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

OPTIS WIRELESS TECH., LLC, ET AL., Plaintiffs, v. HUAWEI DEVICE CO. LTD., ET AL., Defendants.	CIVIL ACTION NO. 2:17-cv-123-JRG-RSP

CLAIM CONSTRUCTION
MEMORANDUM OPINION AND ORDER

On December 1, 2017, the Court held an oral hearing to determine the proper construction

of the disputed claim terms in the following U.S. Patents Nos. 6,604,216 (the "'216

Patent"), 7,769,238 (the "'238 Patent"), 7,940,851 (the "'851 Patent"), 8,358,284 (the "'284

Patent"), and 8,437,293 (the "'293 Patent"). The Court has considered the parties' claim

construction briefing (Dkt. Nos. 94, 101, and 102) and arguments. Based on the intrinsic and

extrinsic evidence, the Court construes the disputed terms in this Memorandum and Order. *See*

Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005); *Teva Pharm. USA, Inc. v. Sandoz, Inc.*,

135 S. Ct. 831 (2015).

BACKGROUND

Plaintiffs Optis Wireless Technology, LLC, Optis Cellular Technology, LLC and PanOptis

Patent Management, LLC (collectively "PanOptis") has asserted seven patents against Defendants

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Huawei Device USA Inc. and Huawei Device Co., Ltd. (collectively "Huawei"). Five of the seven

asserted patents have terms in dispute: the '216 Patent, the '238 Patent, the '851 Patent, the '284

Patent and the '293 Patent.

The '238 Patent relates generally to encoding and decoding video. The Abstract of the '238

Patent recites:

> The method includes the following units: a coefficient number detecting unit (109) for detecting the number of coefficients which has a value other than 0 for each block according to the generated coefficient, a coefficient number storing unit (110) for storing the number of coefficients detected, a coefficient number coding unit (111) for selecting a table for variable length coding based on the numbers of coefficients in the coded blocks located on the periphery of a current block to be coded with reference to the selected table for variable length coding so as to perform variable length coding for the number of coefficients.

'238 Patent Abstract. More particularly, the '238 Patent describes prior art techniques of dividing

a picture into blocks. Data compression techniques are then applied to the blocks. *Id*. at 1:18-27.

This may result in a representation of the data as a matrix of coefficients, having zero and non-

zero coefficients. *Id*. at 28-38. A variable length coding (VLC) table is used to encode the

information by providing the number of non-zero coefficients in a block with a code number. The

'238 Patent describes the use of multiple VLC tables. *Id*. at 10:5-11:10. Based upon a prediction

of a block, a different VLC table is chosen for use for a particular block. *Id*.

The '216 Patent relates generally to techniques for redundancy error correction in

telecommunication transmissions. '216 Patent 1:15-21. The Abstract of the '216 Patent recites:

> A wireless communications system, transmitter, receiver and method are provided that are capable of supporting incremental redundancy error handling schemes using available gross rate channels. More specifically, the transmitter includes a coding circuit for coding a digital data block and generating a mother code word, and a reordering circuit for reordering the mother code word and generating a reordered mother code word. The transmitter also includes a modulating circuit for modulating at least one subsequence each of which has a desired number of bits taken from the reordered mother code word to fill the available bandwidth of at least one available gross rate channel. The transmitter continues to forward the

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modulated subsequences to the receiver until the receiver successfully decodes the digital data block.

Id. at Abstract. More particularly, the '216 Patent describes that a digital data block is coded to generate a mother code word which is then reordered. *Id*. at 4:32-36. A subsequence of the reordered mother code word may then be transmitted. The number of bits of the subsequence is chosen so as to fit the available bandwidth of a gross rate channel over which the data is transmitted. *Id*. at 36-46.

The '851 Patent relates generally to sending channel quality information (CQI) reports between a wireless receiving unit and a transmitting unit. '851 Patent 1:5-56. The Abstract of the '851 Patent recites:

> A radio communication apparatus and an associated method are provided. The apparatus includes a receiving unit configured to receive first data and second data, which are transmitted from a plurality of antennas for spatial-multiplexing using a plurality of blocks, into which a plurality of consecutive subcarriers in a frequency domain are divided. The apparatus further includes a calculating unit configured to calculate a first absolute CQI value per each of the blocks for the first data and a second absolute CQI value per each of the blocks for the second data, and calculate a relative value of the second absolute CQI value with respect to the first absolute CQI value, per each of the blocks. The apparatus still further includes a transmitting unit configured to transmit the first absolute CQI value and the relative value of the second absolute CQI value in the same block.

Id. at Abstract. More particularly, the '851 Patent describes that increasing the amount of CQI provided between a receiver and transmitter can undesirably consume system resources. *Id* at 1:45-56. The '851 Patent describes data being sent in blocks or "chunks." *Id*. at 6:1-9, Figure 4. The CQI sent for streams of data may be reduced by sending an absolute CQI value for one stream (the "reference" stream) and only sending relative CQI values for the other streams. *Id*. The relative CQI may be given as a value relative to the absolute value of the reference stream. *Id*. at 6:1-21. Because the amount of information in the relative CQI data may be less than the absolute CQI data, the amount of CQI data sent may be less.

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The '284 Patent relates generally to control information provided on a control channel between a mobile station and a base station. The Abstract of the '284 Patent recites:

> The invention relates to a method for providing control signalling associated to a protocol data unit conveying user data in a mobile communication system and to the control channel signal itself. Furthermore, the invention also provides a mobile station and a base station and their respective operation in view of the newly defined control channel signals defined herein. In order to reduce the control channel overhead, the invention suggests defining a common field for the transport format and redundancy version in the control channel information format. According to one approach, the common field is used to jointly encode transport format and redundancy version therein. According to another aspect, one shared field is provided on the control channel signal that indicates either a transport format or a redundancy version depending of whether the control channel signal relates to an initial transmission or a retransmission. In another embodiment, further enhancements to a HARQ protocol are suggested for addressing certain error cases.

'284 Patent Abstract. More particularly, the '284 Patent describes that in the prior art it was known that control signaling information sent between a base station and mobile station included the "transport format" and the "redundancy version." *Id*. at 3:21-4:21. The '284 Patent describes a method in which the control channel information is formatted in a manner such that the transport format and redundancy version information is provided in a single field in the control channel information. *Id*. at 6:65-7:14. Further, the control channel information field bits may provide joint encoding of the transport format and redundancy version. *Id*. at 7:15-22.

The '293 Patent relates generally to scheduling the transmission of information between a mobile terminal (UE) and a base station. The Abstract of the '293 Patent recites:

> Aspects of the present invention relate to the scheduling of resources in a telecommunication system that includes a mobile terminal and base station. In one embodiment, the mobile terminal sends an initial scheduling request to a base station. Subsequently, the mobile terminal does not transmit a scheduling request to the base station unless and until a scheduling request triggering event is detected.

'293 Patent Abstract. More particularly, the '293 Patent describes that it is known in the prior art that when a transmit buffer of a mobile terminal has information to send, the mobile terminal may

send a scheduling request (SR) to the base station. The base station may then assign resources to the mobile terminal over which to transmit the data by sending a scheduling grant (SG) to the mobile terminal. After the grant of resources, the mobile terminal may also send a buffer status report that contains more information on the buffer status than included in the scheduling request. *Id*. at 1:48-2:61, Figures 2 and 3. The '293 Patent describes an addition to the process in which a scheduling request trigger event is used. After transmitting buffer status information to a base station, the mobile terminal may determine that a scheduling request triggering event has occurred. The scheduling request triggering event may be based on determining (1) if additional data has become available to send, (2) an amount of time has elapsed since the first scheduling request, or (3) the amount of data in the transmit buffer exceeds a threshold. If a scheduling request trigger event occurs, then the mobile terminal transmits a second scheduling request to the base station. *Id*. at 3:5-33.

LEGAL PRINCIPLES

"It is a 'bedrock principle' of patent law that 'the claims of a patent define the invention to which the patentee is entitled the right to exclude.'" *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Innova/Pure Water Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1115 (Fed. Cir. 2004)). To determine the meaning of the claims, courts start by considering the intrinsic evidence. *Id.* at 1313; *C.R. Bard, Inc. v. U.S. Surgical Corp.*, 388 F.3d 858, 861 (Fed. Cir. 2004); *Bell Atl. Network Servs., Inc. v. Covad Commc'ns Group, Inc.*, 262 F.3d 1258, 1267 (Fed. Cir. 2001). The intrinsic evidence includes the claims themselves, the specification, and the prosecution history. *Phillips*, 415 F.3d at 1314; *C.R. Bard, Inc.*, 388 F.3d at 861. The general rule—subject to certain specific exceptions discussed *infra*—is that each claim term is construed according to its ordinary and accustomed meaning as understood by one of

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