

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

**IN RE NEO WIRELESS, LLC
PATENT LITIGATION**

2:22-MD-03034-TGB

HON. TERRENCE G. BERG

**OPINION AND ORDER
CONSTRUING DISPUTED
CLAIM TERMS (ECF NOS. 127,
131, 133, 150, 151, 154, 155)**

**THIS MEMORANDUM
OPINION AND ORDER
RELATES TO ALL CASES**

MEMORANDUM OPINION AND ORDER

The individual cases involved in this MDL matter are for patent infringement brought by Plaintiff Neo Wireless, LLC (“Neo” or “Plaintiff”) against Defendants Ford Motor Company, American Honda Motor Co., Inc., Honda Development & Manufacturing of America, LLC, Volkswagen Group of America, Inc., Volkswagen Group Of America Chattanooga Operations, LLC, Nissan North America, Inc., Nissan Motor Acceptance Corporation a/k/a Nissan Motor Acceptance Company, LLC, Toyota Motor Corporation, Toyota Motor North America, Inc., Toyota Motor Sales, U.S.A., Inc., Toyota Motor Engineering & Manufacturing North America,

Inc., Toyota Motor Credit Corporation, General Motors Company, General Motors, LLC, Tesla, Inc., Mercedes-Benz USA, LLC, and FCA US, LLC (collectively “Defendants”). In all nine cases, Neo alleges Defendants infringe six asserted patents related to LTE functionality. “LTE”, which stands for “Long Term Evolution” refers to a technical standard for wireless data transmission.

On June 21, 2023, the Court held a hearing to determine the proper construction of the disputed claim terms in U.S. Pat. No. 8,467,366 (the “366 Patent”); U.S. Pat. No. 10,833,908 (the “908 Patent”); U.S. Pat. No. 10,447,450 (the “450 Patent”); U.S. Pat. No. 10,075,941 (the “941 Patent”; U.S. Pat. No. 10,771,302 (the “302 Patent”); and U.S. Pat. No. 10,965,512 (the “512 Patent”) (collectively “Asserted Patents”). The parties have submitted written briefs explaining their positions on how the disputed claim terms should be construed. ECF Nos. 127, 131, 133, 150, 151, 154, 155.¹

Having reviewed the arguments made by the parties at the hearing and in their claim construction briefing, having considered the intrinsic evidence, and having made subsidiary factual findings about the extrinsic

¹ Citations to the parties’ filings are to the filing’s number in the docket (ECF No.) and pin cites are to the PageID numbers assigned by the Court’s electronic filing system.

evidence, the Court construes the disputed claim terms identified by the parties, pursuant to the procedure set forth in *Markman v. Westview Instruments, Inc.*, 517 U.S. 370 (1996). *See also Phillips v. AWH Corp.*, 415 F.3d 1303, 1314 (Fed. Cir. 2005) (en banc); *see also Teva Pharm. USA, Inc. v. Sandoz, Inc.*, 574 U.S. 318, 331 (2015).

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