

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RYAN HARDIN and ANDREW HILL,

Plaintiffs,

v.

SAMSUNG ELECTRONICS CO. LTD. and

SAMSUNG ELECTRONICS AM., INC.,

Defendants.

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Case No. 2:21-CV-00290-JRG

CLAIM CONSTRUCTION ORDER

Plaintiffs accuse Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc., (together, “Samsung”) of infringing claims of U.S. Patents 9,779,418 (the “’418 Patent”), 10,049,387 (the “’387 Patent”), and 10,984,447 (the “’447 Patent”). The patents, which are from the same family and have the same disclosure, relate to delivery of sponsored content, such as advertisements, to mobile devices within specific geographic areas. ’418 Patent at 1:26–28.

The parties present four disputes about claim scope. For each, Samsung alleges the term is indefinite, whereas Plaintiffs ask the Court to construe the term as “plain and ordinary meaning.” Having considered the parties’ briefing, along with arguments of counsel during an August 16, 2022 hearing, the Court resolves the disputes as follows.

I. BACKGROUND

Generally, the patents concern methods and systems for delivering advertising content to mobile devices based on the geographic locations of the devices. As shown in Fig. 1 of the ’418 Patent, an advertising sponsor may “reserve” a particular geographic area for its content using a content delivery platform (112). In the figure, sponsors A, B, and C have interacted with the

platform to request their content be delivered within certain geographic areas (143, 145, 147). '418 Patent at 3:32–39. When a mobile device is within a reserved area, a registered application program running on the device may request content from the platform, which provides content specific to the sponsors associated with the corresponding area. *See, e.g.*, '418 Patent at 3:39–43.

For some embodiments, the patents also describe associating an identifier with a content request from the application program. *See id.* at 2:1–8. For those embodiments, when the platform receives a request, it returns the identifier to the application program with the responsive content. If the user interacts with the content in a manner that requires additional communication with the platform, the identifier can be used to track the communications. *See generally id.* at 12:14–35.

Although the patents describe entire content delivery systems, the claims at issue concern either a method to be implemented by a mobile device or the device itself. Each claim recites a “location-determination component tangibly embodied in the mobile device” that determines “location information representing a physical geographic location of the mobile device.” *See, e.g.*, '418 Patent at 14:22–24 (Claim 1), 18:62–64 (Claim 11), 23:57–59 (Claim 19); '387 Patent at 14:32–35 (Claim 1), 16:33–35 (Claim 10), 18:58–60 (Claim 18); '447 Patent at 14:29–32 (Claim 1), 19:48–51 (Claim 19). Based on that location information, the mobile device determines whether it has entered a designated geographic area of interest. *See, e.g.*, '418 Patent at 14:24–26 (Claim 1); '387 Patent at 19:12–15 (Claim 19).

Samsung challenges four terms appearing in the claims, including “location-determination component,” as indefinite. For each term, Plaintiffs argue the Court should construe the term as “plain and ordinary meaning.”

II. LEGAL STANDARDS

A. Generally

“‘[T]he claims of a patent define the invention to which the patentee is entitled the right to exclude.’” *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Innova/Pure-Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1115 (Fed. Cir. 2004)). As such, if the parties dispute the scope of the claims, the court must determine their meaning. *See, e.g., Verizon Servs. Corp. v. Vonage Holdings Corp.*, 503 F.3d 1295, 1317 (Fed. Cir. 2007); *see also Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 390 (1996), *aff’g*, 52 F.3d 967, 976 (Fed. Cir. 1995) (en banc).

Claim construction, however, “is not an obligatory exercise in redundancy.” *U.S. Surgical Corp. v. Ethicon, Inc.*, 103 F.3d 1554, 1568 (Fed. Cir. 1997). Rather, “[c]laim construction is a matter of [resolving] disputed meanings and technical scope, to clarify and when necessary to explain what the patentee covered by the claims” *Id.* A court need not “repeat or restate every claim term in order to comply with the ruling that claim construction is for the court.” *Id.*

When construing claims, “[t]here is a heavy presumption that claim terms are to be given their ordinary and customary meaning.” *Aventis Pharm. Inc. v. Amino Chems. Ltd.*, 715 F.3d 1363, 1373 (Fed. Cir. 2013) (citing *Phillips*, 415 F.3d at 1312–13). Courts must therefore “look to the words of the claims themselves . . . to define the scope of the patented invention.” *Id.* (citations omitted). “[T]he ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, i.e., as of the effective filing date of the patent application.” *Phillips*, 415 F.3d at 1313. This “person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the

specification.” *Id.*

Intrinsic evidence is the primary resource for claim construction. *See Power-One, Inc. v. Artesyn Techs., Inc.*, 599 F.3d 1343, 1348 (Fed. Cir. 2010) (citing *Phillips*, 415 F.3d at 1312). For certain claim terms, “the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words.” *Phillips*, 415 F.3d at 1314; *see also Medrad, Inc. v. MRI Devices Corp.*, 401 F.3d 1313, 1319 (Fed. Cir. 2005) (“We cannot look at the ordinary meaning of the term . . . in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history.”). But for claim terms with less-apparent meanings, courts consider ““those sources available to the public that show what a person of skill in the art would have understood disputed claim language to mean[,] [including] the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art.”” *Phillips*, 415 F.3d at 1314 (quoting *Innova*, 381 F.3d at 1116).

B. Indefiniteness

“[A] patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014). “A patent must be precise enough to afford clear notice of what is claimed,” but that consideration must be made while accounting for the inherent limitations of language. *Id.* at 908–09. “Indefiniteness must be proven by clear and convincing evidence.” *Sonix Tech. Co. v. Publ’ns Int’l, Ltd.*, 844 F.3d 1370, 1377 (Fed. Cir. 2017).

III. THE LEVEL OF ORDINARY SKILL IN THE ART

The level of ordinary skill in the art is the skill level of a hypothetical person who is presumed to have known the relevant art at the time of the invention. *In re GPAC*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). In resolving the appropriate level of ordinary skill, courts consider the types of and solutions to problems encountered in the art, the speed of innovation, the sophistication of the technology, and the education of workers active in the field. *Id.* Importantly, “[a] person of ordinary skill in the art is also a person of ordinary creativity, not an automaton.” *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007).

Here, the parties, through their experts, generally agree a skilled artisan would have had a bachelor’s degree in computer science or a comparable field and experience with location-based computing. Dkt. No. 66 at 2. Importantly, they also agree resolving any disputes about the level of ordinary skill is not necessary to address the disputes now before the Court. *Id.*

IV. THE DISPUTED TERMS

A. “location-determination component” (’418 patent, Claims 1, 7, 11, 16, 19, 23; ’387 Patent, Claims 1, 10, 19; ’447 Patent, Claims 1, 7, 17)

Plaintiffs’ Construction	Defendants’ Construction
Plain and ordinary meaning. Alternatively, if § 112 ¶ 6 applies: Function: determining the location Structure: The corresponding structures in the specification of the ’418 Patent exist at 2:31–37; 3:44–4:16; 4:30–49; 4:61–66; 11:60–12:13; 12:61–13:44	§ 112 ¶ 6 applies. Function: determining the location of a mobile device Structure: Indefinite

1. Whether “location-determination component” is governed by § 112 ¶ 6

A patent claim may be expressed using functional language. *See* 35 U.S.C. § 112 ¶ 6 (pre-AIA); *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1347–49 & n.3 (Fed. Cir. 2015) (en banc in relevant portion). Under 35 U.S.C. § 112 ¶ 6, a structure may be claimed as a “means . . . for

performing a specified function,” and an act may be claimed as a “step for performing a specified function.” *Masco Corp. v. United States*, 303 F.3d 1316, 1326 (Fed. Cir. 2002). When it applies, § 112 ¶ 6 limits the scope of the functional term “to only the structure, materials, or acts described in the specification as corresponding to the claimed function and equivalents thereof.” *Williamson*, 792 F.3d at 1347.

But § 112 ¶ 6 does not apply to all functional claim language. There is a rebuttable presumption that § 112 ¶ 6 applies when the claim language includes “means” or “step for” terms, and a rebuttable presumption that it does *not* apply in the absence of those terms. *Masco Corp.*, 303 F.3d at 1326; *Williamson*, 792 F.3d at 1348. These presumptions stand or fall according to whether one of ordinary skill in the art would understand the claim with the functional language, in the context of the entire specification, to denote sufficiently definite structure or acts for performing the function. *See Media Rights Techs., Inc. v. Capital One Fin. Corp.*, 800 F.3d 1366, 1372 (Fed. Cir. 2015) (noting § 112 ¶ 6 does not apply when “the claim language, read in light of the specification, recites sufficiently definite structure”) (internal quotation marks omitted); *Robert Bosch, LLC v. Snap-On Inc.*, 769 F.3d 1094, 1099 (Fed. Cir. 2014)); *Williamson*, 792 F.3d at 1349 (noting § 112 ¶ 6 does not apply when “the words of the claim are understood by persons of ordinary skill in the art to have sufficiently definite meaning as the name for structure”); *Masco Corp.*, 303 F.3d at 1326 (noting § 112 ¶ 6 does not apply when the claim includes an “act” corresponding to “how the function is performed”); *Personalized Media Commc’ns, LLC v. I.T.C.*, 161 F.3d 696, 704 (Fed. Cir. 1998) (noting § 112 ¶ 6 does not apply when the claim includes “sufficient structure, material, or acts within the claim itself to perform entirely the recited function . . . even if the claim uses the term means.”) (quotation marks and citation omitted).

Here, Samsung contends “‘location-determination component’ is precisely the type of

black-box term that . . . invokes § 112, ¶ 6.” Dkt. No. 66 at 5. It contends the term “does not have any well-understood structural meaning in the field of mobile computing, and would not have been understood by a POSITA as a known term of art.” *Id.* (quoting de Lara Decl., Dkt. No. 57-2 at ¶ 30). And neither the claims nor the specification, says Samsung, impart structural meaning to the term. Dkt. No. 66 at 9–14.

In response, Plaintiffs suggest “location-determination component” refers to a broad class of structures. Dkt. No. 57 at 6 (quoting de Lara Decl., Dkt. No. 57-2 at ¶ 31, and citing ’387 Patent at 4:38–57); *see also id.* (quoting Cho Depo. Tr., Dkt. No. 57-3 at 84:15–21). They also argue the claims provide sufficient structure to avoid invoking § 112 ¶ 6. Dkt. No. 57 at 8–9 (alleging the term itself imparts structure and the claims require the location-determining component be “tangibly embodied in the mobile device” or have the purpose of “determining the mobile device’s physical geographic location”). Furthermore, Plaintiffs argue that the specification provides multiple examples of how a mobile device’s location can be determined. *Id.*

To start, Plaintiffs have not established the term is common parlance for a structure or class of structures. They present no expert testimony to that effect, *see* Jones Decl., Dkt. No. 57-1 at ¶¶ 36–38, and Dr. Cho’s deposition excerpts are not persuasive. Critically, Plaintiffs do not establish Dr. Cho’s answers were based on the proper level of skill in the art. *See* Dkt. No. 57 at 7 (asserting Dr. Cho was “at least a POSITA,” thus implying he could have been a person with *above* ordinary skill). And even if Dr. Cho could be properly classified as a skilled artisan at the time of invention, Plaintiffs avoided the straightforward questions of whether “location-determination component” was well understood as a class of structures. *Id.*

Nor do the claims identify sufficient structure associated with the term to avoid invoking § 112 ¶ 6. Plaintiffs argue the claims require that the component be part of the claimed mobile

device—i.e., something tangible—but that does not give the term “sufficiently definite structure.” Regarding the specification, Plaintiffs argue it provides multiple examples of *how* a mobile device’s location can be determined, Dkt. No. 57 at 9–10, but “merely listing examples of possible structures is insufficient to avoid invocation of § 112, ¶ 6[.]” *Robert Bosch, LLC*, 769 F.3d at 1101. In any event, nothing in the *claims*, even considering the specification, connotes structure for the recited component. *See Personalized Media Commc’ns*, 161 F.3d at 704 (Fed. Cir. 1998) (noting § 112 ¶ 6 does not apply when the claim includes “sufficient structure, material, or acts within the claim itself to perform entirely the recited function . . . even if the claim uses the term means.”) (quotation marks and citation omitted).

Plaintiffs have not shown this is a commonly understood term for structure or a class of structures, nor have they shown the claims at issue include sufficient structure, material, or acts within the claim itself to perform the recited function. Accordingly, Samsung has overcome the presumption that this is not a means-plus-function term, and § 112 ¶ 6 will apply.

2. *Whether the specification clearly links or associates structure with “location-determination component”*

Construing a means-plus-function limitation involves multiple steps. “The first step . . . is a determination of the function of the means-plus-function limitation.” *Medtronic, Inc. v. Advanced Cardiovascular Sys., Inc.*, 248 F.3d 1303, 1311 (Fed. Cir. 2001). Based on the express words of the claims at issue, the recited function is “determining the physical geographic location of the mobile device.” *See, e.g.*, ’418 Patent at 14:20–24 (“location information representing a physical geographic location of the mobile device as determined by a location-determination component”).

“[T]he next step is to determine the corresponding structure disclosed in the specification and equivalents thereof.” *Medtronic*, 248 F.3d at 1311. The focus of the “corresponding structure”

inquiry is not merely whether a structure is capable of performing the recited function, but whether the corresponding structure is “clearly linked or associated” with that function. *Id.*

According to Samsung, the specification does not clearly link or associate structure with “determining the physical geographic location of the mobile device.” Plaintiffs, however, note several structures described in the specification—such as: a navigation system, “structures using various location determination techniques described,” and combinations thereof—are sufficient to satisfy the “clearly linked or associated” requirement of § 112 ¶ 6. Dkt. No. 57 at 13; *see also id.* at 4 (asserting the ’418 Patent discloses corresponding structure at 2:31–37, 3:44–4:16, 4:30–49, 4:61–66, 11:60–12:13, and 12:61–13:44).

Having considered the excerpts on which Plaintiffs rely, three of them clearly link or associate structure with the recited function: ’418 Patent at 4:30–49, 11:60–12:13, and 12:61–13:44. For example, the patents explain:

the location of mobile devices, or another target location, can be determined using various suitable methods. For example, a mobile device running a registered application can provide location information to content delivery platform 112 in the form of latitude or longitude coordinates, raw or processed GPS data, or other location information received and recorded by either the device itself or another device. In some embodiments, a target location, e.g. the location of a mobile device, can be determined based on signals received from cellular transmission towers, satellites, or methods such as triangulation or dead reckoning, or by IP address.

’418 Patent at 4:30–41 (emphasis added). To the extent these methods are implemented by a general purpose processor, this is sufficient to provide the requisite structure in the form of algorithms. *See Jones Decl.*, Dkt. No. 57-1 at ¶ 42 (identifying, *inter alia*, triangulation and dead reckoning as algorithms); *see also Rain Comput., Inc. v. Samsung Elecs. Am., Inc.*, 989 F.3d 1002, 1007 (Fed. Cir. 2021) (“If the function is performed by a general-purpose computer or microprocessor, then the second step generally further requires that the specification disclose the

algorithm that the computer performs to accomplish that function.”). In contrast, the other excerpts on which Plaintiffs rely are not clearly linked to the recited function. *See, e.g.*, ’418 Patent at 2:31–37 (omitting any reference to determining location of the mobile device), 3:44–4:16 (same), 4:61–66 (same).

Given this, the Court construes “location-determination component” as a means-plus-function term with the following function and structure:

Function: determining the physical geographic location of the mobile device
Structure: the structures in the specification of the ’418 Patent at 4:30–49, 11:60–12:13, and 12:61–13:44

- B. “registering said application program, in the memory, for having said particular identifier provided to said application program . . . storing, in the memory, at least one record, for said application program, associated with said particular identifier and the at least one selected geographic area of interest” (’387 Patent, Claims 1, 10, 19); “registering, in the memory, the application program for having at least the first identifier provided to the application program” (’447 Patent, Claims 8, 27, 43)**

Plaintiffs’ Construction	Defendants’ Construction
Plain and ordinary meaning	Indefinite

The claims at issue from the ’387 Patent recite

registering said application program, in the memory, for having said particular identifier provided to said application program after it has been determined, by at least use of the at least one processor and of the location information, that the mobile device has at least entered the at least one selected geographic area of interest; [and]

storing, in the memory, at least one record, for said application program, associated with said particular identifier and the at least one selected geographic area of interest[.]

’387 Patent at 14:50–60 (Claim 1); *see also id.* at 16:51–61 (Claim 10), 19:9–19 (Claim 19); *see also* ’447 Patent at 15:62–64 (Claim 1), 22:1–3 (Claim 27), 26:25–27 (Claim 26). Samsung

complains “neither the claims nor the specification make clear what ‘registering’ means in this context, particularly if it is distinct from the ‘storing’ step also required by the claims.” Dkt. No. 66 at 20. Plaintiffs reply “the specification is replete with illustrations of application programs that are ‘registered’ or ‘non-registered.’” Dkt. No. 69 at 8 (citing ’387 Patent at 3:6–9, 4:31–37).

As used in the specification, “registration” associates either a sponsor or an application program with the content delivery platform. For example, as described with reference to Fig. 4, the platform “can receive a request for sponsor registration, which can also include receiving [a] physical address location from the sponsor.” ’387 Patent at 9:7–11. Sponsor registration is a prerequisite to establishing and reserving the perimeters of the areas of interest. *Id.* at Fig.4 (items 403, 405). Similarly, registration of the application program is effectively a prerequisite for the program requesting content from the platform. *See, e.g., id.* at Fig. 5 (items 503, 505), Fig. 6 (items 603, 605). In both cases, registration simply associates the content delivery platform with either the sponsor or the application program for content-delivery purposes.

The claim language itself supports that conclusion. The “registering” step¹ explains the purpose of the registration: “for having said particular identifier provided to said application after it has been determined” that the mobile device has entered the selected geographic area of interest.² ’387 Patent 14:51–56. But to “provide” the identifier, there must first be some association between the identifier, the selected area of interest, and the application program. In fact, the “registering” step fulfills the “receiving” limitation’s requirement of a request to associate the identifier with the

¹ As used herein, “step” refers to either a step of a method claim or a computer instruction of an apparatus claim.

² The last claim limitation recites *providing* the identifier to the application program after it has been determined the mobile device has entered the area. ’387 Patent at 15:7–9. Thus, the “purpose” for the “registering” is fulfilled in the last claim limitation.

selected geographic area.³ *See, e.g., id.* at 14:27–30 (“having a particular identifier *associated with* the at least one selected geographic area of interest” (emphasis added)).

The “registering” terms are not indefinite, and the Court construes them as:

- “associating, in the memory of the mobile device, said application program, said particular identifier, and said at least one selected geographic area of interest” (’387 Patent, Claims 1, 10, 19); and
 - “associating, in the memory of the mobile device, the application program, at least the first identifier, and the first area specifically reserved” (’447 Patent, Claims 8, 27, 43).
- C. **“information specifying at least one area bound by the perimeter boundary as the at least one selected geographic area of interest” (’387 Patent, Claims 1, 10, 19)**

Plaintiffs’ Construction	Defendants’ Construction
Plain and ordinary meaning.	Indefinite

Samsung’s challenge relates to the “data representing” phrase near the end of the “receiving” limitation of Claims 1 and 10 and the “sending” limitation of Claim 19. Each claim requires

data representing . . . b) at least one latitude value, at least one longitude value, and at least one radius value, each being provided via said application program, to be used for establishing a perimeter boundary for the at least one selected geographic area of interest, and c) information specifying at least one area bound by the perimeter boundary as the at least one selected geographic area of interest.

’387 Patent at 14:38–49 (Claim 1); *see also id.* at 16:39–50 (Claim 10); *id.* at 18:36–44 (Claim 19).

Samsung argues b) must be different than c), and that a skilled artisan would not understand what further information besides latitude, longitude, and radius could be used to specify an area bound by the perimeter boundary. Dkt. No. 66 at 23 (citing de Lara Decl., Dkt. No. 57-2 ¶ 57).

³ During the hearing, Samsung argued such a construction is redundant with the “storing” step, but the “storing” step requires a record that is not required by the “registering” step.

But Dr. de Lara simply concludes, without explaining *why*, a skilled artisan would think b) must be different than c). Moreover, Dr. de Lara provides no testimony explaining why a skilled artisan would have difficulty understanding the scope of “information specifying at least one area bound by the perimeter boundary.” *See* de Lara Decl., Dkt. No. 57-2 ¶ 57. Accordingly, Samsung has not shown by clear and convincing evidence that this term is indefinite, and the Court will instruct the jury to give the term its plain and ordinary meaning.

D. “establishing, in the memory, the [] designated geographic area of interest as the [] area specifically reserved for delivery of the [] identifier related to the application program, after storing, in the memory, a [] record comprising the [] identifier” (’447 Patent, Claims 1, 9, 18, 19, 28, and 44)

Plaintiffs’ Construction	Defendants’ Construction
Plain and ordinary meaning	Indefinite

The disputed phrase, which is part of much longer limitations, has distinct “establishing” and “storing” steps. In each claim at issue, the limitation ends with the step of “delivering . . . first datum comprising at least the first identifier.” *See, e.g.*, ’447 Patent at 14:56–59. The language before the “delivering” step sets forth what must happen first, such as receiving a request from the application program, the “establishing” and “storing” steps of the disputed phrase, and “determining” the mobile device has entered the first area. *Id.* at 14:23–57.

Samsung’s challenge is similar to its position for the “registering” term. Specifically, although Samsung recognizes the patents discuss “establishing” in other contexts, it complains the specification provides no guidance about how a perimeter can be “established, in the memory.” Dkt. No. 66 at 24. Moreover, says Samsung, “establishing” must be different than “storing,” but there is no guidance on how to distinguish those terms. *Id.* at 25.

As with “registering,” the specification uses “establishing” prolifically with respect to the content delivery platform. The Abstract, for example, explains that the “operator of the content

delivery platform *establishes perimeters* defining geographic areas.” ’447 Patent at [57] (emphasis added). The written description explains that the sponsor *establishes perimeters* in the platform “defining geographic areas of exclusive or semi-exclusive control, which are the areas the sponsor wants to reserve for the sponsor’s advertising.” *Id.* at 9:12–16; *see also id.* at 9:17–19. (“The perimeters *established* can be based on map features, such as streets, rivers, landmarks, or any of the other various map features.” (emphasis added)); *id.* at 9:24–26 (“[L]atitude, longitude and map features may be used to *establish the reserved area*, or a combination of coordinates and geometric constructs can be used in conjunction with other suitable boundary identifiers to *establish an area* that may be reserved specifically for content related to a particular advertiser or sponsor.” (emphasis added)). Clearly, these references concern storing the perimeter or area in the content delivery platform for later reference when implementing the disclosed systems and methods.

Samsung, however, focuses only on the words “establishing” and “storing,” rather than the phrase in its entirety. But “establishing” and “storing” cannot be considered apart from the other claim language, where “establishing” relates to geographic areas and boundaries and “storing” relates to a record. Clearly, though, in both cases something is written to (i.e., stored in) memory.

Samsung has not shown this term is indefinite by clear and convincing evidence.⁴ In the context of these claims, a skilled artisan would understand “establishing” as “storing.”

⁴ Dr. de Lara offers only conclusory opinions on this term without explaining why a skilled artisan, who would have had experience in location-based computing, would not understand its scope. *See de Lara Decl.*, Dkt. No. 57-2 ¶¶ 61–63.

V. CONCLUSION

Term	The Court's Construction
"location-determination component" ('418 Patent, Claims 1, 7, 11, 16, 19, 23; '387 Patent, Claims 1, 10, 19; '447 Patent, Claims 1, 7, 17)	§ 112, ¶ 6 applies. Function: determining the mobile device's physical geographic location Structure: The structures in the specification of the '418 Patent at 4:30–49, 11:60–12:13, and 12:61–13:44.
"registering said application program, in the memory, for having said particular identifier provided to said application program" ('387 Patent, Claims 1, 10, 19)	"associating, in the memory of the mobile device, said application program, said particular identifier, and said at least one selected geographic area of interest"
"registering, in the memory, the application program for having at least the first identifier provided to the application program" ('447 Patent, Claims 8, 27, 43)	"associating, in the memory of the mobile device, the application program, at least the first identifier, and the first area specifically reserved"
"information specifying at least one area bound by the perimeter boundary as the at least one selected geographic area of interest" ('387 Patent, Claims 1, 10, 19)	Plain and ordinary meaning
"establishing" ('447 Patent, Claims 1, 9, 18, 19, 28, and 44)	"storing"

The Court **ORDERS** each party not to refer, directly or indirectly, to its own or any other party's claim-construction positions in the presence of the jury. Likewise, the Court **ORDERS** the parties to refrain from mentioning any part of this opinion, other than the actual positions adopted by the Court, in the presence of the jury. Neither party may take a position before the jury that contradicts the Court's reasoning in this opinion. Any reference to claim construction proceedings is limited to informing the jury of the positions adopted by the Court.

SIGNED this 25th day of August, 2022.


 ROY S. PAYNE
 UNITED STATES MAGISTRATE JUDGE