

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

C-CATION TECHNOLOGIES, LLC,

Plaintiff,

v.

COMCAST CORPORATION, CHARTER
COMMUNICATIONS, INC., CEQUEL
COMMUNICATIONS, LLC dba
SUDDENLINK COMMUNICATIONS,
CABLE ONE, INC., ALMEGA CABLE
INC., LONGVIEW CABLE TELEVISION
COMPANY, INC., AND KILGORE
VIDEO, INC.

Defendants.

Case No. 2:11-CV-30-JRG-RSP

**C-CATION TECHNOLOGIES, LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

EXHIBIT

Ex. 1013

TABLE OF CONTENTS

TABLE OF CONTENTS.....	i
TABLE OF AUTHORITIES	iii
I. INTRODUCTION	1
II. LEGAL STANDARDS FOR CLAIM CONSTRUCTION.....	2
III. DESCRIPTION OF AN ORDINARY PERSON OF SKILL IN THE ART.....	4
IV. PROPOSED CONSTRUCTIONS OF THE CLAIM TERMS AT ISSUE	4
A. Preamble Terms	4
1. “a shared transmission means for signalling data and user information” (claim 1) / “a shared transmission means” (claim 6)	4
2. “user information” (claim 1).....	9
B. “Signalling Data Channel” and “Signalling Data”	11
1. “signalling data channel” (claims 1, 3, 4, 5, 6 and 7)	11
2. “signalling data” (claim 1).....	12
C. “Remote Terminals” (Claims 1, 3, 4, 6, 7, 10 and 12).....	14
D. Channel Assignment Steps	16
1. “pair of predetermined signalling data channels” (claims 1, 4 and 5).....	16
2. “predetermined signalling data channels of a plurality of signalling data channels” / “each of said plurality of remote terminals can be assigned to any pair of said plurality of signalling data channels” (claim 6)	19
E. Monitoring and Reassignment of Channels Steps	20
1. “monitoring the status of a plurality of the signalling data channels in use . . . for the usability of said signalling data channels” (claim 1(b))	20
2. “determining whether one of said plurality of remote terminals needs to be reassigned” (claim 1(c)).....	21
3. “is available” (claims 1 and 5).....	23
4. “said predetermined signalling data channel” (claims 1 and 4) / “said predetermined channel” (claims 1 and 5)	23

5.	“reassigning by said central controller said remote terminal to a different and suitable signalling data channel” (claim 1)	26
F.	Polling and Resolving Contention (claims 6 and 7)	27
1.	“polling a plurality of said plurality of remote terminals simultaneously” (claim 6)	27
2.	“resolving contention . . . by said central controller if there is a pending request from more than one remote terminal on the same signalling data channel” (claim 6).....	29
V.	CONCLUSION.....	30

TABLE OF AUTHORITIES

Cases

<i>Acumed LLC v. Stryker Corp.</i> , 483 F.3d 800 (Fed. Cir. 2007)	passim
<i>Allen Engineering Corp. v. Bartell Industries, Inc.</i> , 299 F.3d 1336 (Fed. Cir. 2002).....	7
<i>Am. Med. Sys., Inc. v. Biolitec, Inc.</i> , 618 F.3d 1354 (Fed. Cir. 2010)	6, 10
<i>Arlington Indus. v. Bridgeport Fittings, Inc.</i> , 632 F.3d 1246 (Fed. Cir. 2011)	passim
<i>Cies Bisker, LLC v. 3M Co.</i> , No. 2:08-CV-115 (DF), 2009 U.S. Dist. LEXIS 10055 (E.D. Tex. Nov. 25, 2009)	26
<i>Comark Commc'ns, Inc., v. Harris Corp.</i> , 156 F.3d, 1182 (Fed. Cir. 1998).....	22
<i>Cybor Corp. v. FAS Techs., Inc.</i> , 138 F.3d 1448 (Fed. Cir. 1998) (en banc).....	3
<i>Dayco Prods. v. Total Containment Inc.</i> , 258 F.3d 1317 (Fed. Cir. 2001).....	28
<i>Digital-Vending Servs. Int'l, LLC v. Univ. of Phoenix, Inc.</i> , 672 F.3d 1270 (Fed. Cir. 2012).....	23, 27
<i>Energizer Holdings, Inc. v. Int'l Trade Com'n</i> , 435 F.3d 1366 (Fed. Cir. 2006)	24
<i>Finjan, Inc. v. Secure Computing Corp.</i> , 626 F.3d 1197 (Fed. Cir. 2011)	passim
<i>Grantley Patent Holdings, Ltd. v. Clear Channel Commc'ns., Inc.</i> , No. 9:06-cv-259-RC, 2008 U.S. Dist. LEXIS 1588 (E.D. Tex. Jan. 8, 2008).....	26, 30
<i>i4i Ltd. P'ship v. Microsoft Corp.</i> , 598 F.3d 831 (Fed. Cir. 2010)	passim
<i>In re Katz Interactive Call Processing Patent Litigation</i> , 639 F.3d 1303 (Fed. Cir. 2011).....	14, 18
<i>In re Skvorecz</i> , 580 F.3d 1262 (Fed. Cir. 2009).....	24
<i>Inventio AG v. ThyssenKrupp Elevator Americas Corp.</i> , 649 F.3d 1350 (Fed. Cir. 2011).....	8
<i>Ishida Co. v. Taylor</i> , 221 F.3d 1310 (Fed. Cir. 2000)	9
<i>JW Enterprises, Inc. v. Interact Accessories, Inc.</i> , 424 F.3d 1324 (Fed. Cir. 2005).....	3
<i>Kara Tech. Inc. v. Stamps.com Inc.</i> , 582 F.3d 1341 (Fed. Cir. 2009)	passim

<i>Lockheed Martin Corp. v. Space Systems/Loral, Inc.</i> , 324 F.3d 1308 (Fed. Cir. 2003).....	3, 8, 9
<i>M.I.T. v. Abacus Software</i> , 462 F.3d 1344 (Fed. Cir. 2006).....	7, 8
<i>Micro Chemical, Inc. v. Great Plains Chemical Co.</i> , 194 F.3d 1250 (Fed. Cir. 1999).....	7
<i>Moody v. Aqua Leisure Int'l</i> , Civil Action No. H-10-1961, 2012 WL 5335842 (S.D. Tex. Oct. 26, 2012)	7, 8
<i>Paradox Sec. Sys. Ltd. v. ADT Sec. Servs., Inc.</i> , 710 F. Supp. 2d 590 (E.D. Tex. 2008).....	24
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (en banc).....	2, 12, 17
<i>ResQNet.Com, Inc. v. Lansa, Inc.</i> , 346 F.3d 1374 (Fed. Cir. 2003)	28
<i>Sandisk Corp. v. Memorex Prods, Inc.</i> , 415 F.3d 1278 (Fed. Cir. 2005)	21
<i>Schumer v. Lab. Computer Sys., Inc.</i> , 308 F.3d 1304 (Fed. Cir. 2002)	6
<i>Schwing GmbH v. Putzmeister Aktiengesellschaft</i> , 305 F.3d 1318 (Fed. Cir. 2002).....	16
<i>Slimfold Manuf. Co. v. Kinkead Indus., Inc.</i> , 810 F.2d 1113 (Fed. Cir. 1987).....	24
<i>Thorner v. Sony Computer</i> , 669 F.3d 1362 (Fed. Cir. 2012).....	passim
<i>Toshiba Corp. v. Imation Corp.</i> , 681 F.3d 1358 (Fed. Cir. 2012).....	15
<i>U.S. Surgical Corp. v. Ethicon, Inc.</i> , 103 F.3d 1554 (Fed. Cir. 1997).....	passim
<i>Vitronics Corp. v. Conceptronic, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996)	3, 19, 21
<i>Wenger Mfg., Inc. v. Coating Mach. Sys., Inc.</i> , 239 F.3d 1225 (Fed. Cir. 2001).....	8
<i>Wi-Lan, Inc. v. Acer, Inc.</i> , 712 F. Supp. 2d 549 (E.D. Tex. 2010)	10
<i>York Prods., Inc. v. Cent. Tractor Farm & Family Ctr.</i> , 99 F.3d 1568 (Fed. Cir. 1996)	28
<i>Young v. Lumenis, Inc.</i> , 492 F.3d 1336 (Fed. Cir. 2007)	26
Statutes	
35 U.S.C. § 112 ¶ 6.....	7, 8, 9

Explore Litigation Insights



Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.