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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION**

The CALIFORNIA INSTITUTE OF  
TECHNOLOGY,

Plaintiff,

v.

HUGHES COMMUNICATIONS  
INC., HUGHES NETWORK  
SYSTEMS LLC, DISH NETWORK  
CORPORATION, DISH NETWORK  
L.L.C., and DISHNET SATELLITE  
BROADBAND L.L.C.,

Defendants.

Case No. 2:13-cv-07245-MRP-JEM

**CLAIM CONSTRUCTION  
ORDER**

**I. Introduction**

Plaintiff California Institute of Technology (“Caltech”) has asserted U.S. Patent No. 7,116,710 (“the ’710 patent”), U.S. Patent No. 7,421,032 (“the ’032 patent”), U.S. Patent No. 7,916,781 (“the ’781 patent”), and U.S. Patent No. 8,284,833 (“the ’833 patent,”) against Defendants Hughes Communications, Inc., Hughes Network Systems, LLC, DISH Network Corporation, DISH Network L.L.C., and dishNET Satellite Broadband L.L.C. (collectively, “Hughes”). Hughes has asserted several

1 defenses, including the invalidity and non-infringement of the aforementioned  
2 patents. In this Order, the Court construes certain claim terms in dispute.

## 3 II. Technical Background

4 The asserted claims in the patents are method and apparatus claims relating to  
5 error correction.<sup>1</sup> In modern electronic systems, data are stored in the form of bits  
6 having the value “1” or “0.” In the process of transmitting data, a random or  
7 irregular fluctuation (noise) can occur in the signal and corrupt the data. For  
8 example, a transmitter may send a bit with the value “1,” but noise may corrupt it  
9 and cause the receiver to read the value as “0.” People using technology have a  
10 low tolerance for these kinds of errors. For example, we assume that when we e-  
11 mail a file, the recipient will receive it uncorrupted.

12 To mitigate the problem of corruption, electronic systems use error correction.  
13 In general terms, error correction depends on redundancy. Redundancy refers to  
14 “extra” bits that are transmitted along with the original information bits. These  
15 extra bits are not necessary, in that the original information exists without them,  
16 but they serve an important purpose. The extra bits allow the receiver to ensure  
17 that the original information bits were not corrupted in transmission. The form of  
18 error correction in Caltech’s patents is an irregular repeat and accumulate (IRA)  
19 code. An IRA code can operate as follows: The code can introduce redundancy by  
20 repeating different original bits a different number of times. These information  
21 bits may then be randomly permuted and combined to form intermediate bits,  
22 which are accumulated to form parity bits. These parity bits reflect the values of a  
23 number of original information bits. These parity bits are transmitted along with  
24 the original information bits. The receiver can ensure that bits were not corrupted  
25 by summing the original information bits and parity bits. Assuming the sum of the  
26 bits is supposed to be odd, but the result is instead even, the receiver knows that an

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27  
28 <sup>1</sup> All four patents share a common specification and claim priority to the same patent application  
U.S. Serial Application No. 09/861,102.

1 error occurred and can perhaps correct the error by using other information it has  
2 received. IRA codes may utilize randomness to ensure a burst of noise does not  
3 affect a contiguous group of bits contributing to a parity bit. This is important,  
4 because the receiver uses these bits' values to ensure the accuracy of other bits. If  
5 too many errors occur in the group of bits, the receiver may be unable to perform  
6 this task.

7 The benefit of an IRA code is that not all bits are repeated the same number of  
8 times. The greater repetition of some bits provides more redundancy for error  
9 correction. Although greater repetition of every bit would allow for better error  
10 correction, it would also force the transmitter to send more bits, thereby increasing  
11 data transfer time.<sup>2</sup> Greater redundancy may also result in increased coding  
12 complexity due to the creation of more parity bits. Coding complexity refers to the  
13 number of calculations performed in an error correction scheme: the more  
14 calculations, the greater the coding complexity. Complex schemes need more  
15 processing power. Therefore, a less complex coding scheme is more efficient and  
16 preferable. IRA codes attempt to balance two goals: data accuracy and efficiency.

### 17 III. Legal Standards

#### 18 A. Claim Construction

19 "It is a bedrock principle of patent law that the claims of a patent define the  
20 invention to which the patentee is entitled the right to exclude." *Innova/Pure*  
21 *Water, Inc. v. Safari Water Filtration Sys.*, 381 F.3d 1111, 1115 (Fed. Cir. 2004).  
22 The purpose of claim construction is to determine the meaning and scope of the  
23 patent claims alleged to be infringed. *O2 Micro Int'l Ltd. v. Beyond Innovation*  
24 *Tech. Co., Ltd.*, 521 F.3d 1351, 1360 (Fed. Cir. 2008). Claim construction is a  
25 question of law. *See Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 372  
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27 \_\_\_\_\_  
28 <sup>2</sup> Extra bits are reflected in the coding rate. Coding rate is calculated through the following  
equation: coding rate = (original information bits) / (original information bits + extra bits). The  
closer the coding rate is to 1, the more efficient it is.

1 (1996); see generally *Lighting Ballast Control LLC v. Philips Elecs. N. Am. Corp.*,  
2 744 F.3d 1272 (Fed. Cir. 2014).

3 “The words of a claim are generally given their ordinary and customary  
4 meaning as understood by a person of ordinary skill in the art when read in the  
5 context of the specification and prosecution history.”<sup>3</sup> *Thorner v. Sony Computer*  
6 *Entm’t LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012) (citing *Phillips v. AWH Corp.*,  
7 415 F.3d 1303, 1313 (Fed. Cir. 2005) (en banc)).

8 “[T]he claims themselves provide substantial guidance as to the meaning of  
9 particular claim terms.” *Phillips*, 415 F.3d at 1314. Claims “must be construed in  
10 light of the appropriate context in which the claim term is used.” *Aventis Pharm.*  
11 *Inc. v. Amino Chems. Ltd.*, 715 F.3d 1363, 1373 (Fed. Cir. 2013). “[T]he usage of  
12 a term in one claim can often illuminate the meaning of the same term in other  
13 claims.” *Phillips*, 415 F.3d at 1314. Similarly, “the presence of a dependent claim  
14 that adds a particular limitation gives rise to a presumption that the limitation in  
15 question is not present in the independent claim” under the doctrine of claim  
16 differentiation. *Id.* at 1315.

17 The specification is “highly relevant” in claim construction and is the “single  
18 best guide” for construing ambiguous claim terms. *Phillips*, 415 F.3d at 1315. But  
19 the Court must be wary of “improperly importing a limitation from the  
20 specification into the claims.” *Retractable Techs., Inc. v. Becton*, 653 F.3d 1296,  
21 1305 (Fed. Cir. 2011). A patent’s prosecution history is also relevant in claim  
22 construction, but it “often lacks the clarity of the specification and thus is less  
23 useful for claim construction purposes.” *Phillips*, 415 F.3d at 1317.

24 The Court may consider extrinsic evidence in claim construction. *Id.* at 1317.  
25 Dictionaries, especially technical dictionaries, may aid the Court “in determining  
26 the meaning of particular terminology to those of skill in the art.” *Id.* at 1318.

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28 <sup>3</sup> The Court uses “plain meaning” as shorthand for “ordinary and customary meaning as  
understood by a person of ordinary skill in the art when read in the context of the specification  
and prosecution history.”

1 While extrinsic evidence can shed light on claim meaning, it is “less significant  
2 than the intrinsic record in determining the legally operative meaning of claim  
3 language.” *Id.* (internal quotation marks omitted). “Extrinsic evidence . . . may be  
4 useful in claim construction, but it should be considered in the context of the  
5 intrinsic evidence.” *Biagro W. Sales, Inc. v. Grow More, Inc.*, 423 F.3d 1296,  
6 1302 (Fed. Cir. 2005).

7 The Court will not give a term its plain meaning under two circumstances.  
8 First, a patentee can depart from the plain and ordinary meaning by acting as its  
9 own lexicographer. To be its own lexicographer, the patentee “must clearly set  
10 forth a definition of the disputed claim term other than its plain and ordinary  
11 meaning.” *Thorner*, 669 F.3d at 1365 (internal quotation marks omitted). “It is  
12 not enough for a patentee to simply disclose a single embodiment or use a word in  
13 the same manner in all embodiments, the patentee must clearly express an intent to  
14 redefine the term.” *Id.* (internal quotation marks omitted). An “‘implied’  
15 redefinition must be so clear that it equates to an explicit one.” *Id.* at 1368.  
16 Second, a patentee can depart from the plain and ordinary meaning by clearly  
17 “disavow[ing] the full scope of a claim term either in the specification or during  
18 prosecution.” *Id.* at 1365. “The patentee may demonstrate intent to deviate from  
19 the ordinary and accustomed meaning of a claim term by including in the  
20 specification expressions of manifest exclusion or restriction, representing a clear  
21 disavowal of claim scope.” *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313,  
22 1325 (Fed. Cir. 2002).

### 23 **B. Section 112(b) (Indefiniteness)**

24 The Patent Act provides that “[t]he specification shall conclude with one or  
25 more claims particularly pointing out and distinctly claiming the subject matter  
26 which the inventor or a joint inventor regards as the invention.” 35 U.S.C.  
27 § 112(b). Recently, in *Nautilus Inc. v. Biosig Instruments, Inc.*, 134 S. Ct. 2120  
28 (2014), the Supreme Court interpreted Section 112(b) “to require that a patent’s

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