

Joint Claim Construction Charts – P.R. 4-5(d)
September 11, 2006

JOINT CLAIM CONSTRUCTION CHARTS – P.R. 4-5(d)
U.S. PATENT NO. 6,218,930¹

CLAIM 1	PLAINTIFF'S CLAIM CONSTRUCTION	DEFENDANTS' CLAIM CONSTRUCTION	COURT'S CONSTRUCTION
1. Apparatus for remotely powering access equipment in a data network, comprising: a data node adapted for data switching,	AGREED	AGREED	“data node” means Ethernet switch or hub
an access device adapted for data transmission,	AGREED	AGREED	“access device” means a piece of equipment that requires power to access a network and to receive and transmit data
at least one data signaling pair connected between the data node and the access device and arranged to transmit data therebetween,	AGREED	AGREED	“data signaling pair” means a pair of wires used to transmit data between the data node and the access device

¹ In accordance with P.R. 4-5(d), the parties have attempted to present their proposed constructions in a manner that most clearly and efficiently outlines the disputed terms and the proposed constructions. To that end, Defendants have included proposed constructions that best reflect their current proposed constructions. In some instances, the formatting of Defendants' proposed constructions varies from that set forth in earlier documents filed with the Court, although D-Link contends that such constructions are consistent with its Response brief and in accordance with the spirit of Rule 4-5(d). Network-1 believes that some of Defendants' claim construction positions have changed in substance, not merely form, from those offered by Defendants in the Joint Claim Construction Statement and in the Defendants' Response Brief. Specifically, Network-1 believes that, to the extent the Defendants no longer assert that “low level current” and “preselected condition” are governed by 35 U.S.C. § 112, ¶ 6 their position on construction of those terms has changed substantively during the course of this litigation. Network-1 reserves the right to challenge Defendants' newly proposed constructions of these, or any other terms, to the extent Network-1 is prejudiced by the changes at this late stage in the proceeding and its inability to conduct discovery on the newly proposed constructions.

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<p>a main power source connected to supply power to the data node,</p> <p>a secondary power source arranged to supply power from the data node via said data signaling pair to the access device,</p>	<p>“secondary power source” AGREED PORTION: means a source of power connected to provide power between the data node and the access device using the data signaling pair.</p> <p>DISPUTED PORTION: The secondary power source may be derived from the main power source, or separate.</p>	<p>“secondary power source” AGREED PORTION: means a source of power connected to provide power between the data node and the access device using the data signaling pair.</p> <p>DISPUTED PORTION: The secondary power source is separate from the main power source.</p>	

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<p>sensing means for delivering a low level current from said main power source to the access device over said data signaling pair and sensing a resulting voltage level thereon,</p>	<p>“sensing means” is governed by 35 U.S.C. § 112 ¶ 6 and means the elements disclosed in the specification, comprising A/D converter and microprocessor 24, a resistance exemplified by resistors 26 and/or 30, and any functional equivalents thereof, that perform the function of: providing a low level detection current over the data signaling pair that is insufficient to power the access device, and sensing a resulting voltage</p>	<p>“sensing means” is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>The “sensing means” recites two functions: (1) “delivering a low level current from said main power source to the access device over said data signaling pair,” and (2) “sensing a resulting voltage level thereon.”</p> <p>Although the patent lists components, it does not clearly associate them with the two claimed functions above and the listed components are inadequate to perform those functions. As such, the patent fails to provide a corresponding structure, material or act for the sensing means.</p> <p>If, however, the Court find there is any corresponding structure, it should construe it, at a minimum, to include the following components listed in the patent: (1) “power source 16”; (2) the circuits that provide that power – “lines 18,” “high data rate network cable 12,” and “lead</p>	

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<p>and control means responsive to said voltage level and adapted to control power supplied by said secondary power source to said access device in response to a preselected condition of said voltage level.</p>		<p>20"; (3) "switch 28"; (4) "resistors 26 and 30"; (5) "operator 32"; (6) "A/D converter and microprocessor 24"; and (7) software (undisclosed)</p>	
	<p>"low level current" means a detection current too small to sustain operation of the access device</p>	<p>"low level current" means a current, of approximately 20 ma, sufficient to cause a dc-dc switching supply in the access device to start up, but not sufficient to sustain the start up</p>	
	<p>"control means" is governed by 35 U.S.C. § 112 ¶ 6 and means the elements disclosed in the specification, comprising microprocessor 24, and functional equivalents thereof, that perform the function of: causing power transmission via the data signaling pair to remotely power the access device, if a preselected condition is met.</p>	<p>"control means" is governed by 35 U.S.C. § 112, ¶ 6. The "control means" element recites two functions: (1) "responding to said voltage level"; and (2) "controlling power supplied by said secondary power source to said access device in response to a preselected condition of said voltage level" The patent fails to disclose a corresponding structure, material or act for performing these two functions of the control means. In addition, one of the "preselected conditions" (defined separately below) is a</p>	

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		<p>varying voltage level. When the control means confirms a varying voltage level, “switch S1 is closed which increases the power output.” No part of the circuitry shown or described in the '930 Patent corresponds to the structure, material or acts of the “switch S1” function.</p> <p>When switch S1 is closed and the power output is increased, a second, software level, confirmation takes place. No part of the '930 Patent corresponds to the structure, material or acts of the “second, software level, confirmation.”</p> <p>Once the control means determines that the access device is capable of receiving remote power, a logic circuit state machine begins to look for removal of the access device or an overload fault condition. No part of the circuitry shown or described in the '930 Patent corresponds to the structure, material or acts of the “logic circuit” or “state machine” function.</p>	

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