

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

FUNDAMENTAL INNOVATION §
SYSTEMS INTERNATIONAL LLC, §
v. § Case No. 2:17-cv-145-JRG-RSP
SAMSUNG ELECTRONICS CO., LTD., §
et al. §

CLAIM CONSTRUCTION
MEMORANDUM AND ORDER

On January 23, 2018, the Court held a hearing to determine the proper construction of disputed claim terms in United States Patents No. 6,936,936, 7,239,111, 7,701,173, 7,791,319, 7,834,586, 7,893,655, 7,999,514, 8,232,766, 8,541,983, and 8,624,550. Having reviewed the arguments made by the parties at the hearing and in their claim construction briefing (Dkt. Nos. 102, 106 & 114),¹ having considered the intrinsic evidence, and having made subsidiary factual findings about the extrinsic evidence, the Court hereby issues this Claim Construction Memorandum and Order. *See Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005); *Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 135 S. Ct. 831, 841 (2015).

Also before the Court is Plaintiff's Motion to Exclude Defendants' Claim Construction Experts (Dkt. No. 83). As set forth herein, Plaintiff's motion is **DENIED**. Additionally, Plaintiff's Motion to Expedite the Motion to Exclude Defendants' Claim Construction Experts (Dkt. No. 85) is **DENIED AS MOOT**.

¹ Citations to documents (such as the parties' briefs and exhibits) in this Claim Construction Memorandum and Order refer to the page numbers of the original documents rather than the page numbers assigned by the Court's electronic docket unless otherwise indicated.

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I. BACKGROUND

Plaintiff Fundamental Innovation Systems International LLC (“Plaintiff” or “Fundamental” or “FISI”) has alleged infringement of United States Patents No. 6,936,936 (“the ’936 Patent”), 7,239,111 (“the ’111 Patent”), 7,701,173 (“the ’173 Patent”), 7,791,319 (“the ’319 Patent”), 7,834,586 (“the ’586 Patent”), 7,893,655 (“the ’655 Patent”), 7,999,514 (“the ’514 Patent”), 8,232,766 (“the ’766 Patent”), 8,541,983 (“the ’983 Patent”), 8,624,550 (“the ’550 Patent”) (collectively, the “patents-in-suit”) by Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. Plaintiff submits that the patents-in-suit relate to “battery charging and power management.” Dkt. No. 102 at 1.

The ’936 Patent, titled “Multifunctional Charger System and Method,” issued on August 30, 2005, and bears an earliest priority date of March 1, 2001. The ’111 Patent, ’586 Patent, ’766 Patent, and ’550 Patent are continuations of the ’936 Patent. The Abstract of the ’936 Patent states:

An adapter for providing a source of power to a mobile device through an industry standard port is provided. In accordance with one aspect of the invention, the adapter comprises a plug unit, a power converter, a primary connector, and an identification subsystem. The plug unit is operative to coupled [sic] the adapter to a power socket and operative to receive energy from the power socket. The power converter is electrically coupled to the plug unit and is operable to regulate the received energy from the power socket and to output a power requirement to the mobile device. The primary connector is electrically coupled to the power converter and is operative to couple to the mobile device and to deliver the outputted power requirement to the mobile device. The identification subsystem is electrically coupled to the primary connector and is operative to provide an identification signal.

The ’319 Patent, titled “Circuit and Method of Operation for an Electrical Power Supply,” issued on September 7, 2010, and bears a filing date of February 21, 2003. The ’514 Patent and the ’983 Patent are continuations of the ’319 Patent. The Abstract of the ’319 Patent states:

A battery charging circuit comprising: a semiconductor switch having an output connected to a rechargeable battery; a battery charge controller for receiving power from an external source, and supplying output power to a portable device and the input of the semiconductor switch, the current output of the battery charge controller being controllable; and a voltage sensing circuit for: measuring the voltage drop across the battery charge controller; and responding to the voltage drop across the battery charge controller by modulating the semiconductor switch to reduce the quantity of current supplied to the rechargeable battery when the voltage drop is too great; whereby the total power dissipated by the battery charge controller is controlled, the portable device receiving the power it needs to operate and the rechargeable battery receiving any additional available power.

The '173 Patent, titled "Charging and Power Supply for Mobile Devices," issued on April 20, 2010, and bears a filing date of December 13, 2005. The '655 Patent is a continuation of the '173 Patent. The Abstract of the '173 Patent states:

Charging and power supply for mobile devices is disclosed. A USB-compliant charging and power supply circuit includes switch-mode battery charging circuitry for receiving power from an external power source and for supplying output power through an output node to an electronic system of an electronic communication device and a battery. Battery isolation circuitry includes a semiconductor switch connecting the output node to the battery. The battery isolation circuitry senses voltage at the output node and variably restricts current to the battery when the voltage is below a minimum voltage value by operationally controlling the semiconductor switch as current passes through it. During variable current restriction the electronic system is supplied required power with said battery being supplied any additional available power.

Plaintiff, in its briefing, has organized these patents-in-suit into "the '936 Patent Family," "the '319 Patent Family," and "the '173 Patent Family." Defendants have referred to the '936 Patent Family as the "Fischer Patents." Defendants have referred to the '319 Patent Family as the "Veselic 2003" patents and have referred to the '173 Patent Family as the "Veselic 2005" patents. Collectively, Defendants have referred to the Veselic 2003 patents and the Veselic 2005 patents as the "Veselic Patents."

Shortly before the start of the January 23, 2018 hearing, the Court provided the parties with preliminary constructions with the aim of focusing the parties' arguments and facilitating

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