UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

CORE WIRELESS LICENSING S.A.R.L.,	§	**Case No. 2:14-cv-0911-JRG-RSP (lead)**
vs.	§	
LG ELECTRONICS, INC., AND LG ELECTRONICS MOBILECOMM U.S.A., INC.	§	**Case No. 2:14-cv-0912-JRG-RSP (consolidated)**

MEMORANDUM OPINION AND ORDER REGARDING THE GROUP 3 PATENTS

On September 3, 2015, the Court held a hearing to determine the construction of disputed terms in the five United States Patents: Patent Nos. 5,907,823 ("the '823 Patent"), 7,072,667 ("the '667 Patent"), 8,434,020 ("the '020 Patent"), 8,498,671 ("the '671 Patent"), and 8,713,476 ("the '476 Patent") (collectively the "Asserted Patents"). The Court, having considered the parties' claim construction briefing (Dkt. Nos. 120, 140 and 146)[1] and their arguments at the hearing, issues this Memorandum Opinion and Order Regarding Group 3 Patents construing the disputed terms.

BACKGROUND AND THE ASSERTED PATENTS

Core Wireless Licensing S.A.R.L. ("Core") brings two actions against LG Electronics, Inc. and LG Electronics Mobilecomm U.S.A., Inc. (collectively "Defendants"). [2] The disputed

[1] Citations to docket numbers reference the docket numbers in Case No. 2:14-cv-0911.
[2] Originally four actions were consolidated for claim construction purposes. The other two actions were Core Wireless Licensing S.A.R.L. v. Apple Inc., Case No. 6:14-cv-751 and Core Wireless Licensing S.A.R.L. v. Apple Inc., Case No. 6:14-cv-752. The LG Defendants and Apple filed consolidated claim construction briefs. After the briefing, but prior to the claim construction hearing, the Apple actions were transferred out of this district.

terms in the two actions were grouped into three consolidated patent groupings for claim construction briefing and argument purposes. The patents in Group 3 are asserted by Core to not be standard-essential patents. This opinion and order relates to the Group 3 patents.

The Asserted Patents relate to cellular communication systems. In general, the '823 Patent relates to techniques for reducing the effects of noise on the quality of an audio signal. For example, the '823 Patent abstract recites:

> The invention relates to a method and a circuit arrangement for adjusting the level and/or dynamic range of an audio signal in a transmission system and particularly in a mobile station. According to the invention, the level of acoustic noise in the environment of a terminal (10, 12) and the level and noise level of a received signal are measured (123) and the level and/or dynamic range of the reproduced signal are adjusted (121, 122) according to the results from said measurements. The solution according to the invention helps reduce the effect of noise in the signal transmitted on the transmission channel (11) and of the acoustic noise in the environment of the terminal (12) on the intelligibility of the reproduced information.

'823 Patent Abstract.

In general, the '667 Patent relates to a location finding technique that is part of the cellular network rather than requiring registration with a third party location service. For example, the '667 Patent abstract recites:

> A cellular telecommunications network provides a location information service. A landmark location server (11) has an associated data store (12) of data concerning location information associated with individual cells of the network. The server (11) is responsive to a request for location information from a mobile station (MS1). The request is sent as a SMS through the network (PLMN1). The server (11) obtains location information from the data store (12) based on the cell (C1) occupied by MS1 or another mobile station (MS2). The network is configured to send the location information as a SMS to the mobile station (MS1) that requested the information, without having to pre-register the mobile station for the location information service.

'667 Patent Abstract.

In general, the ’020 Patent and its continuation ‘476 Patent relate to user interface techniques for accessing various functions of a mobile device application. An application summary window for an application may be selected which allows for selection of commonly used functions without the need for launching the application. For example, the ’020 Patent abstract recites:

> The present invention offers a snap-shot view which brings together, in one summary window, a limited list of common functions and commonly accessed stored data which itself can be reached directly from the main menu listing some or all applications. This yields many advantages in ease and speed of navigation, particularly on small screen devices.

’020 Patent Abstract.

In general, the ’671 Patent relates to techniques for utilizing a mobile device’s idle screen to display desired information. Displaying the information on the idle screen minimizes the need to engage in multiple navigation steps to obtain the desired information. For example, the ’671 Patent abstract recites:

> The idle screen of a mobile telephone device is used to show updated information of a kind or from a source selected by a user (e.g. financial information, news, traffic etc.). Previously, the idle screen has been used to display the name of the network operator and alerting messages, such as ‘2 missed calls’. Placing information of interest to the user in the idle screen makes that information instantly accessible without the user having to navigate to the required function (e.g. a micro-browser) and select it.

’671 Patent Abstract.

APPLICABLE LAW

1. Claim Construction

“It is a ‘bedrock principle’ of patent law that ‘the claims of a patent define the invention to which the patentee is entitled the right to exclude.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Innova/Pure Water Inc. v. Safari Water Filtration Sys.*,

Inc., 381 F.3d 1111, 1115 (Fed. Cir. 2004)). To determine the meaning of the claims, courts start by considering the intrinsic evidence. *Id.* at 1313; *C.R. Bard, Inc. v. U.S. Surgical Corp.*, 388 F.3d 858, 861 (Fed. Cir. 2004); *Bell Atl. Network Servs., Inc. v. Covad Commc'ns Group, Inc.*, 262 F.3d 1258, 1267 (Fed. Cir. 2001). The intrinsic evidence includes the claims themselves, the specification, and the prosecution history. *Phillips*, 415 F.3d at 1314; *C.R. Bard, Inc.*, 388 F.3d at 861. The general rule—subject to certain specific exceptions discussed *infra*—is that each claim term is construed according to its ordinary and accustomed meaning as understood by one of ordinary skill in the art at the time of the invention in the context of the patent. *Phillips*, 415 F.3d at 1312–13; *Alloc, Inc. v. Int'l Trade Comm'n*, 342 F.3d 1361, 1368 (Fed. Cir. 2003); *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366 (Fed. Cir. 2002) ("Generally speaking, we indulge a 'heavy presumption' that a claim term carries its ordinary and customary meaning.")

The claims themselves provide substantial guidance in determining the ordinary meaning of claim terms. *Phillips*, 415 F.3d at 1314. "The claim construction inquiry . . . begins and ends in all cases with the actual words of the claim." *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1248 (Fed. Cir. 1998). First, a term's context in the asserted claim can be instructive. *Id*. Other asserted or unasserted claims can also aid in determining the claim's meaning, because claim terms are typically used consistently throughout the patent. *Phillips*, 415 F.3d at 1314. Differences among the claim terms can also assist in understanding a term's meaning. *Id*. For example, when a dependent claim adds a limitation to an independent claim, it is presumed that the independent claim does not include the limitation. *Id*. at 1314–15.

"[C]laims 'must be read in view of the specification, of which they are a part.'" *Id.* (quoting *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc)). "[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is

dispositive; it is the single best guide to the meaning of a disputed term.'" *Id.* (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)); *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1325 (Fed. Cir. 2002). But, "'[a]lthough the specification may aid the court in interpreting the meaning of disputed claim language, particular embodiments and examples appearing in the specification will not generally be read into the claims.'" *Comark Commc'ns, Inc. v. Harris Corp.*, 156 F.3d 1182, 1187 (Fed. Cir. 1998) (quoting *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1571 (Fed. Cir. 1988)); *see also Phillips*, 415 F.3d at 1323. "[I]t is improper to read limitations from a preferred embodiment described in the specification—even if it is the only embodiment—into the claims absent a clear indication in the intrinsic record that the patentee intended the claims to be so limited." *Liebel-Flarsheim Co. v. Medrad, Inc.*, 358 F.3d 898, 913 (Fed. Cir. 2004).

The prosecution history is another tool to supply the proper context for claim construction because, like the specification, the prosecution history provides evidence of how the PTO and the inventor understood the patent. *Id.* at 1317. However, "because the prosecution history represents an ongoing negotiation between the PTO and the applicant, rather than the final product of that negotiation, it often lacks the clarity of the specification and thus is less useful for claim construction purposes." *Id.* at 1318; *see also Athletic Alternatives, Inc. v. Prince Mfg.*, 73 F.3d 1573, 1580 (Fed. Cir. 1996) (ambiguous prosecution history may be "unhelpful as an interpretive resource").

Although extrinsic evidence can also be useful, it is "'less significant than the intrinsic record in determining the legally operative meaning of claim language.'" *Phillips*, 415 F.3d at 1317 (quoting *C.R. Bard, Inc.*, 388 F.3d at 862). Technical dictionaries and treatises may help a court understand the underlying technology and the manner in which one skilled in the art might

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