

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

CORRIGENT CORPORATION,

Plaintiff,

v.

CISCO SYSTEMS, INC.,

Defendant.

Case No. 6:22-cv-396-ADA-DTG

**DEFENDANT CISCO SYSTEMS, INC.’S PRELIMINARY CLAIM
CONSTRUCTION**

Pursuant to the Parties’ Proposed Scheduling Order¹, Defendant Cisco Systems, Inc. (“Defendant”) hereby provides its Preliminary Proposed Claim Construction with respect to the claim terms that Defendant and Plaintiff Corrigent Corporation (“Plaintiff”) each identified on October 5, 2022. Defendant contends that these terms should be addressed by the Court as part of the claim construction proceedings in the above captioned case.

I. PRELIMINARY STATEMENT AND RESERVATION OF RIGHTS

A. The Asserted Claims

Plaintiff asserts the following patents, claims and priority dates in its Infringement Contentions:

Asserted Patent	Asserted Claims	Asserted Priority Date
U.S. Patent No. 6,957,369 (“’369 Patent”)	1–26	May, 30, 2002
U.S. Patent No. 7,113,485 (“’485 Patent”)	1–20	September 4, 2001

¹ D.I. 37.

U.S. Patent No. 7,330,431 (“’431 Patent”)	1–30	September 3, 2004
U.S. Patent No. 7,593,400 (“’400 Patent”)	1–20	May 19, 2006
U.S. Patent No. 9,118,602 (“’602 Patent”)	1–26	May 6, 2005

The ’369 Patent, the ’485 Patent, the ’431 Patent, the ’400 Patent, and the ’602 Patent are collectively referred to as the “Asserted Patents,” and the claims listed in the table above are collectively referred to as the “Asserted Claims.”

B. Preliminary Statement and Reservation of Rights

The inclusion of any claim terms, phrases, or clauses on this list is not intended, and should not be construed, to mean that any such terms, phrases, or clauses have a special or uncommon meaning. Moreover, the inclusion of a claim term, phrase, or clause below is not intended to and does not constitute an admission that the term, phrase, or clause is capable of construction and not indefinite or otherwise invalid under 35 U.S.C. § 112 or otherwise and Defendant expressly reserves its right to contest that definiteness of any such terms, phrases, or clauses and the validity of any claim(s) of the Asserted Patents.

The below list is preliminary and Defendant reserves the right to modify, add to, or delete from the list based on, without limitation, any term or phrase, or any portion thereof, identified by Plaintiff as requiring construction by Plaintiff. Defendant further reserves the right to refine this list by combining or dividing identified terms, phrases, or clauses in an effort to resolve any dispute that may arise as to the proper disposition of the listed terms, phrases, or clauses. Defendant also reserves the right to include additional portions of claims to provide context and clarity for identified terms, phrases, or clauses. Furthermore, discovery is ongoing, and Defendant reserves the right to revise, amend, supplement and/or withdraw any of the term(s), phrases(s) or clause(s)

provided herein should discovery yield additional information.

If Plaintiff modifies any assertion or contention in its Infringement Contentions, or presents any new assertion or contention relevant to this Identification of Claim terms to the extent allowed by Local Patent Rules or the Court, Defendant reserves the right to supplement or otherwise amend this Identification of Claim Terms. The Infringement Contentions are deficient in multiple respects and do not provide Defendant with sufficient information to understand the specific accused features and components and the alleged factual and evidentiary bases for Plaintiff's infringement allegations. Among other reasons, the Infringement Contentions lack the required specificity, fail to properly identify the accused instrumentalities, and fail to explain adequately Plaintiff's infringement theories for numerous limitations. Plaintiff has prejudiced Defendant's ability to understand, for purposes of preparing this Identification of Claim Terms, what Plaintiff alleged to be the scope of the Asserted Claims.

I. PRELIMINARY PROPOSED CLAIM CONSTRUCTIONS

A. Preliminary Claim Construction

Defendant provides the attached Appendix A that identifies the claim terms, phrases, and clauses proposed for construction. Identification of a term, phrase, or clause in any of the Asserted Claims in the Asserted Patents applies equally to variations or other instances of that term, phrase, or clause in any of the Asserted Claims in the Asserted Patents, unless otherwise stated. In the preliminary instructions provided in Appendix A, certain terms, phrases, and clauses incorporate other claim language, and the proposed preliminary constructions for such claim terms should likewise be incorporated.

The identified claims listed in this disclosure are representative. A construction of a term, phrase, or clause applies equally to variations or other instances of that term, phrase, or clause in

any of the Asserted Claims in the Asserted Patents. Furthermore, to the extent a term, phrase, or clause renders a claim indefinite, all claims depending from that claim are similarly indefinite.

B. Identification of Extrinsic Evidence

Defendant will identify any extrinsic evidence by October 26, 2022, according to the Court's Scheduling Order.

C. Availability to Meet and Confer

As the Scheduling Order requires, Defendant will be available to meet and confer in an effort to narrow the terms in dispute and, if necessary, exchange a revised list of terms/constructions before November 2, 2022.

Dated: October 19, 2022

Respectfully submitted,

/s/ Brian Rosenthal

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CERTIFICATE OF SERVICE

I hereby certify that on October 19, 2022, the foregoing was served by electronic mail on all counsel of record.

/s/ Jaclyn Hellreich

APPENDIX A

PRELIMINARY PROPOSED CONSTRUCTIONS

C. '369 Patent

Claim Term, Clause, or Phrase	Claim(s)	Proposed Construction
“idle line” “idle trace”	1, 4, 7, 15, 18, 20	“a [trace/line] that is known to be inactive”
“main module”	1–2, 4–5, 8–11, 15–16, 18, 21–23	No construction necessary
“subsidiary module”	1–3, 5, 8–12, 15–17, 21–24	“a module under the control of the main module”
“backplane”	5, 10, 15, 21	“a printed circuit board into which modules may be inserted”
“a system control processor”	15, 21	“a processor residing in the main module [operative to perform the recited functions]”
“selecting a first idle line among idle lines connecting the first subsidiary module to a first port of the switch on the main module to serve as an aid line; instructing the first subsidiary module to loop back traffic reaching the first subsidiary module via the aid line; selecting for testing a second idle line among the idle lines connecting the second subsidiary module to a second port of the switch on the main module; configuring the switch to link the first and second ports; transmitting test traffic over the second idle line from the second subsidiary module to the main module, wherein the test traffic is	1, 8, 15, 21	The instruct[ing] step must be performed after completion of the first selection; the configur[ing/e] step must be performed after completion of both selections; and the transmit[ing] step must be performed after both selections

conveyed via the switch to the aid line connecting to the first subsidiary module.” “selecting first and second subsidiary modules of different types for testing among the multiple subsidiary modules, the first and second subsidiary modules being configured to transmit and receive the data in different, respective first and second formats; instructing the first subsidiary module to loop back traffic reaching the first subsidiary module from the main module; configuring the main module to connect the first and second subsidiary modules, so that the traffic transmitted by the second subsidiary module is conveyed to the first subsidiary module via the main module and is then looped back via the main module to the second subsidiary module; and testing the system by causing the second subsidiary module to transmit test traffic in the second format to the main module, and assessing whether the test traffic is returned intact from the first module.” “a system control processor, which is operative to select a first idle trace among idle traces connecting the first subsidiary module to a first port of the switch on the main module to serve as an aid trace, to instruct the first subsidiary module to loop back traffic reaching the first subsidiary module via the		
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aid trace, to select for testing a second idle trace among the idle traces connecting the second subsidiary module to a second port of the switch on the main module, and to configure the switch to link the first and second ports, the system control processor being further operative to cause test traffic to be transmitted over the second idle trace from the second subsidiary module to the main module, wherein the test traffic is conveyed via the switch to the aid trace connecting to the first subsidiary module, and to report that a failure has occurred if the test traffic does not return to the second subsidiary module within a predetermined period of time.” “a system control processor, which is operative to select first and second subsidiary modules of different types for testing among the multiple subsidiary modules, the first and second subsidiary modules being configured to transmit and receive the data in different, respective first and second formats, and which is further operative to test the modules by causing the first subsidiary module to loop back traffic reaching the first subsidiary module from the main module, by configuring the main module to connect the first and second subsidiary modules, so that a traffic transmitted by the second subsidiary module is conveyed to the first subsidiary module via the main module and is then looped back via the main module		
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to the second subsidiary module, and by causing the second subsidiary module to transmit test traffic in the second format to the main module, and assessing whether the test traffic is returned intact from the first module.”		
“In an electronic system that includes a main module and at least first and second subsidiary modules, each of said at least first and second subsidiary modules connected to the main module by one or more lines for carrying data, at least some of which lines are sometimes idle, the main module including a switch having ports connected to the lines, a method for self-testing the system, comprising:” “In an electronic system that includes a main module and multiple subsidiary modules, each of said multiple subsidiary modules being connected to the main module by one or more lines for carrying data, a method for self-testing the system, comprising:”	1, 8	The preambles of claims 1 and 8 are limiting

D. '485 Patent

Claim Term, Clause, or Phrase	Claim(s)	Proposed Construction
“A method for measuring latency in a ring network in which traffic flows in first and second, mutually-opposite directions, the method comprising:” “Apparatus for measuring latency in a ring network in which traffic flows in first and	1, 11	The preambles of claims 1 and 11 are limiting

second, mutually-opposite directions, the apparatus comprising first and second nodes in the network, the nodes comprising”		
“class of service”	1, 6–8, 11, 16–18	No construction necessary
“latency measurement packet”	1, 4–11, 14, 16–20	No construction necessary

E. ’431 Patent

No terms need construction.

F. ’400 Patent

Claim Term, Clause, or Phrase	Claim(s)	Proposed Construction
“said FDB”	1, 11	Indefinite
“distributed media access control (MAC) bridge”	1	“two or more MAC devices that interconnect the bridge ports to respective LANs”
“virtual media access control (MAC) bridge”	8, 11, 18	Indefinite
“bridge”	1, 8, 11, 18	“a network interface device that operates no higher than the data link layer”
“the MAC addresses and the respective ports”	2, 11	Indefinite
“the record of the association to the FDB of the second line card”	3–5, 7–8, 13–15, 17–18	Indefinite
“the line card”	4, 14	Indefinite
“forwarding database (FDB)”	1, 11	No construction necessary

G. ’602 Patent

Claim Term, Clause, or Phrase	Claim(s)	Proposed Construction
“RSVP-TE”	2, 3, 15, 26	“RSVP-TE protocol set forth in IETF RFC 3209”
“An apparatus for assigning and utilizing an Ethernet physical data port in an Ethernet Link Aggregation Group (LAG) located downstream from a preceding node in a Multi-Protocol Label Switching	15	The preamble of claim 15 is limiting

(MPLS) network tunnel employing Resource Reservation Protocol Traffic Engineering (RSVP-TE) tunnel provisioning, the LAG having a first MPLS/LAG switch and a second MPLS/LAG switch, the apparatus comprising:"		
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