

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

OZMO LICENSING LLC,
Plaintiff,

v.

DELL TECHNOLOGIES INC. and
DELL INC.,
Defendants.

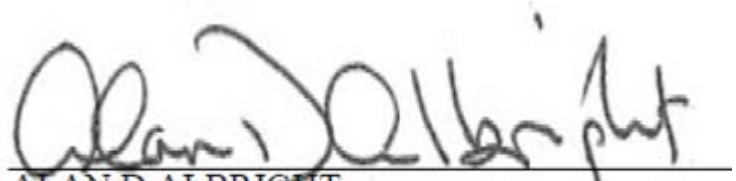
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1:23-CV-00747-ADA

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendants Dell Technologies Inc. and Dell Inc.'s Opening Claim Construction Brief (ECF No. 32), Plaintiff Ozmo Licensing LLC's Responsive Claim Construction Brief (ECF No. 38), Defendant's Reply Claim Construction Brief (ECF No. 43), Plaintiff's Sur-Reply Construction Brief (ECF No. 45), and the Joint Claim Construction Statement (ECF No. 46). On June 27, 2023, the Court provided the parties with its Preliminary Claim Constructions, and on June 28, 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 5th day of July, 2023.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

I. AGREED CONSTRUCTIONS

Term No.	Term	Agreed Construction
1	“protocol” All patents, all claims	“set of rules”
2	“partially consistent” / “partially compliant” U.S. Patent No. 8,599,814 (“the ’814 patent”), all claims; U.S. Patent No. 11,012,934 (“the ’934 patent”), all claims; U.S. Patent No. 11,122,504 (“the ’504 patent”), all claims; U.S. Patent No. 11,252,659 (“the ’659 patent”), all claims; U.S. Patent No. 10,873,906 (“the ’906 patent”), all claims; U.S. Patent No. 9,264,991 (“the ’991 patent”), claims 1-7, 9, 11-14, 16, 17, 19, 20	“conforms to a part, but not the entirety of”
3	“configured to agree / can agree / mutually agreeable” ‘814 patent, claim 5; ‘991 patent, claims 8, 11, 12, 20; ‘906 patent, claims 1, 4; ‘934 patent, claims 1, 4; ‘504 patent, claims 1, 4	“jointly determine”
4	“first [wireless] network / second [wireless] network” ‘814 patent, claims 1-4, 6, 11; ‘991 patent, claims 1-3, 6-9, 13, 17, 19; ‘659 patent, claims 1-3, 5, 15, 16	Plain and ordinary meaning
5	“logic for processing data received via the wireless radio circuit” ‘814 patent, claims 1, 6, 7	Subject to 35 U.S.C. §112(f) <u>Function:</u> processing data received via the wireless radio circuit

		<u>Structure:</u> processing unit 28
6	“logic for generating data to be transmitted by the wireless radio circuit” ‘814 patent, claim 1	Subject to 35 U.S.C. §112(f) <u>Function:</u> processing data received via the wireless radio circuit <u>Structure:</u> processing unit 28
7	“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” ‘814 patent, claim 1	Subject to 35 U.S.C. §112(f) <u>Function:</u> 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 <u>Structure:</u> wireless circuit 27, processing unit 28, and software platform 36
8	“data forwarding logic” ‘814 patent, claim 1; ‘991 patent, claims 1, 11	Plain and ordinary meaning
9	“a routing module for receiving a poll request that contains information required to unambiguously identify a station that is a node in the second network, wherein the routing module coordinates retrieval of information from the station” ‘814 patent, claim 2; ‘991 patent, claims 2, 19	Subject to 35 U.S.C. §112(f) <u>Function:</u> receiving a poll request that contains information required to unambiguously identify a station that is a node in the second network, wherein the routing module coordinates retrieval of information from the station

		<u>Structure:</u> Processing unit 28 executing the algorithm at 7:66-8:87 and 8:11-14, and their equivalents
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II. DISPUTED CONSTRUCTIONS

Term No.	Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Court's Final Construction
1	<u>"WLAN"</u>: "wireless local area network" '814 patent, claim 3 "wireless LAN" '991 patent, claims 3-5 "wireless local area network (WLAN)" '906 patent, claims 1, 4; '934 patent, claims 1, 4, 7, 11; '504 patent, claims 1, 4, 7, 11 "WLAN" '659 patent, claims 1, 4, 11, 12, 21-23, 25, 26, 28	Plain and ordinary meaning	"a wireless network with a typical coverage range on the order of 300 feet"	Plain and ordinary meaning, which is a longer-range wireless network than WPAN
2	<u>"WPAN"</u>: "wireless personal area network ('WPAN')"	"a short-range wireless network usable to connect peripherals to devices in close proximity"	"a wireless network with a typical coverage range on the order of 30 feet"	"a short-range wireless network usable to connect peripherals to devices in close proximity"

	'814 patent, claim 5; '991 patent, claims 11-12, 19-20; '906 patent, claims 1, 4, 6, 7, 9, 10, 12; '934 patent, claims 1, 4, 7-9, 12; '504 patent, claims 1, 4, 7-9, 12, 14 “WPAN” '659 patent, claims 1, 4, 6, 14, 15			
3	“802.11x” '814 patent, claim 4; '991 patent, claims 7, 19; '906 patent, claims 1, 4; '934 patent, claims 1, 4, 11; '504 patent, claims 1, 4, 11; '659 patent, claims 13, 24, 27	Plain and ordinary meaning	Indefinite <i>alternatively:</i> all amendments to 802.11 as of March 14, 2006	All versions to 802.11 as of March 14, 2006
4	“overlay protocol” '814 patent, claim 1; '991 patent, claims 1, 19; '906 patent, claims 1, 4; '934	“a protocol governing a second network, which protocol has aspects in common with a first network protocol to reduce interference such that the	“a second protocol that has elements that are reuses of elements of a first protocol to provide one or more advantages”	“a protocol governing a second network, which protocol has aspects in common with a first network protocol to reduce interference such that the second and first networks can co-exist”

	patent, claims 1, 4, 7; '504 patent, claims 1, 4; '659 patent, claim 4	second and first networks can co-exist"		
5	"at least partially disable the wireless connection" '906 patent, claims 1, 4; '934 patent, claims 1, 4; '504 patent, claims 1, 4	Plain and ordinary meaning	"at least partially do not maintain the wireless connection"	Plain and ordinary meaning
6	"disable the second connection" '659 patent, claim 6	Plain and ordinary meaning	"do not maintain the second connection"	Plain and ordinary meaning
7	"the disabling" / "the at least part is disabled" '934 patent, claim 2; 504 patent, claim 2	Plain and ordinary meaning	Indefinite	Not indefinite; plain and ordinary meaning, wherein "the disabling" and "the at least part is disabled" refer to the limitation "wherein the WPAN protocol provides for the first wireless device to disable at least a part of said coordination following a start of inactivity time."
8	"logic to coordinate a mutually agreeable inactivity period"	Subject to 35 U.S.C. §112(f)	Subject to 35 U.S.C. §112(f) <u>Function:</u> "coordinate a mutually agreeable inactivity period"	Subject to 35 U.S.C. § 112(f) <u>Function:</u> "coordinate a mutually agreeable inactivity period"

	'814 patent, claim 5, '991 patent, claims 11, 12, 20	<u>Function:</u> "coordinate a mutually agreeable inactivity period" <u>Structure:</u> processing unit 28 executing algorithms at '814 patent, col. 12, ln. 13 to col. 13, ln. 14, and equivalents	<u>Structure:</u> none (indefinite)	<u>Structure:</u> processing unit 28 executing algorithms at '814 patent, col. 12, ln. 13 to col. 13, ln. 14, and equivalents
9	"logic for data forwarding between an originating node that is a node in of one of the first and second networks and a destination node that is a node in of the other of the first and second networks, the logic for data forwarding including logic for processing a data packet from the originating node to identify an address of the destination node in the data packet and using that address to transmit data into the second network"	Not subject to 35 U.S.C. §112(f) Plain and ordinary meaning	Subject to 35 U.S.C. §112(f) <u>Function:</u> "data forwarding between an originating node that is a node in of one of the first and second networks and a destination node that is a node in of the other of the first and second networks, the logic for data forwarding including logic for processing a data packet from the originating node to identify an address of the destination node in the data packet and using that address to transmit data into the second network" <u>Structure:</u> processing unit 28 executing an algorithm to read the IP address on incoming packets and forward the packets to that IP address	Subject to 35 U.S.C. § 112(f) <u>Function:</u> "data forwarding between an originating node that is a node in of one of the first and second networks and a destination node that is a node in of the other of the first and second networks, the logic for data forwarding including logic for processing a data packet from the originating node to identify an address of the destination node in the data packet and using that address to transmit data into the second network" <u>Structure:</u> processing unit 28 executing an algorithm to read the IP address on incoming packets and forward the packets to that IP address

	'991 patent, claim 19			
10	"logic for uniquely identifying the destination node from data received from the originating node such that the network-enabled hub can use that data to transmit data into the second wireless network" '814 patent, claim 11	Subject to 35 U.S.C. § 112(f) <u>Function:</u> "uniquely identifying the destination node from data received from the originating node such that the network-enabled hub can use that data to transmit data into the second wireless network" <u>Structure:</u> processing unit 28 and algorithms at '814 patent, col. 7, ln. 52 to col. 8, ln. 15	Subject to 35 U.S.C. § 112(f) <u>Function:</u> "uniquely identifying the destination node from data received from the originating node such that the network-enabled hub can use that data to transmit data into the second wireless network" <u>Structure:</u> processing unit 28 executing an algorithm to read the IP address on incoming packets and forward the packets to that IP address and equivalents	Subject to 35 U.S.C. § 112(f) <u>Function:</u> "uniquely identifying the destination node from data received from the originating node such that the network-enabled hub can use that data to transmit data into the second wireless network" <u>Structure:</u> processing unit 28 and algorithms at '814 patent, col. 7, ln. 52 to col. 8, ln. 15, and equivalents
11	"wherein the network-enabled hub and the device include logic, in one or both of the network-enabled hub and the device, for initiating device discovery by sending broadcast discovery requests on a pre-defined channel" '991 patent, claim 9	Not subject to 35 U.S.C. § 112(f) Plain and ordinary meaning <i>Alternatively,</i> Function: "initiating device discovery by sending broadcast discovery requests on a pre-defined channel" Structure: processing unit 28/24, including algorithms at	Indefinite	Subject to 35 U.S.C. § 112(f) <u>Function:</u> "initiating device discovery by sending broadcast discovery requests on a pre-defined channel" <u>Structure:</u> processing unit 28/24, including algorithms at '814 patent, col. 13, ln. 16 to col. 14, ln. 27 and equivalents

		'814 patent, col. 13, ln. 16 to col. 14, ln. 27 and equivalents		
12	“wherein the network-enabled hub and the device include logic, in one or both of the network-enabled hub and the device, for indicating characteristics and/or state of the network-enabled hub and/or device” ‘991 patent, claim 10	Not subject to 35 U.S.C. §112(f) Plain and ordinary meaning <i>Alternatively,</i> <u>Function:</u> “indicating characteristics and/or state of the network-enabled hub and/or device” <u>Structure:</u> processing unit 28 and/or 24 and algorithms at ‘814 patent, col. 13, ln. 38 to col. 14, ln. 3 and equivalents	Indefinite	Subject to 35 U.S.C. § 112(f) <u>Function:</u> “indicating characteristics and/or state of the network-enabled hub and/or device” <u>Structure:</u> processing unit 28 and/or 24 and algorithms at ‘814 patent, col. 13, ln. 38 to col. 14, ln. 3 and equivalents