 sarah.zimmerman@usitc.gov	<input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Office of Unfair Import Investigation</i>	
R. Whitney Winston Investigative Attorney Office of Unfair Import Investigation U.S. International Trade Commission 500 E Street, S.W., Suite 401 Washington, D.C. 20436 Telephone: (202) 205-2221 Whitney.Winston@usitc.gov	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Complainant Patriot Scientific Corporation</i>	
Charles T. Hoge KIRBY NOONAN LANCE & HOGE, LLP 350 Tenth Avenue, Suite 1300 San Diego, California 92101 Telephone: (619) 231-8666 choge@knlh.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)

<i>Counsel for Respondents Acer Inc. and Acer America Corporation</i>	
Eric C. Rusnak K&L GATES LLP 1601 K Street, NW Washington, DC 20006-1600 Telephone: (202) 778-9000 Facsimile: (202) 778-9100 eric.rusnak@klgates.com AcerAmazonNovatel_ITC853@klgates.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondent Amazon.com, Inc.</i>	
Eric C. Rusnak K&L GATES LLP 1601 K Street, NW Washington, DC 20006-1600 Telephone: (202) 778-9000 Facsimile: (202) 778-9100 eric.rusnak@klgates.com AcerAmazonNovatel_ITC853@klgates.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondent Barnes & Noble, Inc.</i>	
Paul F. Brinkman QUINN EMANUEL URQUHART & SULLIVAN, LLP 1299 Pennsylvania Avenue NW, Suite 825 Washington, DC 20004 Tel.: (202) 538-8000 Fax: (202) 538-8100 paulbrinkman@quinnemanuel.com BN-853@quinnemanuel.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondents Garmin Ltd., Garmin International, Inc. and Garmin USA, Inc.</i>	
Louis S. Mastriani ADDUCI, MASTRIANI & SCHAUMBERG, L.L.P. 1133 Connecticut Avenue, N.W., 12th Floor Washington, DC 20036 Telephone: (202) 467-6300 Facsimile: (202) 466-4006 mastriani@adduci.com Garmin-853@adduci.com Garmin_853@eriseIP.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)

<i>Counsel for Respondents HTC Corporation and HTC America</i>	
Stephen R. Smith COOLEY LLP 11951 Freedom Drive Reston, VA 20190 Telephone: (703) 456-8000 Facsimile: (703) 456-8100 stephen.smith@cooley.com HTC-TPL@cooley.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondent Huawei Technologies Co., Ltd., Huawei Device Co., Ltd., Huawei Device USA Inc., and Futurewei Technologies, Inc.</i>	
Timothy C. Bickham STEPTOE & JOHNSON LLP 1330 Connecticut Avenue, N.W. Washington, D.C. 20036 Telephone: (202) 429-3000 Facsimile: (202) 429-3902 tbickham@steptoe.com Huawei853@steptoe.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondents Kyocera Corporation and Kyocera Communications, Inc.</i>	
M. Andrew Woodmansee MORRISON & FOERSTER LLP 12531 High Bluff Drive San Diego, CA 92130 Telephone: (858) 720-5100 Facsimile: (858) 720-5125 mawoodmansee@mofo.com Kyocera-TPL-ITC@mofo.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondents LG Electronics, Inc. and LG Electronics U.S.A., Inc.</i>	
Scott A. Elengold FISH & RICHARDSON P.C. 1425 K Street, N.W. 11 th Floor Washington, DC 20005 Telephone: (202) 783-5070 Facsimile: (202) 783-2331 elengold@fr.com LG-TPLITCService@fr.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)

<i>Counsel for Respondents Nintendo Co., Ltd. and Nintendo of America Inc.</i>	
Stephen R. Smith COOLEY LLP 11951 Freedom Drive Reston, VA 20190 Telephone: (703) 456-8000 Facsimile: (703) 456-8100 stephen.smith@cooley.com Nintendo-TPL@cooley.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondent Novatel Wireless, Inc.</i>	
Eric C. Rusnak K&L GATES LLP 1601 K Street, NW Washington, DC 20006-1600 Telephone: (202) 778-9000 Facsimile: (202) 778-9100 eric.rusnak@klgates.com AcerAmazonNovatel_ITC853@klgates.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Attorneys for Respondents Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc.</i>	
Aaron Wainscoat DLA PIPER LLP 2000 University Avenue East Palo Alto, CA 94303-2214 Telephone: (650) 833-2442 Facsimile: (650) 687-1135 853-DLA-Samsung-Team@dlapiper.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)
<i>Counsel for Respondents ZTE Corporation and ZTE (USA) Inc.</i>	
Jay H. Reiziss BRINKS HOFER GILSON & LIONE 1850 K Street, NW, Suite 675 Washington, D.C. 20006-2219 Telephone: (202) 296-6940 Facsimile: (202) 296-8701 jreiziss@brinkshofer.com Brinks-853-ZTE@brinkshofer.com	<input type="checkbox"/> Via First Class Mail <input type="checkbox"/> Via Hand Delivery <input type="checkbox"/> Via Overnight Courier <input checked="" type="checkbox"/> Via Email (PDF copy)

/s/ Tracey Nero
Tracey Nero