EXHIBIT A

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

RFCYBER CORP.,	§	
	§	
v.	§	CASE NO. 2:20-CV-274-JRG
	§	[LEAD CASE]
GOOGLE LLC, GOOGLE PAYMENT	§	
CORP.	§	
	§	
	§	
RFCYBER CORP.,	§	
	§	
v.	§	CASE NO. 2:20-CV-335-JRG
	§	[MEMBER CASE]
SAMSUNG ELECTRONICS CO., LTD.,	§	
SAMSUNG ELECTRONICS AMERICA,	§	
INC.	§	

CLAIM CONSTRUCTION
MEMORANDUM AND ORDER

Before the Court is the Opening Claim Construction Brief (Dkt. No. 116) filed by Plaintiff

RFCyber Corp. ("Plaintiff" or "RFCyber" or "RFC"). Also before the Court is the Responsive

Claim Construction Brief (Dkt. No. 122) filed by Defendants Samsung Electronics Co., Ltd. and

Samsung Electronics America, Inc. ("Defendants" or "Samsung")[1] as well as Plaintiff's reply

(Dkt. No. 124).

The Court held a claim construction hearing on October 27, 2021.

---

[1] Defendants Google LLC and Google Payment Corp. (collectively, "Google") have been
dismissed. (*See* Dkt. Nos. 72–73, 127, 129.)

1

Table of Contents

I. BACKGROUND

Plaintiff alleges infringement of United States Patent Nos. 8,118,218 ("the '218 Patent"),

8,448,855 ("the '855 Patent"), 9,189,787 ("the '787 Patent"), and 9,240,009 ("the '009 Patent")

(collectively, "the patents-in-suit" or "the asserted patents"). (Dkt. No. 116, Exs. A–D). Plaintiff

submits that the patents-in-suit "are directed to various aspects of a mobile payment system." (Dkt. No. 116 at 2.)

The '218 Patent, titled "Method and Apparatus for Providing Electronic Purse," issued on February 21, 2012, and bears a filing date of September 24, 2006. The Abstract of the '218 Patent states:

> Techniques for portable devices functioning as an electronic purse (e-purse) are disclosed. According to one aspect of the invention, a mechanism is provided to enable a portable device to conduct transactions over an open network with a payment server without compromising security. In one embodiment, a device is loaded with an e-purse manager. The e-purse manager is configured to manage various transactions and functions as a mechanism to access an emulator therein. The transactions may be conducted over a wired network or a wireless network. A three-tier security model is contemplated to support the security of the transactions from the e-purse. The three-tier security model includes a physical security, an e-purse security and a card manager security, concentrically encapsulating one with another. Security keys (either symmetric or asymmetric) are personalized within the three-tier security model.

The '855 Patent resulted from continuations of the '218 Patent. The '787 Patent, in turn, resulted from a continuation of the '855 Patent. The '009 Patent resulted from a continuation-in-part of the '218 Patent.

Samsung submits: "RFCyber has accused Samsung of infringing claims 1, 3, 7–9, 11, 14–15, and 17 of the '218 patent, claims 1–6, 10, and 12 of the '855 patent, claims 1–3, 6, 8, 11, 13, 16, and 18 of the '787 patent, and claims 1, 6–7, 10, 14, and 16 of the '009 patent (collectively, the 'Asserted Claims')." (Dkt. No. 122 at 2 n.3.)

Plaintiff previously also asserted United States Patent No. 10,600,046 ("the '046 Patent"). (Dkt. No. 1, Ex. E). Plaintiff did not elect any claims from the '046 Patent in its election of asserted claims filed on September 15, 2021 (Dkt. 110, Ex. A), so Plaintiff no longer asserts the '046 Patent in the present case.

II. LEGAL PRINCIPLES

It is understood that "[a] claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention." *Burke, Inc. v. Bruno Indep. Living Aids, Inc.*, 183 F.3d 1334, 1340 (Fed. Cir. 1999). Claim construction is clearly an issue of law for the court to decide. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 970–71 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996).

To ascertain the meaning of claims, courts look to three primary sources: the claims, the specification, and the prosecution history. *Markman*, 52 F.3d at 979. The specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. *Id.* A patent's claims must be read in view of the specification, of which they are a part. *Id.* For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims. *Id.* "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." *Watts v. XL Sys., Inc.*, 232 F.3d 877, 882 (Fed. Cir. 2000).

Nonetheless, it is the function of the claims, not the specification, to set forth the limits of the patentee's invention. Otherwise, there would be no need for claims. *SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). The patentee is free to be his own lexicographer, but any special definition given to a word must be clearly set forth in the specification. *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1388 (Fed. Cir. 1992). Although the specification may indicate that certain embodiments are preferred, particular embodiments appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. *Electro Med. Sys., S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1054 (Fed. Cir. 1994).

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.

fastcase®
Smarter legal research.