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

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| **CORRIGENT CORPORATION,** *Plaintiff,* | § | |
| | § | **W-22-CV-00396-ADA** |
| ***v.*** | § | |
| **CISCO SYSTEMS. INC.,** *Defendant.* | § | |

**CLAIM CONSTRUCTION ORDER**

Before the Court are the Parties' claim construction briefs: Defendant Cisco Systems, Inc.'s ("Cisco") Opening Claim Construction Brief (ECF No. 44), Plaintiff Corrigent Corporation's ("Corrigent") Response to Defendant's Opening Claim Construction Brief (ECF No. 45), Defendant's Reply in Support of its Opening Claim Construction Brief (ECF No. 49), Plaintiff's Sur-Reply in Response to Defendant's Opening Claim Construction Brief (ECF No. 55), and the Joint Claim Construction Statement (ECF No. 58). On March 16, 2023, the Court provided the parties with its Preliminary Claim Constructions, and on March 17, 2023, the Court held a *Markman* hearing. The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course.

**SIGNED** this 21st day of March, 2023.

ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

## I. DISPUTED CONSTRUCTIONS:

| Term No. | Term | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Final Construction |
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| 1 | "idle line"<br>'369 patent, claims 1, 3, 7<br><br>"idle trace"<br>'369 patent, claims 15, 18, 20 | Plain and ordinary meaning. | "a [trace/line] that is known to be inactive." | Plain and ordinary meaning. |
| 2 | "subsidiary module"<br><br>'369 patent, claims 1-3, 5, 8-12, 15-17, 17, 21-24 | Plain and ordinary meaning, which is a "module that has a connection to a main module via one or more data lines or traces." | "a module under the control of the main module." | Plain and ordinary meaning. |
| 3 | "backplane"<br><br>'369 patent, claims 5, 10, 15, 21 | Plain and ordinary meaning, which is "hardware used to establish interconnections between modules." | "a printed circuit board into which modules may be inserted." | Plain and ordinary meaning, which is "hardware used to establish interconnections between modules." |
| 4 | Order of Steps<br><br>'369 patent, claims 1, 8, 15, 21 | Plaintiff contends that Defendant's identification of the entirety of claim 1 and 8 for construction is improper. Plaintiff proposes that the words of claim 1 and 8 should be given the following meaning unless otherwise | The instruct[ing] step must be performed after the completion of the first selection; the configure[ing/e] step must be performed after the competition of both selections; and the transmit[ting] step must be performed after both selections. | The instruct[ing] step must be performed after the completion of the first selection; the configure[ing/e] step must be performed after the competition of both selections; and the transmit[ting] step must be performed after both selections. |

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| | | noted: plain and ordinary meaning. | | |
| 5 | Preambles<br><br>'485 patent, claims 1, 11 | Preambles are not limiting. | The preambles of claims 1 and 11 are limiting. | Preambles are not limiting. |
| 6 | "latency measurement packet"<br><br>'485 patent, all claims | "a packet that includes at least a subset of the fields showing in Table I of the '485 patent" | No construction necessary. | Plain and ordinary meaning, wherein the latency measurement packet contains at least some of the fields in Table I of the '485 patent. |
| 7 | "said FDB"<br><br>'400 patent, claims 1, 11 | Plain and ordinary meaning. | Indefinite. | Not indefinite; plain and ordinary meaning, wherein "said FDB" means "said FDB of said first line card." |
| 8 | "virtual media access control (MAC) bridge"<br><br>'400 patent, claims 8, 11, 18 | Plain and ordinary meaning, which is a media access control (MAC) bridge that serves a virtual private network (VPN) instance. | Indefinite. | Not indefinite; plain and ordinary meaning. |
| 9 | "RSVP-TE"<br><br>'602 patent, claims 3, 15 | Plain and ordinary meaning. | "RSVP-TE protocol set forth in IETF RFC 3209." | "RSVP-TE protocol described in IETF RFC 3209." |

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| 10 | Preamble<br><br>’602 patent, claim 15 | Preamble is not limiting. | The preamble of claim 15 is limiting. | The preamble is not limiting. |