

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

TRAXCELL TECHNOLOGIES, LLC,

Plaintiff,

v.

AT&T, INC., ET AL.,

Defendants.

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Case No. 2:17-cv-00718-RWS-RSP

CLAIM CONSTRUCTION MEMORANDUM OPINION AND ORDER

Before the Court is the opening claim construction brief of Traxcell Technologies, LLC (“Plaintiff”) (Dkt. No. 155, filed on February 13, 2019),¹ the response of AT&T Corp., AT&T Mobility LLC, T-Mobile USA, Inc., Verizon Wireless Personal Communications LP, Sprint Communications Company, LP, Sprint Spectrum, LP, and Sprint Solutions, Inc. (collectively “Defendants”) (Dkt. No. 163, filed on March 12, 2019), and Plaintiff’s reply (Dkt. No. 164, filed on March 29, 2019). The Court held a hearing on the issue of claim construction on April 2, 2019. Having considered the arguments and evidence presented by the parties at the hearing and in their briefing, the Court issues this Order.

¹ Citations to the parties’ filings are to the filing’s number in the docket (Dkt. No.) and pin cites are to the page numbers assigned through ECF.

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I. BACKGROUND

Plaintiff alleges infringement of four U.S. Patents: No. 8,977,284 (the “’284 Patent”), No. 9,510,320 (the “’320 Patent”), No. 9,549,388 (the “’388 Patent”), and No. 9,642,024 (the “’024 Patent”) (collectively, the “Asserted Patents”). The ’284 and ’320 Patents are each entitled Machine for Providing a Dynamic Data Base of Geographic Location Information for a Plurality of Wireless Devices and Process for Making Same. The ’388 Patent is entitled Mobile Wireless Device Providing Off-Line and On-Line Geographic Navigation Information. The ’024 Patent is entitled Mobile Wireless Communications System and Method with Corrective Action Responsive to Communications Fault Detection. The patents are related. They share a common priority claim to an application filed Oct. 4, 2001. And they are related through a chain of continuation applications and thus share a substantially common specification (outside of the claim sets).

The Court previously construed terms of the ’284, ’320, and ’024 Patents in *Traxcell Techs., LLC v. Huawei Techs. USA, Inc.*, No. 2:17-cv-00042-RWS-RSP, 2019 U.S. Dist. LEXIS 2130 (E.D. Tex. Jan. 4, 2019) (“*Huawei*”). Several of the terms now before the Court were construed in *Huawei*.

In general, the Asserted Patents are directed to technology for locating a wireless communications device and then using that location for other applications, such as for improving communications with the wireless device.

The abstracts of the ’284 and ’320 Patents are identical and provide:

For a wireless network, a tuning system in which mobile phones using the network are routinely located. With the location of the mobile phones identified, load adjustments for the system are easily accomplished so that the wireless network is not subject to an overload situation. Ideally the location of the mobile phones is accomplished whether the mobile phones are transmitting voice data or not.

The abstract of the '388 Patent provides:

A mobile device, wireless network and their method of operation provide both on-line (connected) navigation operation, as well as off-line navigation from a local database within the mobile device. Routing according to the navigation system can be controlled by traffic congestion measurements made by the wireless network that allow the navigation system to select the optimum route based on expected trip duration.

The abstract of the '024 Patent provides:

A mobile device, wireless network and their method of operation provide fault handling in response to detection of a communications fault between a connected mobile device and the communications network. The communications network tracks location of mobile devices and stores performance data of connections between the mobile devices and the network. The performance data is referenced to expected performance data to determine whether a fault exists and a corrective action is suggested when the fault exists.

Claim 1 of the '284 Patent, an exemplary apparatus claim, recites:

1. A wireless network comprising:
 - a) at least two wireless devices, each said wireless device communicating via radio frequency signals;
 - b) a first computer programmed to perform the steps of:
 - 1) locating at least one said wireless device on said wireless network and referencing performance of said at least one wireless device with wireless network known parameters,
 - 2) routinely storing performance data and a corresponding location for said at least one wireless device in a memory;
 - c) a radio tower adapted to receive radio frequency signals from, and transmit radio frequency signals to said at least one wireless device; wherein said first computer further includes means for receiving said performance data and suggest corrective actions obtained from a list of possible causes for said radio tower based upon the performance data and the corresponding location associated with said at least one wireless device;
 - d) wherein said radio tower generates an error code based upon operation of said at least one wireless device; and
 - e) wherein said first computer is further programmed to,
 - 1) receive said error code from said radio tower, and,
 - 2) selectively suggest a corrective action of said radio frequency signals of said radio tower in order to restrict processing of radio frequency signals from at least one of said at least two wireless devices based upon said error code, and, whereby said first computer suggests said corrective action in order to improve communication with at least one said wireless device.

Claim 6 of the '024 Patent, an exemplary method claim, recites:

6. A method of managing a wireless radio-frequency (RF) network, the method comprising:

coupling in communication, one or more radio-frequency transceivers and an associated one or more antennas to which the radio-frequency transceiver is coupled to one or more mobile wireless communications devices;

locating the one or more mobile wireless communications devices according to the radio-frequency communications and generating an indication of a location of the one or more mobile wireless communications devices;

receiving and storing performance data of connections between the one or more mobile wireless communications devices and the radio-frequency transceiver along with the indication of location;

referencing the performance data to expected performance data;

determining at least one suggested corrective action in conformity with differences between the performance data and expected performance data in conjunction with the indication of location;

receiving an error code from the radio-frequency transceiver;

determining whether the error code indicates a performance issue with respect to the connection between the one or more mobile wireless communications devices and the radio-frequency transceiver; and

determining the at least one suggested corrective action in response to the error code.

II. LEGAL PRINCIPLES

A. Claim Construction

“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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