IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

M2M SOLUTIONS LLC, Plaintiff, v. SIERRA WIRELESS AMERICA, INC. and SIERRA WIRELESS, INC., Defendants.	Civil Action No. 12-30-RGA
M2M SOLUTIONS LLC, Plaintiff, v. CINTERION WIRELESS MODULES GMBH and CINTERION WIRELESS MODULES NAFTA LLC, Defendants.	Civil Action No. 12-31-RGA
M2M SOLUTIONS LLC, Plaintiff, v. ENFORA, INC., NOVATEL WIRELESS SOLUTIONS, INC., and NOVATEL WIRELESS, INC., Defendants.	Civil Action No. 12-32-RGA

M2M SOLUTIONS LLC, Plaintiff, v. MOTOROLA SOLUTIONS, INC. TELIT COMMUNICATIONS PLC, and TELIT WIRELESS SOLUTIONS INC., Defendants.	Civil Action No. 12-33-RGA
M2M SOLUTIONS LLC, Plaintiff, v. SIMCOM WIRELESS SOLUTIONS CO., LTD., SIM TECHNOLOGY GROUP LTD., MICRON ELECTRONICS L.L.C., and KOWATEC CORPORATION, Defendants.	Civil Action No. 12-34-RGA

MEMORANDUM OPINION

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November 12, 2013

ANDREWS, U.S. DISTRICT JUDGE:

Pending before this Court is the issue of claim construction of various disputed terms found in U.S. Patent Nos. 8,094,010 ("'010 patent") and 7,583,197 ("'197 patent").[1]

I. BACKGROUND

On January 1, 2012, M2M Solutions LLC ("Plaintiff") filed five patent infringement actions.[2] (Nos. 12-30, 12-31, 12-32, 12-33, and 12-34). The defendants are Sierra Wireless America, Inc., Sierra Wireless, Inc., Cinterion Wireless Modules GmbH, Cinterion Wireless Modules NAFTA LLC, Enfora, Inc., Novatel Wireless Solutions, Inc., Novatel Wireless, Inc., Motorola Solutions, Inc., Telit Communications PLC, Telit Wireless Solutions, Inc., Simcom Wireless Solutions Co., Sim Technology Group Ltd.,[3] and Kowatec Corporation (collectively, "Defendants"). The patents in suit are U.S. Patent Nos. 8,094,010 and 7,583,197. The Court has considered the parties' Joint Claim Construction Brief (D.I. 54), appendix (D.I. 55), Amended Joint Claim Construction Statement (D.I. 60), and oral argument on September 12, 2013. (D.I. 70).

II. LEGAL STANDARD

"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

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[1] The patents have the same specification and several disputed claim terms appear in the asserted claims for both patents. Unless otherwise noted, the claim terms are construed consistently between both patents.

[2] All further citations are to the record in Civ. Act. No. 12-30.

[3] Simcom and Sim have not answered the Complaint, and did not participate in the *Markman* hearing.

(Fed. Cir. 2005) (en banc) (internal quotation marks omitted). "'[T]here is no magic formula or catechism for conducting claim construction.' Instead, the court is free to attach the appropriate weight to appropriate sources 'in light of the statutes and policies that inform patent law.'" *SoftView LLC v. Apple Inc.*, 2013 WL 4758195 (D. Del. Sept. 4, 2013) (quoting *Phillips*, 415 F.3d at 1324). When construing patent claims, a matter of law, a court considers the literal language of the claim, the patent specification, and the prosecution history. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 977-80 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996). Of these sources, "the 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." *Phillips*, 415 F.3d at 1315 (internal quotations and citations omitted).

Furthermore, "the words of a claim are generally given their ordinary and customary meaning . . . [which is] the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application." *Phillips*, 415 F.3d at 1312-13 (internal citations and quotation marks omitted). "[T]he ordinary meaning of a claim term is its meaning to [an] ordinary artisan after reading the entire patent." *Id.* at 1321 (internal quotation marks omitted). "In some cases, the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words." *Id.* at 1314 (internal citations omitted).

A court may consider extrinsic evidence, which "consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned

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