

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

SIPCO, LLC,

*Plaintiff,*

v.

AMAZON.COM, INC., et al.,

*Defendants.*

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CASE NO. 2:08-CV-359-JRG

**MEMORANDUM OPINION AND ORDER**

Before the Court are Plaintiff's Opening *Markman* Brief in Support of its Claim Constructions (Dkt. No. 511), Defendants' Joint Brief in Support of Their Proposed Claim Constructions (Dkt. No. 522), and Plaintiff's Reply Brief in Support of its Claim Constructions (Dkt. No. 525).

Also before the Court are Plaintiff's Opening *Markman* Brief in Support of its Claim Constructions with Respect to U.S. Patent No. 7,697,492 (Dkt. No. 545), Defendant Crestron Electronics, Inc.'s Response Brief in Support of its Proposed Claim Constructions for US Patent No. 7,697,492 (Dkt. No. 546), and Plaintiff's Reply Brief in Support of its Claim Constructions with Respect to U.S. Patent No. 7,697,492 (Dkt. No. 550).

The Court held a hearing on September 26, 2012.

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## BACKGROUND

Plaintiff SIPCO LLC asserts United States Patents Nos. 7,103,511 (“the ‘511 Patent”), 6,891,838 (“the ‘838 Patent”), and 7,697,492 (“the ‘492 Patent”). The ‘492 Patent was added to the case after claim construction briefing began on the ‘511 Patent and the ‘838 Patent, and the Court ordered a separate round of briefing on the ‘492 Patent. (*See* Dkt. No. 523.) The patents-in-suit all have common ancestors. The ‘511 Patent and the ‘838 Patent are related to one another through continuations-in-part based on United States Patent No. 6,218,953 (“the ‘953 Patent”). The ‘492 Patent is a continuation of a continuation-in-part of the ‘838 Patent.

The remaining Defendants are Crestron Electronics, Inc. and X10 Wireless Technology, Inc.

The patents-in-suit relate to “mesh networking,” in which devices can communicate through any of the multiple paths created by overlap between the wireless ranges of devices in a network. Applications of this technology include monitoring and controlling residential or commercial systems, such as electricity, heating and cooling, security, lighting, or irrigation. (*See, e.g.*, ‘511 Patent at 22:1-10; ‘838 Patent at 9:15-33.)

The ‘511 Patent is titled “Wireless Communication Networks for Providing Remote Monitoring of Devices,” and its Abstract states:

Wireless communication networks for monitoring and controlling a plurality of remote devices are provided. Briefly, one embodiment of a wireless communication network may comprise a plurality of wireless transceivers having unique identifiers. Each of the plurality of wireless transceivers may be configured to receive a sensor data signal from one of the plurality of remote devices and transmit an original data message using a predefined wireless communication protocol. The original data message may comprise the corresponding unique identifier and sensor data signal. Each of the plurality of wireless transceivers may be configured to receive the original data message transmitted by one of the other wireless transceivers and transmit a repeated data

message using the predefined communication protocol. The repeated data message may include the sensor data signal and the corresponding unique identifier. Furthermore, at least one of the plurality of wireless transceivers may be further configured to provide the original data messages and the repeated data messages to a site controller connected to a wide area network. The site controller may be configured to manage communications between the wireless communication network and a host computer connected to the wide area network.

The '511 Patent was issued on September 5, 2006, and lists related applications filed as early as October 14, 1998. All asserted claims of the '511 Patent, namely Claims 1, 2, 3, 8, and 11, were confirmed by an Ex Parte Reexamination Certificate issued October 25, 2011. The asserted claims of the '511 Patent recite (disputed terms emphasized):

1. A wireless communication network adapted for use in an automated monitoring system for monitoring and controlling a *plurality of remote devices* via a *host computer* connected to a *wide area network*, the wireless communication network comprising:
  - a plurality of wireless transceivers having unique identifiers, each of the plurality of wireless transceivers configured to receive a *sensor* data signal from one of the *plurality of remote devices* and transmit an original data message using a predefined wireless communication protocol, the original data message comprising the corresponding unique identifier and *sensor* data signal, and further configured to receive the original data message transmitted by one of the other wireless transceivers and transmit a repeated data message using the predefined communication protocol, the repeated data message including the *sensor* data signal and the corresponding unique identifier; and
  - a site controller in communication with at least one of the plurality of wireless transceivers, the site controller configured to receive the original data messages and the repeated data messages, identify the remote device associated with the corresponding *sensor* data signal, and provide information related to the *sensor* data signal to the *wide area network* for delivery to the *host computer*.
2. The wireless communication network of claim 1, further comprising a plurality of *repeaters* having unique identifiers, each of the plurality of *repeaters* in communication with at least one of the plurality of wireless transceivers and configured to receive the original data message transmitted by the at least one of the plurality of wireless transceivers and transmit a repeated data message using the predefined communication protocol, the repeated data message including the *sensor* data signal from the original data message and the unique identifier corresponding to the repeater.

3. The wireless communication network of claim 1, wherein the site controller is further configured to provide a command message to one of the plurality of wireless transceivers and each of the plurality of wireless transceivers are further configured to transmit, in response to the command message, the original data message, wherein the original data message corresponds to the command message.

\* \* \*

8. A wireless communication network adapted for use in an automated monitoring system for monitoring and controlling a *plurality of remote devices* via a *host computer* connected to a *wide area network*, the wireless communication network comprising:

a plurality of wireless communication means having unique identifiers, each of the plurality of wireless communication means configured to receive a *sensor data signal* from one of the *plurality of remote devices* and transmit an original data message using a predefined wireless communication protocol, the original data message comprising the corresponding unique identifier and *sensor data signal*, and further configured to receive the original data message transmitted by one of the other wireless transceivers and transmit a repeated data message using the predefined communication protocol, the repeated data message including the *sensor data signal* and the corresponding unique identifier;

a means for receiving each of the original data messages and the repeated data messages;

a means for identifying, for each received message, the remote device associated with the corresponding sensor data signal; and

a means for providing information related to the *sensor data signal* to the *wide area network* for delivery to the *host computer*.

\* \* \*

11. The wireless communication network of claim 8, wherein the predefined communication protocol comprises a data packet comprising:

a means for identifying the receiver of the data packet;

a means for identifying the sender of the data packet; and

a command means for specifying a predefined command code.

The '838 Patent is titled "System and Method for Monitoring and Controlling Residential Devices," and its Abstract states:

The present invention is generally directed to a system and method for monitoring and controlling a host of residential automation systems. The system is implemented by using a plurality of wireless communication devices configured

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