

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IRON OAK TECHNOLOGIES, LLC, v.	Civil Action No. 3:18-md-2835-M
FUJITSU AMERICA, INC.,	Civil Action No. 3:16-cv-3319-M
TOSHIBA AMERICA INFORMATION SYSTEMS INC. and TOSHIBA CORPORATION,	Civil Action No. 3:16-cv-3320-M
ASUSTEK COMPUTER INC.,	Civil Action No. 3:16-cv-3322-M
SHARP ELECTRONICS CORPORATION and SHARP CORPORATION,	Civil Action No. 3:17-cv-2699-M
MICROSOFT CORPORATION,	Civil Action No. 3:18-cv-0222-M
LENOVO (UNITED STATES) INC. and LENOVO HOLDING COMPANY, INC.,	Civil Action No. 3:18-cv-1539-M
DELL INC.,	Civil Action No. 3:18-cv-1542-M
ACER AMERICA CORPORATION and ACER INC.	Civil Action No. 3:18-cv-1543-M

**DEFENDANTS FUJITSU AMERICA INC., TOSHIBA AMERICA INFORMATION
SYSTEMS, INC., TOSHIBA CORPORATION, ASUSTEK COMPUTER, INC.,
MICROSOFT CORPORATION, LENOVO (UNITED STATES) INC., LENOVO
HOLDING COMPANY, INC., DELL, INC., SHARP ELECTRONICS CORPORATION,
SHARP CORPORATION, ACER AMERICA CORPORATION, AND ACER, INC.'S
OPENING CLAIM CONSTRUCTION BRIEF**

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I. INTRODUCTION

Defendants Fujitsu America Inc., Toshiba America Information Systems, Inc., Toshiba Corporation, ASUSTeK Computer, Inc., Microsoft Corporation, Lenovo (United States) Inc., Lenovo Holding Company, Inc., Dell, Inc., Sharp Electronics Corporation and Sharp Corporation, Acer America Corporation and Acer, Inc. (collectively “Group Defendants”) submit this Opening Claim Construction Brief. Defendants Samsung Electronics America, Inc. and Samsung Electronics Co. Ltd (“Samsung”) are incorporating by reference portions of this brief as noted in their separate Opening Brief.

II. OVERVIEW AND HISTORY OF THE PATENTS IN SUIT

The patents at issue, U.S. Patents 5,699,275 and 5,966,658, originate with Highway Master Communications, a long-defunct company that developed systems for communicating with and among networks of mobile communication devices that are geographically scattered, as would occur, for example, with a trucking company’s fleet of trucks. They date from an era predating modern cell phones, nationwide cell phone coverage, and the near ubiquity of wifi data connections for the modern spectrum of phones, tablets, and laptops. Both patents expired years ago and address perceived problems unique to that long-ago era. Not surprisingly, Iron Oak’s effort to map their claims to modern devices raises a number of construction issues.

A. Overview of the ’275 Patent

The ’275 patent posits a problem of keeping such scattered mobile units functioning cohesively when operating code for the devices might become outdated or otherwise needs patching. As a solution, the patent proposes unilaterally sending messages from a central controller (“manager host”) to specific mobile units, with each message containing a patch that is subsequently merged with the running operating code. The purported invention of the ’275 patent assumes a world where scattered mobile devices are unable to connect interactively and

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