UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION

OZMO LICENSING LLC,	Civil Action No. 6:22-cv-00642-ADA
Plaintiff,	
v.	JURY TRIAL DEMANDED
DELL TECHNOLOGIES INC., and DELL INC.,	
Defendants.	

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Court's January 9, 2023 Scheduling order (Dkt. No. 24), the parties hereby submit this Joint Claim Construction Statement with respect to the patents-in-suit, U.S. Patent Nos. 8,599,814 ("the '814 patent"); 9,264,991 ("the '991 patent"); 10,873,906 ("the '906 patent"); 11,012,934 ("the '934 patent"); 11,122,504 ("the '504 patent"); and 11,252,659 ("the '659 patent") (collectively, "the patents-in-suit").

I.   Agreed-Upon Constructions

A.   "protocol" (all patents, all claims)

"set of rules"

B.   "partially consistent / partially compliant" ('814 patent, '934 patent, '504 patent, '659 patent, '906 patent, all claims; '991 patent, claims 1-7, 9, 11-14, 16, 17, 19, 20)

"conforms to a part, but not the entirety of"

C.   "configured to agree / can agree / mutually agreeable" ('814 patent, claim 5; '991 patent, claims 8, 11, 12, 20; '906 patent, claims 1, 4; '934 patent, claims 1, 4; '504 patent, claims 1, 4)

"jointly determine"

D.   "first [wireless] network / second [wireless] network" ('814 patent, claims 1-4, 6, 11; '991 patent, claims 1-3, 6-9, 13, 17, 19; '659 patent, claims 1-3, 5, 15, 16)

plain and ordinary meaning

E.   "logic for processing data received via the wireless radio circuit" ('814 patent, claims 1, 6, 7)

Subject to 35 U.S.C. §112(f)

Function: processing data received via the wireless radio circuit

Structure: processing unit 28

F.   "logic for generating data to be transmitted by the wireless radio circuit" ('814 patent, claim 1)

Subject to 35 U.S.C. §112(f)

Function: generating data to be transmitted by the wireless radio circuit

Structure: processing unit 28

G.   "logic for initiating and maintaining wireless network connections with nodes of a wireless network external to the network-enabled hub, maintaining at least a first wireless network connection using a first wireless network protocol and a second wireless network connection using a second wireless network protocol, that can be maintained, at times, simultaneously with each other in a common wireless space" ('814 patent, claim 1)

Subject to 35 U.S.C. §112(f)

Function: initiating and maintaining wireless network connections with nodes of a wireless network external to the network-enabled hub, maintaining at least a first wireless network connection using a first wireless network protocol and a second wireless network connection using a second wireless network protocol, that can be maintained, at times, simultaneously with each other in a common wireless space

Structure: wireless circuit 27, processing unit 28, and software platform 36

H.   "data forwarding logic" ('814 patent, claim 1; '991 patent, claims 1, 11)

Plain and ordinary meaning

I.   "a routing module for receiving a poll request that contains information required to unambiguously identify a station that is a node in the second network, wherein the routing module coordinates retrieval of information from the station" ('814 patent, claim 2; '991 patent, claims 2, 19)

Subject to 35 U.S.C. §112(f)
Function: receiving a poll request that contains information required to unambiguously identify a station that is a node in the second network, wherein the routing module coordinates retrieval of information from the station
Structure: Processing unit 28 executing the algorithm at 7:66-8:7 and 8:11-14, and their equivalents

II.   Disputed Constructions

A.   "WLAN": "wireless local area network" ('814 patent, claim 3) / "wireless LAN" ('991 patent, claims 3-5) / "wireless local area network (WLAN)" ('906 patent, claims 1, 4; '934 patent, claims 1, 4, 7, 11; '504 patent, claims 1, 4, 7, 11) / "WLAN" ('659 patent, claims 1, 4, 11, 12, 21-23, 25, 26, 28)

Term proposed by: Dell

Dell's Proposed Construction	Ozmo's Proposed Construction
"a wireless network with a typical coverage range on the order of 300 feet"	Plain and ordinary meaning

B.   "WPAN": "wireless personal area network ('WPAN')" ('814 patent, claim 5; '991 patent, claims 11-12, 19-20; '906 patent, claims 1, 4, 6, 7, 9, 10, 12; '934 patent, claims 1, 4, 7-9, 12; '504 patent, claims 1, 4, 7-9, 12, 14) / "WPAN" ('659 patent, claims 1, 4, 6, 14, 15)

Term proposed by: Dell and Ozmo

Dell's Proposed Construction	Ozmo's Proposed Construction

"a wireless network with a typical coverage range on the order of 30 feet"	"a short-range wireless network usable to connect peripherals to devices in close proximity"

C.   "802.11x" ('814 patent, claim 4; '991 patent, claims 7, 19; '906 patent, claims 1, 4; '934 patent, claims 1, 4, 11; '504 patent, claims 1, 4, 11; '659 patent, claims 13, 24, 27)

Term proposed by: Dell

Dell's Proposed Construction	Ozmo's Proposed Construction
Indefinite *alternatively:* all amendments to 802.11 as of March 14, 2006	Plain and ordinary meaning

D.   "overlay protocol" ('814 patent, claim 1; '991 patent, claims 1, 19; '906 patent, claims 1, 4; '934 patent, claims 1, 4, 7; '504 patent, claims 1, 4; '659 patent, claim 4)

Term proposed by: Dell and Ozmo

Dell's Proposed Construction	Ozmo's Proposed Construction
"a second protocol that has elements that are reuses of elements of a first protocol to provide one or more advantages"	"a protocol governing a second network, which protocol has aspects in common with a first network protocol to reduce interference such that the second and first networks can co-exist"

E.   "at least partially disable the wireless connection" ('906 patent, claims 1, 4; '934 patent, claims 1, 4; '504 patent, claims 1, 4)

Term proposed by: Dell and Ozmo

Dell's Proposed Construction	Ozmo's Proposed Construction
"at least partially do not maintain the wireless connection"	Plain and ordinary meaning

F.   "disable the second connection" ('659 patent, claim 6)

Term proposed by: Dell

Dell's Proposed Construction	Ozmo's Proposed Construction
"do not maintain the second connection"	Plain and ordinary meaning

G.   "the disabling" / "the at least part is disabled" ('934 patent, claim 2; 504 patent, claim 2)

Term proposed by: Dell

Dell's Proposed Construction	Ozmo's Proposed Construction
Indefinite	Plain and ordinary meaning

H.   "logic to coordinate a mutually agreeable inactivity period" ('814 patent, claim 5, '991 patent, claims 11, 12, 20)

Term proposed by: Dell

Dell's Proposed Construction	Ozmo's Proposed Construction
Subject to 35 U.S.C. §112(f) Function: "coordinate a mutually agreeable inactivity period" Structure: none (indefinite)	Subject to 35 U.S.C. §112(f) Function: "coordinate a mutually agreeable inactivity period" Structure: processing unit 28 executing algorithms at '814 patent, col. 12, ln. 13 to col. 13, ln. 14, and equivalents

I.   "logic for data forwarding between an originating node that is a node in of one of the first and second networks and a destination node that is a node in of the other of the first and second networks, the logic for data forwarding including logic for processing a data packet from the originating node to identify an address of the destination node in the data packet and using that address to transmit data into the second network" ('991 patent, claim 19)

Term proposed by: Dell

Dell's Proposed Construction	Ozmo's Proposed Construction
Subject to 35 U.S.C. §112(f) Function: "data forwarding between an originating node that is a node in of one of the first and second networks and a destination node that is a node in of the other of the first and second networks, the logic for data forwarding including logic for processing a	Not subject to 35 U.S.C. §112(f) Plain and ordinary meaning

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.

WHAT WILL YOU BUILD? | sales@docketalarm.com | 1-866-77-FASTCASE

fastcase
Smarter legal research.