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

UNILOC USA, INC., UNILOC LUXEMBOURG, S.A., and UNILOC 2017 LLC *Plaintiffs,* v. SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG ELECTRONICS CO. LTD., *Defendants.*	§	Case No. 2:18-cv-0042-JRG-RSP
UNILOC USA, INC., UNILOC LUXEMBOURG, S.A., and UNILOC 2017 LLC *Plaintiffs,* v. HUAWEI DEVICE USA, INC. and HUAWEI DEVICE CO., LTD., *Defendants.*	§	Case No. 2:18-cv-0075-JRG-RSP

CLAIM CONSTRUCTION
MEMORANDUM AND ORDER

On March 20, 2019, the Court held an oral hearing to determine the proper construction of the disputed claim terms in the U.S. Patent No. 6,868,079 (the "'079 Patent"). The Court has considered the parties' claim construction briefing (Dkt. Nos. 68, 74, and 76) and arguments. [1]

[1] Claim construction was consolidated for the two cases and as used herein docket numbers reference the filings in 2:18-cv-00042.

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

Uniloc USA, Inc., Uniloc Luxembourg S.A., and Uniloc 2017 LLC (collectively "Uniloc") have asserted the '079 Patent in two actions against (1) Samsung Electronics America, Inc. and Samsung Electronics Co. Ltd. (collectively "Samsung") and (2) Huawei Device USA, Inc. and Huawei Device Co., Ltd. (collectively "Huawei") (all defendants collectively "Defendants"). The claims at issue include independent claims 17 and 18.

The '079 Patent relates generally to a radio communication system that provides communications between a primary station (base station) and a secondary (mobile) station. The Abstract of the '106 Patent recites:

> A method of operating a radio communication system in which secondary stations use dedicated time slots to request services from a primary station. A secondary station wishing to request a service sends a request in every time slot allocated to it until it receives an acknowledgement from the primary station. The primary station can use combining techniques on multiple time slots to identify the presence or absence of a request from a secondary station with improved accuracy.

'079 Patent, at [57]. The '079 Patent relates to the process through which a secondary station sets up communication with a primary station. A prior art process is described in which a secondary (mobile) station requests service from the primary (base) station and then waits for an acknowledgement (ACK) from the primary station setting up the required service. '079 Patent 1:43–54. The '079 Patent describes a process in which a secondary station continues to make requests for service in successive allotted time slots without waiting for the ACK signal. Then, when an ACK signal is received (or a flag determines no further requests should be made), requests

are stopped. *Id*. at 3:55–4:7. This process is shown in Figure 3.

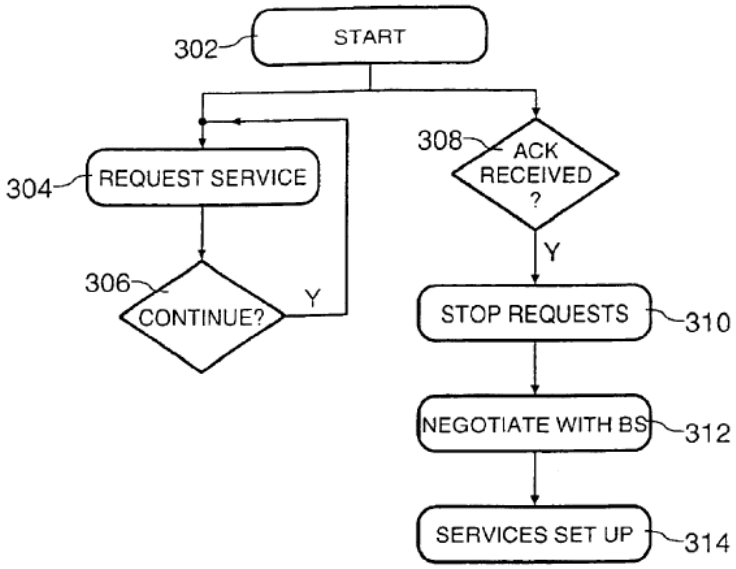

FIG. 3

'079 Patent Figure 3.

The terms at issue are found in independent claims 17 and 18. Claim 17 recites:

17. A method of operating a radio communication system, comprising:
allocating respective time slots in an uplink channel to a plurality of respective secondary stations;
and transmitting a respective request for services to establish required services from at least one of the plurality of respective secondary stations to a primary station in the respective time slots;
wherein the at least one of the plurality of respective secondary stations re-transmits the same respective request in consecutive allocated time slots without waiting for an acknowledgement until said acknowledgement is received from the primary station,
wherein the primary station determines whether a request for services has been transmitted by the at least one of the plurality of respective secondary stations by determining whether a signal strength of the respective transmitted request of the at least one of the plurality of respective secondary stations exceeds a threshold value.

Claim 18 recites:

18. A radio communication system, comprising:
a primary station and a plurality of respective secondary stations; the primary

station having means for allocating respective time slots in an uplink channel to the plurality of respective secondary stations to transmit respective requests for services to the primary station to establish required services;

wherein the respective secondary stations have means for re-transmitting the same respective requests in consecutive allocated time slots without waiting for an acknowledgement until said acknowledgement is received from the primary station,

wherein said primary station determines whether a request for services has been transmitted by at least one of the respective is secondary stations by determining whether a signal strength of the respective transmitted request of the at least one of the respective secondary stations exceeds a threshold value.

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 ordinary skill in the art at the time of the invention in the context of the patent. *Phillips*, 415 F.3d at 1312–13; *Alloc, Inc. v. Int'l Trade Comm'n*, 342 F.3d 1361, 1368 (Fed. Cir. 2003); *Azure Networks, LLC v. CSR PLC*, 771 F.3d 1336, 1347 (Fed. Cir. 2014) ("There is a heavy presumption that claim terms carry their accustomed meaning in the relevant community at the relevant time.") (vacated on other grounds).

"The claim construction inquiry . . . begins and ends in all cases with the actual words of the claim." *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1248 (Fed. Cir. 1998). "[I]n all aspects of claim construction, 'the name of the game is the claim.'" *Apple Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1298 (Fed. Cir. 2014) (quoting *In re Hiniker Co.*, 150 F.3d 1362, 1369 (Fed. Cir. 1998)). A term's context in the asserted claim can be instructive. *Phillips*, 415 F.3d at 1314. Other asserted or unasserted claims can also aid in determining the claim's meaning because claim terms are typically used consistently throughout the patent. *Id.* Differences among the claim terms can also assist in understanding a term's meaning. *Id.* For example, when a dependent claim adds a limitation to an independent claim, it is presumed that the independent claim does not include the limitation. *Id.* at 1314–15.

"[C]laims 'must be read in view of the specification, of which they are a part.'" *Id.* (quoting *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc)). "[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.'" *Id.* (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)); *Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1325 (Fed. Cir. 2002). But, "'[a]lthough the specification may aid the court in interpreting the meaning of disputed claim language, particular embodiments and examples appearing in the specification will not generally be read into the claims.'" *Comark Commc'ns, Inc. v. Harris Corp.*, 156 F.3d 1182, 1187 (Fed. Cir. 1998) (quoting *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1571 (Fed. Cir. 1988)); *see also Phillips*, 415 F.3d at 1323. "[I]t is improper to read limitations from a preferred embodiment described in the specification—even if it is the only embodiment—into the claims absent a clear indication in the intrinsic record that the

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