

**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.

G. “identification signal”

Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
“electrical signal that provides information regarding an adapter power type or a power source type”	“signal that informs the mobile device that the USB adapter is not limited by the power limits imposed by the USB specification”

Dkt. No. 102 at 14; Dkt. No. 106 at 15; Dkt. No. 121 at A1-6. The parties submit that this term appears in all claims of the ’936 Patent, all claims of the ’111 Patent, Claims 8–13 of the ’586 Patent, and Claims 17 and 19 of the ’766 Patent. *Id.*

Shortly before the start of the January 23, 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’ proposed construction “incorrectly focuses on a single intended use of the identification signal and renders other claim limitations redundant.” Dkt. No. 102 at 14.

Defendants respond: “FISI’s overly broad construction must be rejected because it would capture USB enumeration, which contradicts the essence of the ‘identification signal’: to enable power supply *without* USB enumeration. ’550, 2:1–15, 9:65–10:3; Ex 12 ¶ 136.” Dkt. No. 106 at 16.

At the January 23, 2018 hearing, the parties presented oral argument regarding this disputed term.

(2) Analysis

Claim 1 of the ’936 Patent, for example, recites (emphasis added): “wherein the *identification signal* comprises a voltage level that is applied to at least one of the data lines in

the primary USB connector, and the *identification signal* comprises a logic high signal on the D+ data line and a logic high signal on the D- data line.”

As another example, Claims 51, 55, and 70 of the '936 Patent recite (emphasis added): “providing an identification signal to the mobile device, via the identification subsystem and the USB connector, that is operative to *inform the mobile device that the USB adapter is not limited by the power limits imposed by the USB specification.*”

Admittedly, redundancy in a construction is not prohibited. *See 01 Communique Lab., Inc. v. LogMeIn, Inc.*, 687 F.3d 1292, 1296 (Fed. Cir. 2012) (“we have not discovered[] any authority for the proposition that construction of a particular claim term may not incorporate claim language circumscribing the meaning of the term”).

Nonetheless, because the claims already recite detail regarding the nature of the “identification signal,” and because Defendants’ proposed construction would render above-quoted language in Claims 51, 55, and 70 of the '936 Patent superfluous, Defendants’ proposed construction is disfavored.

Defendants have cited a construction of “identification signal” in *Suffolk Technologies LLC v. AOL Inc.*, wherein the court stated that “it is clear from the specification that the ‘identification signal’ conveys specific information.” 942 F. Supp. 2d 600, 609 (E.D. Va. 2013). *Suffolk* involved a patent that is not related to the patents here in suit, and the construction of the term “identification signal” in that unrelated patent is not persuasive here. *See e. Digital Corp. v. Futurewei Techs., Inc.*, 772 F.3d 723, 727 (Fed. Cir. 2014) (“a claim of an unrelated patent ‘sheds no light on’ the claims of the patent in suit) (citations omitted).

Further, Plaintiff has cited disclosure in the written description that is consistent with Plaintiff’s proposed interpretation. In particular, although the written description discloses, for

example, that “[t]he identification subsystem 108 provides an identification signal to the mobile device 10 that the power source is not a USB limited source,” the written description also discloses an embodiment in which signals from identification subsystem 108 “identify the attached device as a USB adapter.” ’936 Patent at 8:13–15 & 9:21–29; *see id.* at 3:5–9 & 9:50–55. The usage of “identification signal” thus appears to contemplate, not surprisingly, identification.

Finally, Defendants argue that Plaintiff’s proposal improperly encompasses the “enumeration” process that the written description refers to foregoing. *See, e.g.*, ’936 Patent at 1:55–63, 9:2–4 & 9:50–55. Defendants have not demonstrated, however, that Plaintiff’s proposed construction is coextensive with “enumeration.” Instead, the written description explains that enumeration is a process specified in the USB specification. *Id.* at 8:3–6.

For all of these reasons, the Court rejects Defendants’ proposal of explicitly “inform[ing] the mobile device that the USB adapter is not limited by the power limits imposed by the USB specification.”

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

H. “A mobile device”

Plaintiff’s Proposed Construction	Defendants’ Proposed Construction
Not a limit for ’766 claims 1, 9, 24 and dependent claims.	“mobile device” is limiting as part of preamble. No additional construction necessary.

See Dkt. No. 102 at 15; Dkt. No. 121 at A1-6. The parties submit that this term appears in all claims of the ’111 Patent, the ’936 Patent, the ’586 Patent, and the ’766 Patent. *Id.*

Shortly before the start of the January 23, 2018 hearing, the Court provided the parties with the following preliminary construction: “A mobile device” (’936 Patent, Claims 1, 13, 25, 37, 51, 55, 59, 63, 65, 70, 74, 78, 84, 95, 99, 101, 103): Not limiting; “A mobile device” (’111 Patent, Claims 1, 17, 18): Not limiting; “A mobile device” (’586 Patent, Claims 1, 11): Limiting; “A mobile device” (’766 Patent, Claims 1, 9, 24): Not limiting; “a mobile device” (’766 Patent, Claim 17): Limiting.

(1) The Parties’ Positions

Plaintiff argues that this preamble term is not limiting because “the inventors did not rely on ‘mobile device’ during prosecution and the term provides no antecedent basis for any term in the claim body.” Dkt. No. 102 at 15.

Defendants respond that “mobile device” is limiting because it recites essential structure. Dkt. No. 106 at 13.

(2) Analysis

Claim 1 of the ’766 Patent, for example, recites (emphasis added):

1. *A mobile device*, comprising:
 - a USB communication path; and
 - a charging subsystem enabled to draw current unrestricted by at least one predetermined USB Specification limit, said enablement being responsive to an abnormal USB data condition detected at said USB communication path.

The term “mobile device” does not appear in the body of the claim, so the preamble does not provide any antecedent basis. Instead, the preamble “merely gives a name” to the claimed structure. *See Deere*, 703 F.3d at 1358; *see also IMS Tech.*, 206 F.3d at 1434. Claims 9 and 24 of the ’766 Patent are similar in this regard.

Claim 1 of the ’111 Patent, as another example, recites (emphasis added):

1. A Universal Serial Bus (“USB”) adapter for providing power to a *mobile device* through a USB port, comprising:

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