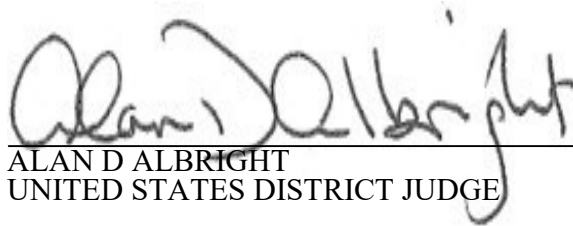


Markman hearing on February 27, 2025. ECF No. 138. During that hearing, the Court informed the Parties of the final constructions for the disputed terms. *Id.* The Court issues this Order to memorialize the Court's final claim construction rulings for the parties, and to inform the parties that the Court plans to issue a more-detailed Order explaining its analysis in due course.

SIGNED this 6th day of June, 2025.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#1: "some fading margins (M_1, M_2, ..., M_N)" U.S. Patent No. 7,496,376, Claims 1, 6, 12 Proposed by Plaintiff	one or more of a difference (in dB) in a statistical distribution of the fading parameters between the value at an outage probability and a specific performance threshold	Construction of "fading margin" (singular) is: margin (in dB) above the SIR median required to comply with the quality of service (QoS) for a specific link	"some fading margins" – One or more fading margins "fading margin" – Plain-and-ordinary meaning wherein the plain-and-ordinary meaning does not include a difference (in dB) in a statistical distribution of the fading parameters between the value at an outage probability and a specific performance threshold
#2: "some outage probabilities (p_{o1}, p_{o2}, ..., p_{oN})" U.S. Patent No. 7,496,376, Claims 1, 6, 12 Proposed by Plaintiff	one or more probabilities that the received signal to interference ratio is an amount less than a specific performance threshold	Construction of "outage probability" (singular) is: the probability that the received signal to interference ratio is less than a specific performance threshold	"some outage probabilities" – One or more outage probabilities

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#3: "by means of a dynamic adjusting function which performs a mapping between a quality criterion based on the outage probabilities ($p_{\sigma 1}$, $p_{\sigma 2}$, ..., $p_{\sigma N}$) and the quality criterion based on the target block error rate ($BLER_{target}$)" U.S. Patent No. 7,496,376, Claims 1, 6, 12 Proposed by Defendants	Apart from "outage probabilities ($p_{\sigma 1}$, $p_{\sigma 2}$, ..., $p_{\sigma N}$)," no construction is necessary	Governed by Pre-AIA 35 U.S.C. § 112, 6 Function: performs a mapping between a quality criterion based on the outage probabilities ($p_{\sigma 1}$, $p_{\sigma 2}$, ..., $p_{\sigma N}$) and the quality criterion based on the target block error rate ($BLER_{target}$) Structure: neural network	Not subject to § 112, ¶ 6. Plain-and-ordinary meaning.
#4: "setting a desired signal to interference ratio target (SIR_{target}) that is close to a signal to interference ratio required (SIR_{req}) during the normal mode of the outer loop" U.S. Patent No. 7,532,865, Claims 1, 5 Proposed by Defendants	Apart from "signal to interference ratio required (SIR_{req})," and "normal mode," no construction is necessary	Indefinite	Not indefinite. Plain-and-ordinary meaning.

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
#5: "outer loop windup" U.S. Patent No. 7,532,865, Claims 1, 2, 3, 5 Proposed by Plaintiff	Condition or mode where error rate requirements would dictate repeated increases in the signal to interference ratio target (SIR_{target})	condition or mode where error rate requirements would dictate repeated increases in the signal to interference ratio target (SIR_{target}) but the desired signal to interference ratio received (SIR_{rec}) will not be able to follow the increases to the signal to interference ratio target (SIR_{target})	Condition or mode where error rate requirements would dictate repeated increases in the signal to interference ratio target (SIR_{target}) but the desired signal to interference ratio received (SIR_{rec}) will not be able to follow the increases to the signal to interference ratio target (SIR_{target})
#6: "wherein at the start (403) of the outer loop unwinding the desired signal to interference ratio target (SIR_{target}) is set to a value suitably close to the original value (401) set just before the start moment (402) of the outer loop wind-up" U.S. Patent No. 7,532,865, Claim 2 Proposed by Defendants	Apart from "outer loop unwinding," and "outer loop wind up," no construction is necessary	Invalid as an improper dependent claim under Pre-AIA 35 U.S.C. § 112, 4 for failure to specify a further limitation of the subject matter claimed.	Not invalid. Plain-and-ordinary meaning.