

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

SPHERIX INCORPORATED,

Plaintiff,

v.

Case No. 1:14-cv-721-GBL-TCB

VERIZON SERVICES CORP.;
VERIZON SOUTH INC.;
VERIZON VIRGINIA LLC;
VERIZON COMMUNICATIONS INC.;
VERIZON FEDERAL INC.;
VERIZON BUSINESS NETWORK
SERVICES INC.;
MCI COMMUNICATIONS SERVICES, INC.

Defendants.

**PLAINTIFF SPHERIX INCORPORATED'S
PROPOSED CONSTRUCTIONS FOR IDENTIFIED CLAIM TERMS**

Pursuant to Part VI of the Agreed Proposed Discovery Plan approved in paragraph 1.a. of the Scheduling Order (D.I. 47), Plaintiff Spherix Incorporated ("Spherix"), by and through its attorneys, provides the following proposed constructions for each claim term that the parties identified on October 21, 2014. Spherix's investigation and discovery in this case is ongoing, and Spherix expressly reserves the right to revise, amend or supplement its constructions based on new information received in discovery, as permitted by the Federal Rules of Civil Procedure, local rules, and/or applicable orders of this Court.

U.S. Patent No. 6,980,564

'564 Patent Term	Spherix's Proposed Construction
<i>Spherix's Terms</i>	
network interface unit	"a functionally independent customer premises module that receives data from and transmits data to a given network medium"
service delivery unit	"a functionally independent customer premises module that communicates with a separate network device with which the end user interacts to receive a network service"
family of different types [of service delivery units]/ different types [of service delivery units] in the family	"service delivery units that are in distinct service categories, but each of which can physically and electrically connect with a common network interface unit"
network service	"a service experienced by an end user that is delivered over a network by a service provider"
translate(ing)	"change the arrangement of data from one format to another format"
format	"an arrangement of data into a defined structure with delimiting elements"
<i>Verizon's Terms</i>	
an interface for connecting a service delivery unit to a given medium	"an element providing a data connection between a service delivery unit and a given medium"
the connector being a single size that corresponds to the size of connectors on each of the types of service delivery units in the family	"the connector on the network interface unit and the connector on each type of service delivery unit in the family are the same size"
media control module	"media access control module"
physically separated	"spaced apart"

U.S. Patent No. 7,478,167

No.	'167 Patent Term	Spherix's Proposed Construction
<i>Spherix's Terms</i>		
1.	tunnel-based parameter	"criteria that may be used in establishing and/or configuring a communication path between two provider edge devices"
2.	VPN capability discovery information	"a collection of tunnel-based parameters"
3.	extension to an auto-discovery protocol	"use of auto-discovery protocols for distributing VPN capability discovery information"

No.	'167 Patent Term	Spherix's Proposed Construction
4.	determine(ing) VPN capability discovery information including the at least one tunnel-based parameter	"ascertain(ing) the desired VPN capability discovery information for a task or application"
5.	auto-discovery means	<p>Construed under § 112(6):</p> <p>Function = distributing at least one VPN tunnel-based parameter</p> <p>Corresponding Structure = AD component 112 using information distribution protocols such as Border Gateway Protocol (BGP), Domain Name Service (DNS), or Remote Authentication Dial In User Service (RADIUS) or structural equivalents thereof</p>
6.	tunnel signalling means	<p>Construed under § 112(6):</p> <p>Function = determining VPN capability information and negotiating between at least two provider edge devices to automatically establish and configure a VPN tunnel based on the VPN capability information.</p> <p>Corresponding Structure = a provider edge device 102, 104 having tunnel signal components 116, 118 using protocols such as Resource Reservation Protocol (RSVP), RSVP-Traffic Engineered (RSVP-TE), Label Distribution Protocol (LDP), Constraint-based routing LDP (CR-LDP), Asynchronous Transfer Mode (ATM), Frame Relay, or Generic Routing Encapsulation (GRE) or structural equivalents thereof</p>
<i>Verizon's Terms</i>		
7.	Virtual Private Network (VPN) tunnel between a first provider edge (PE) device and a second provider edge (PE) device / VPN tunnel between the first and second PE devices	"a communication path that uses a network, such as the Internet, to provide secure access between two provider edge routers"
8.	tunnel-based parameter	See above with respect to term number 1, "tunnel-based parameter."

No.	'167 Patent Term	Spherix's Proposed Construction
9.	extension to an auto-discovery protocol / auto-discovery protocol	"extension to an auto-discovery protocol" should be construed as above with respect to term number 3, "extension to an auto-discovery protocol." The term "auto-discovery protocol" does not require construction.
10.	negotiating	"process of setting parameters of a communication channel between provider edge routers before communication over the channel begins"
11.	automatically establish and configure/ automatically configuring	"non-manually establish and configure" / "non-manually configuring"
12.	tunnel signalling mechanism	"a device used to create, maintain, and/or configure one or more VPN tunnels"
13.	auto-discovery means for distributing at least one Virtual Private Network (VPN) tunnel-based parameter to at least a first provider edge (PE) device and a second provider edge (PE) device using an extension to an auto-discovery protocol	"auto-discovery means" should be construed as above with respect to term number 5, "auto-discovery means." The remainder of this claim term does not require construction.
14.	tunnel signalling means for determining VPN capability discovery information including the at least one tunnel-based parameter, and negotiating between the first and second PE devices to automatically establish and configure a VPN tunnel between the first and second PE devices based upon the VPN capability discovery information	"tunnel signalling means" should be construed as above with respect to term number 6, "tunnel signalling means." The remainder of this claim term does not require construction.
15.	auto-discovery mechanism for distributing at least one VPN tunnel-based parameter to at least the first and second PE devices using an extension to an auto-discovery protocol	"auto-discovery mechanism" should be construed to mean "a device used to distribute VCDI information." The remainder of this claim term does not require construction.

No.	'167 Patent Term	Spherix's Proposed Construction
16.	tunnel signalling mechanism adapted to determine VPN capability discovery information including the at least one tunnel-based parameter, and negotiate between the first and second PE devices to automatically establish and configure a VPN tunnel between the first and second PE devices based upon the VPN capability discovery information	"tunnel signalling mechanism" should be construed as above with respect to term number 12, "tunnel signalling mechanism." The remainder of this claim term does not require construction.

U.S. Patent No. 8,166,533

'533 Patent Term	Spherix's Proposed Construction
<i>Spherix's Terms</i>	
pinhole/ pinhole communication port/ first communication pinhole	<p>"pinhole": a dynamic opening in the firewall</p> <p>"pinhole communication port": a dynamic communication port on the firewall</p> <p>"communication pinhole": a communication dynamic opening in the firewall</p>
a trusted entity . . . [located] outside [of] the communication[s] network	<p>a trusted entity that is on the external side of the packet-based communication network firewall along the packet transmission flow (claims 8 and 15)</p> <p>a trusted entity that is on the external side of the communications network firewall along the packet transmission flow (claim 21)</p>
a communication device inside [of] the communications network	<p>a communication device that is on the internal side of the packet-based communication network firewall along the packet transmission flow (claim 15)</p> <p>a communication device that is on the internal side of the communications network firewall along the packet transmission flow (claim 21)</p>
a second entity inside of the communications network	a second entity that is on the internal side of the communications network firewall along the packet transmission flow

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