

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

M2M SOLUTIONS LLC,)
)
Plaintiff,)
)
v.) C.A. No. 12-030 (RGA) (SRF)
)
SIERRA WIRELESS AMERICA, INC.,) **PUBLIC VERSION**
et al.,)
)
Defendants.)

**OPENING BRIEF IN SUPPORT OF DEFENDANTS
SIERRA WIRELESS AMERICA, INC.'S AND SIERRA WIRELESS INC.'S
MOTION FOR SUMMARY JUDGMENT OF INVALIDITY**

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NATURE AND STAGE OF PROCEEDINGS

This Court issued claim construction orders on November 19, 2013, and January 30, 2014 (D.I. 104, 113), and fact discovery and expert discovery have closed. Defendants Sierra Wireless Inc. and Sierra Wireless America, Inc. (collectively, “Sierra Wireless”) now move for Summary Judgment of Invalidity of United States Patent No. 8,094,010 (“the ‘010 Patent”), the only remaining Patent-In-Suit.

SUMMARY OF ARGUMENT

Sierra Wireless moves for summary judgment for invalidity under 35 U.S.C. § 112 because (1) not a single embodiment of a “programmable interface” has been described in the specification, and (2) the “processing module” limitation mixes apparatus and method elements and is therefore invalid.

Furthermore, under the new standard of *Citrix*, the “processing module,” “programmable interface,” and “memory module” limitations are means-plus-function claims and are indefinite for lack of disclosure of corresponding structure in the specification.

STATEMENT OF UNDISPUTED FACTS

I. ‘010 PATENT ASSERTED CLAIMS

The ‘010 Patent describes a device that is capable of performing high level communication functions that are essentially relaying information between a sensor device and a remote monitoring device. *See* Ex. A, ‘010 Patent, 8:25-9:10. To perform these functions, the ‘010 Patent basically claims a collection of generic electrical components or “modules” such as a (1) “programmable interface,” (2) a “processing module,” and others that perform these functions without disclosing any specific devices, interfaces, processors, or even any algorithms for performing these functions. *See* Ex. A, ‘010 Patent, 8:31-67.

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