

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

FUNDAMENTAL INNOVATION	§	
SYSTEMS INTERNATIONAL LLC,	§	
	§	
v.	§	CASE NO. 2:16-cv-1425-JRG-RSP
	§	
LG ELECTRONICS INC., et al.	§	
	§	

CLAIM CONSTRUCTION
MEMORANDUM OPINION AND ORDER

On March 26, 2018, the Court held a hearing to determine the proper construction of disputed claim terms in United States Patents No. 7,239,111, 7,791,319, 7,834,586, 7,893,655, 7,999,514, 8,232,766, and 8,624,550. Having reviewed the arguments made by the parties at the hearing and in their claim construction briefing (Dkt. Nos. 123, 127 & 130),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); *see also Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 135 S. Ct. 831, 841 (2015).

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.

I. “identification signal”

Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
FISI adopts the Court’s construction from the <i>Samsung</i> litigation. 2:17-cv-00145 (D.I. 140). “signal that identifies a power source type” ²¹	“signal that informs the mobile device that the USB adapter is not limited by the power limits imposed by the USB specification”

Dkt. No. 103, Ex. B1 at 3; Dkt. No. 123 at 13; Dkt. No. 135, Ex. A1 at 5. The parties submit that this term appears in Claims 1, 6, 17, and 18 of the ’111 Patent, Claims 8–13 of the ’586 Patent, and Claims 17 and 19 of the ’766 Patent. Dkt. No. 103, Ex. B1 at 3; *see* Dkt. No. 135, Ex. A1 at 5; *see also id.*, Ex. A1 at 85; Dkt. No. 127 at 13 (“’111, ’586: all claims; ’766: 17 and 19”).

In *Samsung*, the Court construed this term to mean “signal that identifies a power source type.” *Samsung* at 41.

Shortly before the start of the March 26, 2018 hearing, the Court provided the parties with the following preliminary construction: “signal that identifies a power source type.”

(1) The Parties’ Positions

Plaintiff argues that “Defendants’ construction focuses on a single intended use of the identification signal and renders other claim limitations redundant.” Dkt. No. 123 at 13.

Plaintiff also argues claim differentiation as to Claims 51, 55, and 70 of the parent ’936 Patent.²² *Id.* at 13–14.

²¹ Plaintiff previously proposed: “an electrical signal that provides information regarding an adapter power type or a power source type.” Dkt. No. 103, Ex. A1 at 85.

²² The ’111 Patent is a continuation of United States Patent No. 6,936,936 (“the ’936 Patent”).

Defendants respond that their proposed construction is “[t]he sole ‘identification’ contemplated in the specification for this signal” and is “the essence of the invention.” Dkt. No. 127 at 14.

Plaintiff replies that Defendants’ proposal improperly limits the term to a single function because “[t]he Fischer patents expressly contemplate that the identification signal may perform other functions, such as differentiating between types of power sources.” Dkt. No. 130 at 5–6. Further, Plaintiff urges that “Defendants’ argument that FISI’s construction would ‘capture USB enumeration’ (DBr. [(Dkt. No. 127) at] 14) fails because enumeration is a process that entails more than merely identifying a power source type.” Dkt. No. 130 at 6.

At the March 26, 2018 hearing, the parties presented oral arguments as to this term. In particular, Defendants urged that the “identification signal” must convey how much current is safe to draw. Defendants concluded that it is not enough to convey merely some information about a power source, such as whether it uses alternating current (AC) or direct current (DC).

(2) Analysis

Samsung addressed substantially the same arguments that Defendants have presented here. *See Samsung* at 39–41. The Court reaches the same conclusion here as in *Samsung* for the same reasons set forth in *Samsung*. *See id.* The absence of an assertion of the ’936 Patent in the present case, noted here by Defendants, does not significantly affect the applicability of the *Samsung* analysis in the present case.

The Court therefore hereby construes **“identification signal”** to mean **“signal that identifies a power source type.”**

J. “a mobile device”

Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
Not limiting ²³	The preambles are limiting.

Dkt. No. 103, Ex. B1 at 15; Dkt. No. 123 at 14; Dkt. No. 135, Ex. A1 at 7. Plaintiff submits that this term appears in Claims 1, 9, and 24 of the ’766 Patent and dependent claims. Dkt. No. 103, Ex. A1 at 82.

In *Samsung*, the Court found as to Claims 1, 9, and 24 of the ’766 Patent that the preamble term “a mobile device” is not limiting. *Samsung* at 42 & 44.

Shortly before the start of the March 26, 2018 hearing, the Court provided the parties with the following preliminary construction: “The preambles of Claims 1, 9, and 24 of the ’766 Patent are not limiting.”

(1) The Parties’ Positions

Plaintiff submits that the term “mobile device” provides no antecedent basis, was not relied upon during prosecution, and “does not affect the claim structure because the claim body provides a complete invention composed of at least a USB communication and a charging subsystem of prescribed features.” Dkt. No. 123 at 14.

Defendants’ response brief does not appear to address these terms. *See* Dkt. No. 127.

At the March 26, 2018 hearing, the parties did not present any oral argument as to this term.

²³ Plaintiff previously proposed: “Not a limit, but if deemed a limit, no additional construction at this time (*i.e.*, plain and ordinary meaning in light of the intrinsic evidence).” Dkt. No. 103, Ex. A1 at 82–83.

(2) Analysis

Particularly in light of the apparent absence of any argument by Defendants as to this term, the Court reaches the same conclusion here as in *Samsung* for the same reasons set forth in *Samsung*. See *Samsung* at 41–44; see also *Symantec Corp. v. Computer Assocs. Int’l, Inc.*, 522 F.3d 1279, 1288–89 (Fed. Cir. 2008) (discussing legal principles regarding preambles).

The Court therefore hereby finds that “**a mobile device**” in the preambles of Claims 1, 9, and 24 of the ’766 Patent is **not limiting**.

K. “microprocessor”

Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
No construction necessary. If construed, “IC with capability to interpret and execute coded instructions.”	“a CPU on a single chip”

Dkt. No. 103, Ex. A1 at 90; *id.*, Ex. B1 at 5; Dkt. No. 123 at 14; Dkt. No. 135, Ex. A1 at 5. The parties submit that this term appears in Claim 11 of the ’586 Patent. Dkt. No. 103, Ex. A1 at 90; *id.*, Ex. B1 at 5; Dkt. No. 127 at 13; Dkt. No. 135, Ex. A1 at 5.

In *Samsung*, the Court construed this term to mean “a CPU on a single chip.” *Samsung* at 47.

Shortly before the start of the March 26, 2018 hearing, the Court provided the parties with the following preliminary construction: “a CPU on a single chip.”

(1) The Parties’ Positions

Plaintiff argues that “Defendants seek to improperly limit the claims to preferred embodiments and fail to acknowledge that a microprocessor may be located on ICs that would not be considered a CPU but that can interpret and execute programmed/coded instructions.”

Dkt. No. 123 at 14.

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