Proposed Constructions of Claim Terms/Phrases of the '916 Patent

Claims ('916)	Terms/Elements for Construction	Evolved Wireless's Proposal	Defendants' Proposal
6	"a code sequence generator for generating a code sequence having a second length by cyclic extension of a code sequence having a first length, and performing a circular shift to the code sequence having the second length"	"hardware and/or software in the apparatus that is capable of generating a code sequence having a second length by cyclic extension of a code sequence having a first length, and performing a circular shift to the code sequence having the second length" Section 112(6) does not apply because a person of ordinary skill in the art reading the specification would understand the term to have a sufficiently definite meaning as the name for the structure that performs the function. If section 112(6) applies: **Function: "**generating a code sequence having a second length by cyclic extension of a code sequence having a first length, and performing a circular shift to the code sequence having the second length"	This is a means plus function term governed by Section 112(6). **Function**: "generating a code sequence having a second length by cyclic extension of a code sequence having a first length, and performing a circular shift to the code sequence having the second length" **Structure**: Lacks sufficient corresponding structure, and therefore invalid as indefinite.

Claims ('916)	Terms/Elements for Construction	Evolved Wireless's Proposal	Defendants' Proposal
		Structure: "hardware and/or software in the apparatus that is capable of generating a code sequence having a second length by cyclic extension of a code sequence having a first length, and performing a circular shift to the code sequence having the second length"	
6	"a transmitting unit for transmitting the circular shifted code sequence having the second length"	"hardware and/or software in the apparatus that is capable of transmitting the circular shifted code sequence having the second length" Section 112(6) does not apply because a person of ordinary skill in the art reading the specification would understand the term to have a sufficiently definite meaning as the name for the structure that performs the function. If section 112(6) applies: **Function:** "transmitting the circular shifted code sequence having the second length" **Structure:** "hardware and/or software in the apparatus that is	This is a means plus function term governed by Section 112(6). **Function**: "transmitting the circular shifted code sequence having the second length" **Structure**: Lacks sufficient corresponding structure, and therefore invalid as indefinite.

Claims ('916)	Terms/Elements for Construction	Evolved Wireless's Proposal	Defendants' Proposal
		capable of transmitting the circular shifted code sequence having the second length"	

Proposed Constructions of Claim Terms/Phrases of the '965 Patent

Claims ('965)	Terms/Elements for Construction	Evolved Wireless's Proposal	Defendants' Proposal
8	"a sequence selecting module acquiring information about predetermined two or more random access preamble sequence sets, selecting one random access preamble sequence set from among the predetermined random access preamble sequence sets considering at least one of a size of information to be transmitted by the apparatus and a degree of a path loss, and randomly selecting a specific sequence within the selected random access sequence set"	Not indefinite. "hardware and/or software in the user equipment that is capable of performing the following algorithm: acquire information about predetermined two or more random access preamble sequence sets, select one random access preamble sequence set from among the predetermined random access preamble sequence sets considering at least one of a size of information to be transmitted by the apparatus and a degree of a path loss, and randomly select a specific sequence within the selected random access sequence set" Section 112(6) does not apply because a person of ordinary skill in the art reading the specification would understand the term to have a sufficiently definite meaning as the name for the structure that performs the function.	Indefinite. To the extent this limitation is found to be a means plus function term governed by 112(6): **Function**: "acquiring information about predetermined two or more random access preamble sequence sets, selecting one random access preamble sequence set from among the predetermined random access preamble sequence sets considering at least one of a size of information to be transmitted by the apparatus and a degree of a path loss, and randomly selecting a specific sequence within the selected random access sequence set" **Structure:** Lacks sufficient corresponding structure, and therefore invalid as indefinite.

Claims ('965)	Terms/Elements for Construction	Evolved Wireless's Proposal	Defendants' Proposal
		If section 112(6) applies: **Function:** "acquiring information about predetermined two or more random access preamble sequence sets, selecting one random access preamble sequence set from among the predetermined random access preamble sequence sets considering at least one of a size of information to be transmitted by the apparatus and a degree of a path loss, and randomly selecting a specific sequence within the selected random access sequence set" **Structure:** "hardware and/or software in the user equipment that is capable of performing the following algorithm: acquire information about predetermined two or more random access preamble sequence sets, select one random access preamble sequence set from among the predetermined random access preamble sequence sets considering at least one of a size of information to be transmitted by the apparatus and a degree of a path loss, and randomly select a specific sequence	

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