

# EXHIBIT 21

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**OZMO LICENSING LLC,**  
*Plaintiff,*

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**6:21-CV-1225-ADA**

v.

**ACER INC. and ACER AMERICA  
CORP.,**  
*Defendants.*

**CLAIM CONSTRUCTION ORDER AND MEMORANDUM**

On September 2, 2022, the Court held a hearing to determine the proper construction of the disputed claim terms. Ozmo Licensing LLC (“Plaintiff”) accuses Acer Inc. and Acer America Corp. (collectively “Defendants”) of infringing five patents: 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”) (collectively “the patents-in-suit”). Before the Court are the parties’ claim construction briefs. Defendants filed an opening claim construction brief (Dkt. No. 26), to which Plaintiff filed a responsive claim construction brief (Dkt. No. 29), to which Defendants filed a reply brief (Dkt. No. 31), to which Plaintiff filed a sur-reply brief (Dkt. No. 32). The parties additionally submitted a Joint Claim Construction Statement (Dkt. No. 33).<sup>1</sup>

The Court provided preliminary claim constructions in advance of the *Markman* hearing. Having considered the parties’ arguments from the hearing and those presented in their claim

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<sup>1</sup> Citations to the parties’ claim construction briefs and Joint Claim Construction Statement are to the Case Management/Electronic Case Files (Dkt. Nos.) and pin cites are to the pagination assigned through ECF.

construction briefs, the Court adopts its preliminary constructions to be its final constructions and enters those final constructions now.

## I. OVERVIEW OF THE PATENTS-IN-SUIT

The patents-in-suit are related, each claiming priority back to a provisional patent application filed in 2005.<sup>2</sup> The patents-in-suit are commonly titled “Apparatus And Method For Integrating Short-Range Wireless Personal Area Networks For A Wireless Local Area Network Infrastructure.” The patents-in-suit share a common specification, and as their titles suggest, the patents relate to wireless network technology. As the parties did in their briefing, the Court refers to the ’814 Patent when referencing the common specification.

At a high level, the patents-in-suit relate to wireless communication technology. ’814 Patent at 1:25-26. More particularly, the patents-in-suit relate to integrating short-range wireless personal area networks (“WPANs”) into longer-range wireless local area networks (“WLANs”). *Id.* at 1:26-29. As examples, the patents describe Wi-Fi as a standardized WLAN protocol and Bluetooth as a standardized WPAN protocol. *Id.* at 1:49-53 and 2:25-30. The patents-in-suit realized that problems arise when WLAN and WPAN protocols co-exist in the same wireless medium. *Id.* at 2:37-44. The patents explain that “[b]ecause they use different methods of accessing the wireless medium, and are not synchronized with one another, severe interference may result when devices conforming to such standards are made to co-exist and are positioned in the same physical vicinity.” *Id.*

In response to these issues, the patents-in-suit disclose an apparatus (e.g., “wireless hub”) that is “adapted to facilitate seamless communication between the WLAN and the WPAN.” ’814

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<sup>2</sup> Each of the patents-in-suit claims priority back to Provisional Application No. 60/661,763. All five patents-in-suit issued from a chain of continuation patent applications. Dkt. No. 26 at 6. The ’814 Patent has the earliest filing date of the patents-in-suit.

Patent at 5:49-51; *see also* 4:30-33. As one example, FIG. 3 illustrates a WPAN **10** integrated with WLAN **6** to form an integrated network **5**. *Id.* at 4:63-65.

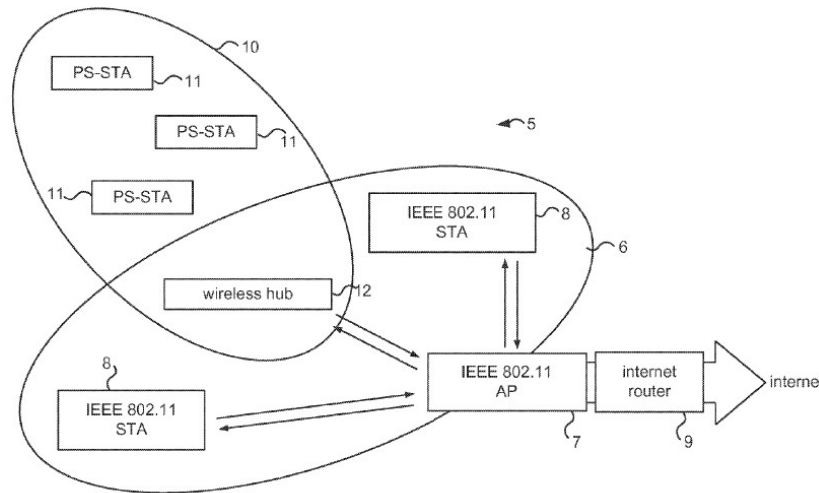


FIG. 3

The patents disclose that WLAN **6** is a conventional Wi-Fi network compliant with the 802.11x specification. '814 Patent at 4:66–5:3. WPAN **10** is described as a short-range wireless network with a typical range of about 30 feet. *Id.* at 6:3-4, 9:36-39.

The patents describe wireless hub **12** as having a wireless 802.11x-compliant circuit that can communicate with an access point (AP **7**) disposed in WLAN **6** as well as with power sensitive stations (PS-STAs **11**) disposed in WPAN **10**. '814 Patent at 5:51-54. That is, the wireless hub **12** is adapted to connect to both networks to facilitate seamless communication between WLAN **6** and WPAN **10**. *Id.* at 5:49-51, 7:3-5. In one implementation, the wireless hub **12** connects to the WPAN without losing connectivity to the WLAN. *Id.* at 3:49-52, 7:5-9. In another implementation, the wireless hub **12** connects to the WLAN and WPAN alternately. *Id.* at 3:52-54, 7:9-11.

Representative independent claim 1 of the '814 Patent is reproduced below with its disputed terms emphasized in italics:

1. A network-enabled hub, usable for facilitating data communications between two or more wireless devices that are configured to communicate indirectly with each other via the network-enabled hub, comprising:  
 an interface to a wireless radio circuit that can send and receive data wirelessly, providing the hub with bi-directional wireless data communication capability;  
*logic for processing data received via the wireless radio circuit;*  
*logic for generating data to be transmitted by the wireless radio circuit;*  
*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, wherein the second wireless network protocol is an overlay protocol with respect to the first wireless network protocol in that communications using the second wireless network protocol are *partially consistent* with the first wireless network protocol and at least some of the communications using the second wireless network protocol impinge on at least some antennae used for the first wireless network; and*  
*data forwarding logic, implemented in the network-enabled hub using hardware and/or software, that forwards data between an originating node and a destination node, wherein the originating node is a node in one of the *first and second wireless networks* and the destination node is a node in the other of the *first and second wireless networks*.*

'814 Patent at 14:45–15:10 (claim 1, emphasis added).

## 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.*,

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