

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

UNILOC 2017 LLC,)
)
)
 Plaintiff,)
) C.A. No. 18-01841-RGA-SRF
 v.)
)
 MOTOROLA MOBILITY LLC,)
)
)
 Defendant.)

~~PROPOSED~~ CLAIM CONSTRUCTION ORDER

The Court having considered the submissions of the parties and hearing oral arguments on this matter, IT IS HEREBY ORDERED:

1. As used in all claims of U.S. Patent No. 6,836,654 (“the ’654 patent”), the term “linked user identification module” is construed to mean “an authorized user identification module that permits the normal operation of the device.”

2. As used in claims 1-9 of the ’654 patent, the parties agree that the term “blocking means for preventing a normal operation of the mobile radiotelephony device” is subject to 35 U.S.C. § 112 ¶ 6. The function is construed as “preventing a normal operation of the mobile radiotelephony device.” The structure is construed as “the hardware programmed to (i) disconnect from the network if an identification module that is not linked to the device is placed inside the device (col. 3:14-20); (ii) prevent all outgoing calls, except possibly emergency calls, if the device has remained in a state of availability longer than a predetermined threshold of time (col. 3:33-46); and (iii) prevent all calls if an incorrect deblocking code is entered above a threshold amount (col. 3:52-60).”¹

3. As used in claims 1-9 of the ’654 patent, the parties agree that the term “timing means for activating the blocking means in response to the mobile radiotelephony device being inactive during the normal operation of the mobile radiotelephony device for a defined period of time subsequent to a mounting of a linked user identification module inside the mobile radiotelephony device” is subject to 35 U.S.C. § 112 ¶ 6. The function is construed as “activating the blocking means in response to the mobile radiotelephony device being inactive during the normal operation of the mobile radiotelephony device for a predefined period of time

¹ Under 35 U.S.C. § 112(6), means-plus-function claims are “construed to cover the corresponding structure . . . described in the specification and equivalents thereof.” My constructions will not recite “and equivalents thereof” but the jury will be instructed to consider equivalents pursuant to § 112 ¶ 6.

subsequent to the mounting of a linked user identification module inside the mobile radiotelephony device.” The structure is construed as “the hardware programmed to determine whether the device has remained in the state of availability for a designated period of time, and if so, to block the device and require a deblocking code to restore normal functioning (col. 3:31-43).”

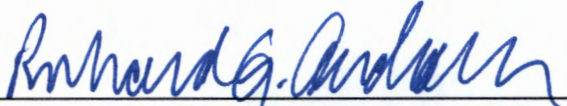
4. As used in claims 1-9 of the '654 patent, the parties agree that the term “deblocking means for permitting the normal operation of the mobile radiotelephony device in response to a supply of a deblocking code to the mobile radiotelephony device subsequent to the mounting of the linked user identification module inside the mobile radiotelephony device and subsequent to the defined period of time” is subject to 35 U.S.C. § 112 ¶ 6. The function is construed as “permitting the normal operation of the mobile radiotelephony device in response to a supply of a deblocking code to the mobile radiotelephony device subsequent to a mounting of a linked user identification module inside the mobile radiotelephony device and subsequent to the defined period of time.” The structure is construed as “the hardware programmed to invite the user to supply a deblocking code and allow the device to return to the state of availability if the code entered is recognized (col. 3:48-52).”

5. As used in claim 5 of the '654 patent, the parties agree that the term “connecting means for establishing a link between the mobile radiotelephony device and the linked user identification module” is subject to 35 U.S.C. § 112 ¶ 6. The function is construed as “establishing a link between the mobile radiotelephony device and the linked user identification module.” The structure is construed as “the hardware involved in the reading of data from the identification module, and storage of such data in the memory of the radiotelephony device.”

6. The term “inactivity of the mobile radiotelephony device during a normal

operation of the mobile radiotelephony device” as used in claims 10-14, 17 and 18 of the ’654 patent; “inactive during the normal operation of the mobile radiotelephony device” as used in claim 1 of the ’654 patent; “in response to the verification of the linked user identification module and in response to the detection of the period of inactivity of the mobile radiotelephony device” as used in claims 10-14, 17 and 18 of the ’654 patent; and “in response to the verification of the linked user identification module and in response to a supply of deblocking code to the mobile radiotelephony device subsequent to the detection of the period of inactivity of the mobile radiotelephony device” as used in claims 11 and 18 of the ’654 patent, are construed as having their ordinary meaning.

SO ORDERED, this 22 day of January, 2020


THE HONORABLE RICHARD G. ANDREWS
UNITED STATES DISTRICT COURT JUDGE