**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

	§	
	§	
SIPCO, LLC,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CASE NO. 2:08-CV-359-JRG
	§	
AMAZON.COM, INC., et al.,	§	
	§	
Defendants.	§	
	§	
	§	

<u>MEMORANDUM OPINION AND ORDER</u>

Before the Court are Plaintiff's Opening *Markman* Brief in Support of its Claim

Constructions (Dkt. No. 511), Defendants' Joint Brief in Support of Their Proposed Claim

Constructions (Dkt. No. 522), and Plaintiff's Reply Brief in Support of its Claim Constructions

(Dkt. No. 525).

Also before the Court are Plaintiff's Opening *Markman* Brief in Support of its Claim

Constructions with Respect to U.S. Patent No. 7,697,492 (Dkt. No. 545), Defendant Crestron

Electronics, Inc.'s Response Brief in Support of its Proposed Claim Constructions for US Patent

No. 7,697,492 (Dkt. No. 546), and Plaintiff's Reply Brief in Support of its Claim Constructions

with Respect to U.S. Patent No. 7,697,492 (Dkt. No. 550).

The Court held a hearing on September 26, 2012.

Table of Contents

BACKGROUND

Plaintiff SIPCO LLC asserts United States Patents Nos. 7,103,511 ("the '511 Patent"),

6,891,838 ("the '838 Patent"), and 7,697,492 ("the '492 Patent"). The '492 Patent was added to

the case after claim construction briefing began on the '511 Patent and the '838 Patent, and the

Court ordered a separate round of briefing on the '492 Patent. (*See* Dkt. No. 523.) The patents-

in-suit all have common ancestors. The '511 Patent and the '838 Patent are related to one

another through continuations-in-part based on United States Patent No. 6,218,953 ("the '953

Patent"). The '492 Patent is a continuation of a continuation-in-part of the '838 Patent.

The remaining Defendants are Crestron Electronics, Inc. and X10 Wireless Technology,

Inc.

The patents-in-suit relate to "mesh networking," in which devices can communicate

through any of the multiple paths created by overlap between the wireless ranges of devices in a

network. Applications of this technology include monitoring and controlling residential or

commercial systems, such as electricity, heating and cooling, security, lighting, or irrigation.

(*See, e.g.*, '511 Patent at 22:1-10; '838 Patent at 9:15-33.)

The '511 Patent is titled "Wireless Communication Networks for Providing Remote

Monitoring of Devices," and its Abstract states:

> Wireless communication networks for monitoring and controlling a plurality of
> remote devices are provided. Briefly, one embodiment of a wireless
> communication network may comprise a plurality of wireless transceivers having
> unique identifiers. Each of the plurality of wireless transceivers may be
> configured to receive a sensor data signal from one of the plurality of remote
> devices and transmit an original data message using a predefined wireless
> communication protocol. The original data message may comprise the
> corresponding unique identifier and sensor data signal. Each of the plurality of
> wireless transceivers may be configured to receive the original data message
> transmitted by one of the other wireless transceivers and transmit a repeated data

> message using the predefined communication protocol. The repeated data
> message may include the sensor data signal and the corresponding unique
> identifier. Furthermore, at least one of the plurality of wireless transceivers may
> be further configured to provide the original data messages and the repeated data
> messages to a site controller connected to a wide area network. The site
> controller may be configured to manage communications between the wireless
> communication network and a host computer connected to the wide area network.

The '511 Patent was issued on September 5, 2006, and lists related applications filed as early as

October 14, 1998. All asserted claims of the '511 Patent, namely Claims 1, 2, 3, 8, and 11, were

confirmed by an Ex Parte Reexamination Certificate issued October 25, 2011. The asserted

claims of the '511 Patent recite (disputed terms emphasized):

> 1. A wireless communication network adapted for use in an automated
> monitoring system for monitoring and controlling a *plurality of remote devices*
> via a *host computer* connected to a *wide area network*, the wireless
> communication network comprising:
>   a plurality of wireless transceivers having unique identifiers, each of the
> plurality of wireless transceivers configured to receive a *sensor* data signal from
> one of the *plurality of remote devices* and transmit an original data message using
> a predefined wireless communication protocol, the original data message
> comprising the corresponding unique identifier and *sensor* data signal, and further
> configured to receive the original data message transmitted by one of the other
> wireless transceivers and transmit a repeated data message using the predefined
> communication protocol, the repeated data message including the *sensor* data
> signal and the corresponding unique identifier; and
>   a site controller in communication with at least one of the plurality of
> wireless transceivers, the site controller configured to receive the original data
> messages and the repeated data messages, identify the remote device associated
> with the corresponding *sensor* data signal, and provide information related to the
> *sensor* data signal to the *wide area network* for delivery to the *host computer*.
>
> 2. The wireless communication network of claim 1, further comprising a plurality
> of *repeaters* having unique identifiers, each of the plurality of *repeaters* in
> communication with at least one of the plurality of wireless transceivers and
> configured to receive the original data message transmitted by the at least one of
> the plurality of wireless transceivers and transmit a repeated data message using
> the predefined communication protocol, the repeated data message including the
> *sensor* data signal from the original data message and the unique identifier
> corresponding to the repeater.

3. The wireless communication network of claim 1, wherein the site controller is further configured to provide a command message to one of the plurality of wireless transceivers and each of the plurality of wireless transceivers are further configured to transmit, in response to the command message, the original data message, wherein the original data message corresponds to the command message.

* * *

8. A wireless communication network adapted for use in an automated monitoring system for monitoring and controlling a *plurality of remote devices* via a *host computer* connected to a *wide area network*, the wireless communication network comprising:

       a plurality of wireless communication means having unique identifiers, each of the plurality of wireless communication means configured to receive a *sensor* data signal from one of the *plurality of remote devices* and transmit an original data message using a predefined wireless communication protocol, the original data message comprising the corresponding unique identifier and *sensor* data signal, and further configured to receive the original data message transmitted by one of the other wireless transceivers and transmit a repeated data message using the predefined communication protocol, the repeated data message including the *sensor* data signal and the corresponding unique identifier;

       a means for receiving each of the original data messages and the repeated data messages;

       a *means for identifying, for each received message, the remote device associated with the corresponding sensor data signal*; and

       a means for providing information related to the *sensor* data signal to the *wide area network* for delivery to the *host computer*.

* * *

11. The wireless communication network of claim 8, wherein the predefined communication protocol comprises a data packet comprising:

       a means for identifying the receiver of the data packet;

       a means for identifying the sender of the data packet; and

       a command means for specifying a predefined command code.

The '838 Patent is titled "System and Method for Monitoring and Controlling Residential

Devices," and its Abstract states:

The present invention is generally directed to a system and method for monitoring and controlling a host of residential automation systems. The system is implemented by using a plurality of wireless communication devices configured

DOCKET ALARM

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.