

***TELIT WIRELESS SOLUTIONS INC. &
TELIT COMMUNICATIONS PLC***

v.

M2M SOLUTIONS LLC

Case IPR2016-00055

U.S. Patent 8,648,717

M2M Solutions' Demonstrative for Oral Hearing

Judge Kalyan K. Deshpande

Judge Justin T. Arbes

Judge Daniel J. Galligan

December 5, 2016

M2M's Issued Claim 1

1. A programmable communicator device comprising:
 - [a] a programmable interface for establishing a communication link with a monitored technical device,
 - [b] wherein the programmable interface is programmable by wireless packet switched data messages; and
 - [c] a processing module for authenticating one or more wireless transmissions from a programming transmitter and received by the programmable communicator device by determining if at least one transmission contains a coded number,
 - [d] wherein the programmable communicator device is configured to update the transmissions as one or more stored telephone numbers or IP addresses,
 - [e] the one or more stored telephone numbers or IP addresses being **the at least one of the transmissions is at least one telephone number or IP address and the coded number** by which the programmable communicator device is configured to and periodically send outgoing wireless transmissions;
 - [f] wherein the programmable communicator device is configured to update the module for storing a unique identifier that is unique to the programmable communicator device; and
 - [g] wherein the one or more wireless transmissions from the programming transmitter comprises a General Packet Radio Service (GPRS) or other wireless packet switched data message; and
 - [h] wherein the programmable communicator device is configured to periodically receive through the programmable interface from the at least one monitored technical device in response to programming instructions received in an



Claim Construction

- Claim terms “are to be given their broadest reasonable interpretation consistent with the specification, and [that] ... claim language should be interpreted in light of the specification as it would be interpreted by one of ordinary skill in the art.” *In re NTP Inc.*, 654 F.3d 1279, 1287 (Fed. Cir. 2011).
- “[T]he Board’s construction cannot be divorced from the specification and the record evidence’ ... and ‘must be consistent with the one that those skilled in the art would reach.’” *Microsoft Corp. v. Proxyconn, Inc.*, 789 F.3d 1292, 1298 (Fed. Cir. 2015).
- Patent’s prosecution history “is to be consulted even in determining a claim’s broadest reasonable interpretation.” *Straight Path IP Group, Inc. v. Sipco S.R.O.*, 806 F.3d 1356, 1362 (Fed. Cir. 2015) (rejecting Board’s claim construction where an alternative construction was “positively confirmed by the prosecution history”).
- While “the broadest reasonable interpretation is broad, it does not give the Board an unfettered license to interpret the words in a claim without regard for the full claim language and the written description.” *Trivascular, Inc. v. Samuels*, 812 F.3d 1056, 1062 (Fed. Cir. 2016).
- Moreover, the Board may not “construe claims during IPR so broadly that the constructions are unreasonable under general claim construction principles.”

Claim Construction – Single Transmission

“the *at least one* of the transmissions including the at least one telephone number or IP address and the coded number”

- The claim language itself requires at least one transmission with a telephone number or IP address **and** a coded number
- The “including” language modifies “the at least one” not “transmissions”
- Petitioners have previously construed this phrase to mean “single wireless transmission that includes bot

Claim Construction – Single Transmission

In this way, in the application for an improved child communicator, only persons knowing the secret PUK code would be able to change the calling number. This provides the **essential security** for the parents. Furthermore, the feature, which causes the communicator to reject all calls but those from telephone numbers on the permitted callers list serves to shield the child from unwelcome contact.

- The specification “consistently and exclusively” discloses embodiments in which authentication is performed on a “single transmission”
- Any claim construction adopted by the Board will not be sustainable where it is unsupported by the preferred embodiments that are “consistently and exclusively depict[ed]” in the patent specification. *In re Abbott Diabetes Care Inc.* 696 F.3d 1142, 1150

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