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

TOT POWER CONTROL, S.L., *Plaintiff* **-v-** **AT&T Mobility LLC,** *Defendant* **-and-** **ERICSSON INC., NOKIA OF AMERICA CORP.** *Intervenors*	§	**6:21-CV-00107-ADA**
TOT POWER CONTROL, S.L., *Plaintiff* **-V-** **T-MOBILE USA, INC.,** *Defendant* **-AND-** **ERICSSON INC., NOKIA OF AMERICA CORP.** *Intervenors*	§	**6:21-CV-00109-ADA**

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendants AT&T Mobility LLC and T-Mobile USA, Inc. and Intervenors Ericsson Inc. and Nokia of America Corporation's Opening and Reply briefs (No. 6:21-CV-00107, ECF Nos. 65 and 71, respectively) (hereinafter collectively described as "Defendants") and Plaintiff TOT Power Control, S.L.'s Response and Sur-Reply briefs (No. 6:21-CV-00107, ECF Nos. 69 and 72, respectively). The Court provided preliminary constructions for the disputed terms one day before the hearing. The Court held the

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 ($p_{\sigma 1}$, $p_{\sigma 2}$, …, $p_{\sigma N}$)" 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_{rec})," 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.