

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

M2M SOLUTIONS LLC,

Plaintiff,

v.

ENFORA, INC., NOVATEL WIRELESS
SOLUTIONS, INC., and NOVATEL
WIRELESS, INC.,

Defendants.

C.A. No. 14-1101-RGA

M2M SOLUTIONS LLC,

Plaintiff,

v.

SIERRA WIRELESS AMERICA, INC., and
SIERRA WIRELESS, INC.,

Defendants.

C.A. No. 14-1102-RGA

M2M SOLUTIONS LLC,

Plaintiff,

v.

TELIT WIRELESS SOLUTIONS INC.,

Defendant.

C.A. No. 14-1103-RGA

JOINT CLAIM CONSTRUCTION STATEMENT

Plaintiff M2M Solutions LLC (“M2M Solutions”) and Defendants Sierra Wireless
America, Inc., Sierra Wireless, Inc., Enfora, Inc., Novatel Wireless Solutions, Inc., Novatel

Wireless, Inc., and Telit Wireless Solutions Inc. (collectively, “Defendants”) hereby submit their Joint Claim Construction Chart which is attached hereto as Exhibit 1.

The parties’ Joint Claim Construction Chart identifies for the Court the terms/phrases of the asserted patent claims that are presently at issue, and includes each side’s respective proposed constructions of the disputed claim language with citations to the intrinsic evidence in support thereof.

As listed below, also attached hereto are the following additional Exhibits which consist of the asserted patent and the intrinsic record that M2M Solutions and the Defendants have collectively cited to in their Joint Claim Construction Statement:

Exhibit 2 – Copy of asserted U.S. Patent No. 8,648,717 (the “’717 patent”)

Exhibit 3 – Copy of U.S. Patent No. 8,094,010 (the “’010 patent”)

Exhibit 4 – Copy of U.S. Patent No. 7,583,197 (the “’197 patent”)

Exhibit 5 – Copy of U.S. Patent No. 8,542,111 (the “’111 patent”)

Exhibit 6 – Copy of U.S. Patent No. 8,633,802 (the “’802 patent”)

Exhibit 7 – Prosecution History for U.S. Appl. No. 12/538,603

Exhibit 8 – Prosecution History for U.S. Appl. No. 11/329,212

Exhibit 9 – Prosecution History for U.S. Appl. No. 13/934,763

Exhibit 10 – Prosecution History for U.S. Appl. No. 13/801,773

Exhibit 11 – Prosecution History for U.S. Appl. No. 13/328/095

Exhibit 12 – Prosecution History for U.S. Appl. No. 10/296,571

1. The Asserted Patent And Patent Claims

By way of background, M2M Solutions is asserting the ’717 patent in the above-captioned matters. The ’717 patent is a continuation that has matured from the same patent application that issued as the ’111, ’802, ’010, and ’197 patents.

In C.A. No. 12-030-RGA, C.A. No. 12-032-RGA, and C.A. No. 12-033-RGA, the Court issued a *Markman* ruling construing “coded number,” “processing module,” and “programmable interface,” among other terms/phrases of the ‘010 patent. (D.I. 104, D.I. 98 and D.I. 94, respectively). Defendants contend that, during the course of those cases, particularly amid expert discovery, a dispute arose regarding the construction of these phrases. Defendants therefore believe that these phrases continue to be disputed, and therefore require further construction.

Defendants also filed a Motion for Reconsideration of the Court’s Claim Constructions of “Processing Module” and “Programmable Interface” based on the Federal Circuit *en banc* Decision in *Williamson v. Citrix Online* (D.I. 180 in 12-030, D.I. 139 in 12-032, and D.I. 164 in 12-033). Defendants contend that the outcome of the motion may be dispositive of the instant cases. If the outcome of the Motion for Reconsideration does not dispose of all cases, the Defendants respectfully request the Court consider the parties’ competing proposed claim constructions for “coded number,” “processing module,” and “programmable interface.”

In the instant cases, M2M Solutions is asserting the following patent claims of the ’717 patent: Claims 1-3, 6-7, 10-11, 13-23, and 29-30 against Telit Wireless Solutions Inc.; 1-3, 5-7, 10-15, 18-23 and 29-30 against Sierra Wireless America, Inc. and Sierra Wireless, Inc.; 1-3, 6, 7, 10, 11, 13-15, 18-23, 29 and 30 against Enfora, Inc., Novatel Wireless Solutions, Inc. and Novatel Wireless, Inc.

As detailed more fully in their Joint Claim Construction Chart attached hereto as Exhibit 1, M2M Solutions and the Defendants are offering competing proposed claim constructions for the following disputed terms/phrases.

Term No.	Claim Term	M2M Solutions' Proposed Constructions	Defendants' Proposed Constructions
1.	<p>“coded number”</p> <p>(Present in all asserted claims)</p>	<p>The Court’s prior construction, namely, “a designated, unique sequence of characters.” (D.I. 92 at 9 (C.A. 1:12-cv-00030-RGA).)</p>	<p>The Court’s prior construction of “a designated, unique sequence of characters” should be further construed as “a sequence of characters designated by a central authority to ensure uniqueness (i.e., to avoid duplication between communication devices), and that is stored on the programmable communicator before it receives the transmission being authenticated.”</p>
2.	<p>“at least one of the transmissions including the at least one telephone number or IP address and the coded number”</p> <p>(Present in all asserted claims)</p>	<p>M2M Solutions agrees with Defendants’ proposed construction, namely, “a single wireless transmission that includes both the coded number and the telephone number or IP address.”</p> <p>M2M Solutions disagrees, however, with Defendants’ written description and indefiniteness contentions.</p>	<p>A single wireless transmission that includes both the coded number and the telephone number or IP address.</p> <p>If the claim language is construed to cover the coded number in a first transmission and the telephone number or IP address in a second, different transmission, the claims are invalid under section 112 ¶1 for lack of written description.</p> <p>In the alternative, this claim limitation is indefinite.</p>
3.	<p>“[the one or more wireless transmissions from the programming transmitter comprises] a General Packet Radio Service</p>	<p>One or more General Packet Radio Service (GPRS) or wireless packet switched data message(s).</p>	<p>One General Packet Radio Service (GPRS) or wireless packet switched data message, i.e., data packet.</p> <p>To the extent M2M Solutions contends that one transmission means something different (e.g., a string of multiple data messages lasting a user session), the claims are invalid under section 112 ¶ 1 for lack of written description.</p>

Term No.	Claim Term	M2M Solutions' Proposed Constructions	Defendants' Proposed Constructions
	<p>(GPRS) or other wireless packet switched data message”</p> <p>(Present in asserted claim 1 and its dependent claims)</p>		
4.	<p>“[the one or more wireless transmissions from the programming transmitter containing instructions to program the stored number comprise] one or more short message service (SMS) data messages”</p> <p>(Present in asserted claim 29 and its dependent claim)</p>	No construction required. Plain and ordinary meaning.	<p>One SMS data message.</p> <p>To the extent M2M Solutions contends that one transmission means a string of multiple SMS messages lasting a user session, the claims are invalid under section 112 ¶ 1 for lack of written description.</p>

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