

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

<p>CHRIMAR SYSTEMS, INC., <i>et al.</i>, Plaintiffs,</p> <p>v.</p> <p>AASTRA TECHNOLOGIES LIMITED, <i>et al.</i>, Defendants.</p>	<p>Case No. 6:13-CV-879-JDL</p>
<p>CHRIMAR SYSTEMS, INC., <i>et al.</i>, Plaintiffs,</p> <p>v.</p> <p>ALCATEL-LUCENT, INC., <i>et al.</i>, Defendants.</p>	<p>Case No. 6:13-CV-880-JDL</p>
<p>CHRIMAR SYSTEMS, INC., <i>et al.</i>, Plaintiffs,</p> <p>v.</p> <p>AMX, LLC, Defendant.</p>	<p>Case No. 6:13-CV-881-JDL</p>
<p>CHRIMAR SYSTEMS, INC., <i>et al.</i>, Plaintiffs,</p> <p>v.</p> <p>GRANDSTREAM NETWORKS, INC., Defendant.</p>	<p>Case No. 6:13-CV-882-JDL</p>

<p>CHRIMAR SYSTEMS, INC., <i>et al.</i>,</p> <p>Plaintiffs,</p> <p>v.</p> <p>SAMSUNG ELECTRONICS, CO., <i>et al.</i>,</p> <p>Defendants.</p>	<p>Case No. 6:13-CV-883-JDL</p>
---	--

**DEFENDANTS'¹ COMBINED MOTION FOR SUMMARY JUDGMENT
AND CLAIM CONSTRUCTION**

¹ “Defendants” refers to and includes those Defendants joining this motion: Aastra Technologies, Ltd., Aastra USA Inc., Alcatel-Lucent USA, Inc., Alcatel-Lucent Holdings, Inc., AMX LLC, Grandstream Networks, Inc., Samsung Telecommunications America, LLC and Samsung Electronics, Co. Ltd.

..

TABLE OF CONTENTS

I. INTRODUCTION 1

II. STATEMENT OF THE ISSUE..... 4

III. STATEMENT OF UNDISPUTED MATERIAL FACTS 4

IV. LEGAL STANDARDS 6

 A. Claim Construction 6

 B. Summary Judgment of Noninfringement..... 6

V. NONE OF THE ACCUSED PRODUCTS MEETS THE DISTINGUISHING LIMITATIONS..... 7

 A. Properly Construed, The Distinguishing Terms Require Differentiating Each Piece Of [Ethernet Data] Terminal Equipment From Each Other Piece..... 8

 1. Asset tracking and management is the purpose of the '012 patent..... 8

 2. “Distinguish” does not appear in the '012 patent specification..... 9

 3. Proper construction of the “distinguishing” terms relies on the intrinsic evidence. 10

 4. Chrimar’s proposed constructions disregard the intrinsic evidence. 13

 B. None Of The Accused Products Associate Information Or Arrange Impedance To Differentiate The Claimed Piece of [Ethernet Data] Terminal Equipment From Each Other Piece Of [Ethernet Data] Terminal Equipment..... 14

VI. CONCLUSION..... 15

...

TABLE OF AUTHORITIES

Cases

Advanced Cardiovascular Sys., Inc., v. Scimed Life Sys., Inc.,
261 F.3d 1329 (Fed. Cir. 2001) 4, 7

Celotex Corp. v. Catrett,
477 U.S. 317 (1986)..... 6

Gemalto S.A. v. HTC Corp. et al.,
No. 2013-1397, 2014 U.S. App. LEXIS 11520 (Fed. Cir. June 19, 2014) 9

Innova/Pure Water, Inc. v. Safari Water Filtration Systems, Inc.,
381 F.3d 1111 (Fed. Cir. 2004) 6

Limelight Networks, Inc. v. Akamai Techs., Inc.,
134 S. Ct. 2111 (2014) 4, 7

Mirror Worlds, LLC v. Apple, Inc.,
692 F.3d 1351 (Fed. Cir. 2012) 7

Nautilus, Inc. v. Biosig Instruments, Inc.,
134 S. Ct. 2120 (2014)..... 7

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005) (*en banc*)..... 6

Vitronics Corp. v. Conception, Inc.,
90 F.3d 1576 (Fed. Cir. 1996) 6

Statutes

35 U.S.C. § 112 10

Rules

Fed. R. Civ. P. 56(a) 6

INDEX TO DECLARATIONS AND EXHIBITS

Peschel Decl.	Declaration of Leisa Peschel in Support of Defendants' Combined Motion for Summary Judgment and Claim Construction ("Peschel Decl.")
Exhibit A	Relevant excerpts of the IEEE 802.3af Power over Ethernet ("PoE") standard
Exhibit B	Relevant excerpts of Chrimar's infringement contentions against Alcatel
Exhibit C	Relevant excerpts of Chrimar's infringement contentions against AMX
Exhibit D	Relevant excerpts of Chrimar's infringement contentions against Samsung
Exhibit E	Relevant excerpts of the September 26, 2008 Application that issued as U.S. Patent No. 8,155,012 ("the '012 patent")
Exhibit F	Relevant excerpts of the May 4, 2009 Third Preliminary Amendment in the '012 patent prosecution history
Exhibit G	Relevant excerpts of the April 3, 2009 Response to Notice of Non-Compliant Amendment in the '012 patent prosecution history
Exhibit H	Relevant excerpts of the December 6, 2011 Amendment and Petition for Extension of Time in the '012 patent prosecution history
Exhibit I	Relevant excerpts of the February 6, 2012 Corrected Notice of Allowability in the '012 patent prosecution history
Exhibit J	U.S. Patent No. 5,406,260 ("the '260 patent")
Exhibit K	Relevant excerpts of the February 5, 2008 Response to Office Action in the prosecution history of U.S. Patent No. 7,457,250 ("the '250 patent"; the direct parent of the '012 patent)
Exhibit L	Tentative Claim Construction Ruling regarding the '250 patent claims in the Northern District of California, No. 4:13-cv-01300-JSW
Carlson Decl.	Declaration of Steven B. Carlson in Support of Defendants' Combined Motion for Summary Judgment and Claim Construction ("Carlson Decl.")

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.