

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

**ATLAS GLOBAL TECHNOLOGIES
LLC**

Plaintiff,

V.

**ZYXEL NETWORKS CORPORATION,
ZYXEL COMMUNICATIONS
CORPORATION.,**

Defendants.

**ATLAS GLOBAL TECHNOLOGIES
LLC**

Plaintiff,

V.

D-LINK CORPORATION.,

Defendant.



Civil Action No. 6:22-cv-00355-ADA

Jury Trial Requested

Civil Action No. 6:22-cv-00520-ADA

Jury Trial Requested

JOINT CLAIM CONSTRUCTION STATEMENT

Plaintiff Atlas Global Technologies LLC (“Atlas”) and Defendants ZyXEL Networks Corporation, ZyXEL Communications Corporation (“ZyXEL”) and D-Link Corporation (“D-Link”) (collectively, the “Parties”) jointly submit this claim construction statement pursuant to the Court’s Scheduling Order (ZyXEL Dkt. No. 27 at 2; *D-Link* Dkt. No. 27 at 2).

I. THE ASSERTED PATENTS AND CLAIMS

Between the two cases, there are collectively nine asserted patents and 134 asserted claims:

- (1) U.S. Patent No. 9,531,520 (“the ‘520 Patent”): claims 1-6, 8-16, and 18-20;

- (2) U.S. Patent No. 9,763,259 (“the ’259 Patent”): claims 1-7 and 18;
- (3) U.S. Patent No. 9,825,738 (“the ’738 Patent”): claims 1-16;
- (4) U.S. Patent No. 9,848,442 (“the ’442 Patent”): claims 1-14;
- (5) U.S. Patent No. 9,912,513 (“the ’513 Patent”): claims 1-19;
- (6) U.S. Patent No. 9,917,679 (“the ’679 Patent”): claims 1-10;
- (7) U.S. Patent No. 10,020,919 (“the ’919 Patent”): claims 1-9 and 11-19;
- (8) U.S. Patent No. 10,153,886 (“the ’886 Patent”): claims 1-16; and
- (9) U.S. Patent No. 10,756,851 (“the ’851 Patent”): claims 1-5, 7-9, and 14-20.

II. AGREED CONSTRUCTIONS

The Parties have agreed to the following constructions from the asserted claims:

Claim Term	Agreed Construction
Claim Preamble “A method, implemented by a network device in a wireless network, for coordinating an uplink multi-user response transmission to a downlink multi-user transmission” (’520 Patent, claim 1)	The preamble is limiting. Plain and ordinary meaning except the phrase “network device” below.
Claim Preamble “A method, implemented by a first station in a wireless network, for transmitting an uplink acknowledgment” (’520 Patent, claim 8)	The preamble is limiting and has plain and ordinary meaning.
Claim Preamble “A method, implemented by a first station in a wireless network, for transmitting an uplink acknowledgment” (’520 Patent, claim 18)	The preamble is limiting and has plain and ordinary meaning.
Claim Preamble “A method of operating an access point in a wireless communication network” (’738 Patent, claim 1)	The preamble is limiting and has plain and ordinary meaning.

Claim Preamble “A method of operating a station in a wireless communication network” (’738 Patent, claim 9)	The preamble is limiting and has plain and ordinary meaning.
Claim Preamble “A method for transmitting a frame, performed in a first station” (’442 Patent, claim 1)	The preamble is limiting and has plain and ordinary meaning.
Claim Preamble “A station” / “the first station” (’442 Patent, claim 8)	The preamble is limiting. “The first station” refers to “a station” in the preamble.
Claim Preamble “A method for transmitting an acknowledgement frame for notifying successful data reception by a station (STA) to an access point (AP) in a wireless local area network” (’679 Patent, claim 1)	The preamble is limiting and has plain and ordinary meaning.
Claim Preamble “A method for receiving an acknowledgement frame for notifying successful data reception by an access point (AP) from a station (STA) in a wireless local area network” (’679 Patent, claim 6)	The preamble is limiting and has plain and ordinary meaning.

III. DISPUTED CONSTRUCTIONS

The Parties dispute the following 12 terms from the asserted claims:

#	Claim Term	Atlas’s Construction	Defs’ Construction	Proposed By
Disputed Terms for U.S. Patent 9,531,520				
1	“[A/the] network device” (’520 claims 1, 6)	Plain and ordinary meaning	“[an/the] access point”	Defendants
2	“acknowledgement information” (claims 1, 2, 4, 8, 9, 11, 12, 18 & 19)	Plain and ordinary meaning	“solicitation for information to be transmitted following receipt of the downlink multi-user frame to acknowledge the	Defendants

#	Claim Term	Atlas's Construction	Defs' Construction	Proposed By
			downlink multi-user frame"	
Disputed Terms for U.S. Patent 9,763,259				
3	"transmitting to the transmitting device a feedback frame including subchannel information measured on a first subchannel after receiving the NDP frame" (claim 1) / "receiving from each receiving device a feedback frame including subchannel information measured on a subchannel that is allocated to each receiving device among a plurality of subchannels into which a band is divided, after transmitting the NDP frame" (claim 18)	Plain and ordinary meaning	"in response to receiving the NDP frame, transmitting to the transmitting device a feedback frame including subchannel information measured on a first subchannel one SIFS after receiving the NDP frame" (claim 1) / "in response to and one SIFS after the transmitting of the NDP frame, receiving from each receiving device a feedback frame including subchannel information measured on a subchannel that is allocated to each receiving device among a plurality of subchannels into which a band is divided" (claim 18) If not construed as above, the terms are indefinite.	Defendants
4	"wherein the NDPA frame indicates information corresponding to the predetermined length" ('259 claim 6)	Plain and ordinary meaning	Indefinite	Defendants
Disputed Terms for U.S. Patent 9,825,738				
5	"Transmitting The Downlink Data And The Uplink Setup	Plain and ordinary meaning	"transmitting the downlink data and the uplink setup	Defendants

#	Claim Term	Atlas's Construction	Defs' Construction	Proposed By
	Information In A Single Physical Downlink Frame To A Plurality Of Stations” (Claim 1) / “The Physical Downlink Frame Comprising: Uplink Setup Information Including A First Information To Be Used For Uplink Multi-User Transmission By The Station, And Downlink Data” (Claim 9)		information in a single physical downlink frame to a plurality of stations, wherein the uplink setup information is that which would otherwise be in an uplink setup or uplink initiation (ULI) frame, and the downlink data is data other than the uplink setup information” (claim 1) / “the physical downlink frame comprising: uplink setup information including a first information to be used for uplink multi-user transmission by the station, and downlink data, wherein the uplink setup information is that which would otherwise be in an uplink setup or uplink initiation (ULI) frame, and the downlink data is data other than the uplink setup” (claim 9)	
6	“The Second Information Is A Function Of A Total Number Of Space Time Streams To Be Used To Transmit The Multiple Uplink Frames” (Claim 1) / “The Second Information Is A Function Of A Total Number Of Space Time Streams To Be Used To Perform The Simultaneous	Plain and ordinary meaning Alternatively, “the second information in the common information portion is a value that is related to the total number of space time streams to be used to transmit the multiple uplink frames” (claim 1) / “the second	Indefinite	Defendants

#	Claim Term	Atlas's Construction	Defs' Construction	Proposed By
	Transmission Of The Uplink Frame And The One Or More Uplink Frames From The One Or More Other Stations” (Claim 9)	information in the common information portion is a value that depends on the total number of space time streams to be used to simultaneously transmit the multiple uplink frames” (claim 9)		
Disputed Terms for U.S. Patent 9,848,442				
7	“a mode that is High Efficiency” / “a mode of a standard previous to a standard defining the High Efficiency mode” (‘442 claims 1, 8)	“a mode specified as High Efficiency (HE) by an 802.11 Standard or proposed 802.11 Standard” / “a legacy mode specified in a IEEE 802.11 Standard released prior to 802.11ax standard or proposed standard (e.g., a non-HT frame, a HT frame, a VHT frame)	Indefinite	Defendants
8	“when . . . a received signal strength of the first PPDU is higher than a first threshold, and the first PPDU is a frame having a mode that is High Efficiency and having a PHY header that includes duration information for setting a virtual carrier sensing . . . when . . . the received signal strength of the first PPDU is higher than the first threshold, the first PPDU is a frame having a mode of a standard previous to a standard defining the High	Plain and ordinary meaning	Indefinite. If not indefinite, the Court must determine whether only one of the claimed steps with mutually-exclusive conditions, or all three of the claimed steps with mutually-exclusive conditions, are required to occur for purposes of meeting the claim limitations.	Defendants

#	Claim Term	Atlas's Construction	Defs' Construction	Proposed By
	Efficiency mode, and the first PPDU is a frame having a PHY header that does not include duration information for setting the virtual carrier sensing, . . . and “when . . . the received signal strength of the first PPDU is lower than the first threshold . . .” (‘442 claims 1, 8)			
Disputed Terms for U.S. Patent 9,912,513				
9	“wherein at least a portion of the payload of the uplink frame is associated with the first guard interval length” (‘513 claim 1) / “wherein at least a portion of the payload of the uplink frame is associated with the first CP length” (‘513 claim 9) / “wherein at least a portion of the legacy header is associated with a second CP length” (‘513 claim 10) / “wherein at least a portion of the respective non-legacy header is associated with the first guard interval” (‘513 claim 16)	Plain and ordinary meaning.	Indefinite	Defendants
Disputed Terms for U.S. Patent 10,020,919				
10	“determining exactly a number of the one or more station information fields in the NDPA...in response to determining that the number of the one or more	Plain and ordinary meaning	Claim 1: determining an exact value of a number of the one or more station information fields in the NDPA; in response to (i) determining that the value of the number	Defendants

#	Claim Term	Atlas's Construction	Defs' Construction	Proposed By
	station information fields in the NDPA is one, transmitting first Channel State Information (CSI) feedback in response to receiving the NDP" (claim 1) / "when the number of the one or more station information fields in the NDPA is greater than one transmitting the first CSI feedback in response to receiving the first trigger frame" (claim 2) / "when the number of one or more station information fields in the NDPA is greater than one... transmitting second CSI feedback in response to receiving the second trigger frame" (claim 8) / "when a number of the one or more station information fields in the NDPA is one, receiving first Channel State Information (CSI) feedback transmitted in response to the NDP having only one station information field" (claim 11) / "when the number of the one or more station information fields in the NDPA is greater than one... receiving the first CSI feedback in response to transmitting the first trigger frame" (claim 12) / "when the number of one or more station information fields in the NDPA is greater		is one, which indicates that there is only one station information field in the NDPA and (ii) receiving the NDP, transmitting first Channel State Information (CSI) feedback Claim 2: when the value of the number is two or more, which indicates that there are two or more station information fields in the NDPA, ... transmitting the first CSI feedback in response to receiving the first trigger frame Claim 8: when the value of the number is two or more, which indicates that there are two or more station information fields in the NDPA, ... transmitting second CSI feedback in response to receiving the second trigger frame Claim 11: when a station determines that the value of a number of the one or more station information fields is one, which indicates that there is only one station information field in the NDPA, receiving first Channel State Information (CSI) feedback transmitted in response to the NDP	

#	Claim Term	Atlas's Construction	Defs' Construction	Proposed By
	than one... receiving second CSI feedback in response to transmitting the second trigger frame” (claim 19)		having only one station information field Claim 12: when the station determines that the value of the number is two or more, which indicates that there are two or more station information fields in the NDPA, ... receiving the first CSI feedback in response to transmitting the first trigger frame Claim 19: when the station determines that the value of the number is two or more, which indicates that there are two or more station information fields in the NDPA, ... receiving second CSI feedback in response to transmitting the second trigger frame If not construed as above, the claims are indefinite.	
11	“wherein the number of the one or more station information fields in the NDPA is the cardinality of the one or more station information fields in the NDPA” (‘919 claims 1, 11)	Plain and ordinary meaning Alternatively, “wherein the number of the one or more station information fields in the NDPA is the number of elements in the set of station information fields”	Plain meaning: wherein the number of the one or more station information fields in the NDPA is the number of the one or more station information fields in the NDPA This renders the claim indefinite.	Defendants
Disputed Terms for U.S. Patent 10,756,851				

#	Claim Term	Atlas's Construction	Defs' Construction	Proposed By
12	"scheduling extension" (‘851 claims 1, 2, 7, 8)	Plain and ordinary meaning Alternatively, "an extension to the control field that includes scheduling information"	"an extension appended to the control field that is dedicated to including scheduling information"	Defendants

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/s/ Eric Enger

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CERTIFICATE OF SERVICE

The undersigned certifies that on March 28, 2023, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court's CM/ECF system.

/s/Eric Enger
Eric Enger