# IN THE UNITED STATES DISTRICT COURT
## FOR THE DISTRICT OF DELAWARE

M2M SOLUTIONS LLC,
a Delaware limited liability company,

        Plaintiff,

    v.

SIERRA WIRELESS AMERICA, INC., et al.,

        Defendants.

C.A. No. 12-030-RGA

CONFIDENTIAL – FILED
UNDER SEAL

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M2M SOLUTIONS LLC,
a Delaware limited liability company,

        Plaintiff,

    v.

ENFORA, INC., et al.,

        Defendants.

C.A. No. 12-032-RGA

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M2M SOLUTIONS LLC,
a Delaware limited liability company,

        Plaintiff,

    v.

TELIT COMMUNICATIONS PLC, et al.,

        Defendants.

C.A. No. 12-033-RGA

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**PLAINTIFF'S ANSWERING BRIEF IN
OPPOSITION TO DEFENDANTS' MOTION FOR
RECONSIDERATION OF THE COURT'S
CLAIM CONSTRUCTIONS OF "PROCESSING MODULE" AND
"PROGRAMMABLE INTERFACE" BASED ON THE FEDERAL
CIRCUIT _EN BANC_ DECISION IN _WILLIAMSON V. CITRIX ONLINE_**

August 3, 2015

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# I.
# INTRODUCTION

Plaintiff M2M Solutions LLC ("M2M") hereby submits its answer in opposition to the Motion For Reconsideration Of The Court's Claim Constructions Of "Processing Module" And "Programmable Interface" (D.I. 180)[1] filed by Defendants in response to the Federal Circuit's recent decision in *Williamson v. Citrix Online*, *LLC*, No. 2013-1130, 2015 U.S. App. LEXIS 10082 (Fed. Cir. June 16, 2015). Of potential relevance here, *Williamson* held that the rebuttable presumption against applying 35 U.S.C. § 112, ¶ 6 ("Section 112(6)") to non-means claim terms should be reduced from a "heightened" to an ordinary presumption, and that the word "module" standing alone may sometimes serve as a "nonce word." However, for the reasons demonstrated by M2M below, nothing in the *Williamson* decision would require the Court to change its prior constructions of the "processing module" or "programmable interface" claim terms so as newly to treat them as mean-plus-function limitations, much less to find either of those terms indefinite as a consequence of such treatment.

As a matter of law, the "processing module" claim term is *not* governed by Section 112(6) because its surrounding claim language connotes sufficiently definite algorithmic structure explaining the particular manner in which its recited "authenticating" function is performed. Even if Section 112(6) were improperly applied (which it should not be), this would also qualify as adequate corresponding structure to preclude an indefiniteness finding.

With regard to the "programmable interface" claim term, *Williamson* is simply of no consequence. *Williamson* did not address "programmable interface" or analogous claim language, and the Court's previous finding that this claim term connotes sufficiently definite structure renders the presumption unrebuttable whether it be "heightened" or merely ordinary.

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[1] Unless otherwise noted, all "D.I." references herein are to CA. No. 12-030-RGA.

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