

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

NETWORK SYSTEM TECHNOLOGIES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 1:22-cv-1331
	)	
QUALCOMM INCORPORATED;	)	
QUALCOMM TECHNOLOGIES, INC.;	)	
ARTERIS, INC.,	)	
	)	
Defendants.	)	
	)	

DEFENDANTS' JOINT OPENING CLAIM CONSTRUCTION BRIEF

to the claimed function.” *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1351 (Fed. Cir. 2015) (*en banc*).

When a claim uses the word “means” in conjunction with a function, § 112, ¶ 6 presumptively applies. *Id.* at 1347–49. Conversely, § 112, ¶ 6 presumptively does not apply to a functional claim limitation that does not use the word “means,” but that presumption is overcome when the limitation “fails to recite sufficiently definite structure or else recites [a] function without reciting sufficiently definite structure for performing that function.” *Id.* at 1348 (internal quotation marks omitted). “One way to demonstrate that a claim limitation fails to recite sufficiently definite structure is to show that, although not employing the word ‘means,’ the claim limitation uses similar ‘nonce words that can operate as a substitute for ‘means’” such as “‘module,’ ‘mechanism,’ ‘element,’ and ‘device.’” *MTD Prods. Inc. v. Iancu*, 933 F.3d 1336, 1341 (Fed. Cir. 2019).

The *quid pro quo* for functional claiming under § 112, ¶ 6 is that the specification must disclose at least one structure for performing the claimed function, and either the specification or prosecution history must “clearly link or associate” that structure to the function. *Twin Peaks Software Inc. v. IBM Corp.*, 690 Fed. Appx. 656, 664 (Fed. Cir. May 26, 2017); *Rain Computing, Inc. v. Samsung Elecs. Am., Inc.*, 989 F.3d 1002, 1007 (Fed. Cir. 2021). If the specification does not disclose such a structure, then the claim is invalid as indefinite. *Id.*

III. AGREED UPON CLAIM CONSTRUCTIONS

The parties agree that the following claim terms should be construed as follows.

Patent	Claim	Term	Agreed Construction
'818	1	Preamble	The preamble is limiting.
'449	10		
'052	6		
'9893	4		
'2893	10		

'800	12		
'449 '052 '9893	10 6 4	"connection properties"	"properties of a connection, including ordering (data transport in order), flow control (a remote buffer is reserved for a connection, and a data producer will be allowed to send data only when it is guaranteed that space is available for the produced data), throughput (a lower bound on throughput is guaranteed), latency (upper bound for latency is guaranteed), the lossiness (dropping of data), transmission termination, transaction completion, data correctness, priority, or data delivery"
'449 '9893 '800	13 8 12	"flow control"	"controlling flow whereby a remote buffer is reserved for a connection, and a data producer will be allowed to send data only when it is guaranteed that space is available for the produced data"
'449	11	"at least one of a switch and a router"	"at least one switch and at least one router"
'449	10	"independently configurable"	"Able to be configured with connection properties that do not depend on those of another configuration."
'818 '449 '9,893 '2,893 '800	1-2 10-12 14 4, 11 12	"network"	"Multi-hop interconnection between modules separated by one or more network nodes"
'818 '449 '052 '9,893 '2,893 '800	1-3, 5-7 10 6 4 10 12	"integrated circuit"	"Interconnected circuitry on a chip"

IV. DISPUTED CLAIM TERMS⁴

A. Common Term – "connection" ('818, '449, '052, '9893, '800 Patents)

Defendants' Proposed Construction	Plaintiff's Proposed Construction
"one or more channels, each having a set of connection properties, between a first module and at least one second module, that are created before use and closed after use"	"one or more communication channels"

⁴ NST is asserting one independent claim from each of the Asserted Patents ('818 patent, claim 1; '449 patent, claim 10; '052 patent, claim 6; '9893 patent, claim 4; '2893 patent, claim 10; '800 patent, claim 12) in addition to some dependent claims. Each disputed term appears in the asserted independent claim of the relevant patent.