

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

EVOLVED WIRELESS, LLC,)	
)	
Plaintiff,)	C.A. No. 15-542-SLR-SRF
)	
v.)	JURY TRIAL DEMANDED
)	
APPLE, INC.,)	
)	
Defendant.)	
)	
EVOLVED WIRELESS, LLC,)	
)	
Plaintiff,)	C.A. No. 15-543-SLR-SRF
)	
v.)	JURY TRIAL DEMANDED
)	
HTC CORPORATION, and)	
HTC AMERICA, INC.,)	
)	
Defendants.)	
)	
EVOLVED WIRELESS, LLC,)	
)	
Plaintiff,)	C.A. No. 15-544-SLR-SRF
)	
v.)	JURY TRIAL DEMANDED
)	
LENOVO GROUP LTD., LENOVO (UNITED)	
STATES) INC., and MOTOROLA MOBILITY,)	
)	
Defendants.)	
)	
EVOLVED WIRELESS, LLC,)	
)	
Plaintiff,)	C.A. No. 15-545-SLR-SRF
)	
v.)	JURY TRIAL DEMANDED
)	
SAMSUNG ELECTRONICS CO., LTD. and)	
SAMSUNG ELECTRONICS AMERICA, INC.,)	
)	
Defendants.)	

EVOLVED WIRELESS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 ZTE CORPORATION, ZTE (USA) INC., and)
 ZTE SOLUTIONS INC.,)
)
 Defendants.)

C.A. No. 15-546-SLR-SRF
JURY TRIAL DEMANDED

EVOLVED WIRELESS, LLC,)
)
 Plaintiff,)
)
 v.)
)
 MICROSOFT CORPORATION, MICROSOFT)
 MOBILE OY and NOKIA INC.,)
)
 Defendants.)

C.A. No. 15-547-SLR-SRF
JURY TRIAL DEMANDED

DEFENDANTS' PRELIMINARY IDENTIFICATION OF TERMS NEEDING CONSTRUCTION AND PROPOSED CONSTRUCTIONS

I. INTRODUCTION

Pursuant to the Court’s November 10, 2015 Rule 16 Scheduling Order, paragraph 5, Defendants Apple Inc., HTC Corporation, HTC America, Inc., Lenovo Group Ltd., Lenovo (United States) Inc., Motorola Mobility LLC, Microsoft Corporation, Microsoft Mobile Oy, Microsoft Mobile Inc. (f/k/a “Nokia Inc.”), Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., ZTE Corporation, and ZTE (USA) Inc. (collectively, “Defendants”), hereby serve their “Preliminary Identification of Terms Needing Construction and Proposed Constructions” on Plaintiff Evolved Wireless, LLC (“Evolved Wireless”).

II. PRELIMINARY STATEMENT

Defendants provide this preliminary identification of claim limitations needing construction and proposed constructions based on their current knowledge, understanding, and belief as to the relevant facts and circumstances. Defendants have not yet completed their investigation, collection of information, discovery, and analysis concerning this case. Further discovery and investigation may require Defendants to supplement or modify the identification of claim limitations and preliminary constructions set forth below. Defendants expressly reserve the right to amend, modify, and add to this list of claim terms and constructions in any way permitted by the Federal Rules of Civil Procedure and Rule 16 Scheduling Order and in view of Plaintiff’s provision of an identification of claim limitations needing construction and proposed constructions being served today.

III. DEFENDANTS’ PRELIMINARY CLAIM CONSTRUCTIONS FOR CLAIM TERMS TO BE CONSTRUED IN U.S. PATENT NO. 7,746,916

’916 Patent Asserted Claim Numbers	Proposed Terms and Elements for Construction	Proposed Construction
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”	<p>This is a means plus function term governed by Section 112(6).</p> <p>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”</p> <p>Structure: Lacks sufficient corresponding structure, and therefore invalid as indefinite.</p>
6	“a transmitting unit for transmitting the circular shifted code sequence having the second length”	<p>This is a means plus function term governed by Section 112(6).</p> <p>Function: “transmitting the circular shifted code sequence having the second length”</p> <p>Structure: Lacks sufficient corresponding structure, and therefore invalid as indefinite.</p>

IV. DEFENDANTS’ PRELIMINARY CLAIM CONSTRUCTIONS FOR CLAIM TERMS TO BE CONSTRUED IN U.S. PATENT NO. 7,768,965

'965 Patent Asserted Claim Numbers	Proposed Terms and Elements for Construction	Proposed Construction
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”	<p>Indefinite.</p> <p>To the extent this limitation is found to be a means plus function term governed by 112(6):</p> <p>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”</p> <p>Structure: Lacks sufficient corresponding structure, and therefore invalid as indefinite.</p>
8	“an access module accessing a random access channel using the specific sequence selected by the sequence selecting module”	<p>Indefinite.</p> <p>To the extent this limitation is found to be a means plus function term governed by 112(6):</p> <p>Function: “accessing a random access channel using the specific sequence selected by the sequence selecting module”</p> <p>Structure: Lacks sufficient corresponding structure, and therefore invalid as indefinite.</p>
1, 8	“a size of information to be transmitted”	Indefinite.

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