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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Mformation Technologies, Inc.,

NO. C 08-04990 JW

Plaintiff,

**ORDER FOR ADDITIONAL BRIEFING  
REGARDING CLAIM 1 OF THE '917  
PATENT**

v.

Research in Motion Limited, et al.,

Defendants.

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Presently before the Court are the parties' various Motions for Summary Judgment. Among the Motions for the Court to adjudicate are Plaintiff's Motion for Summary Judgment of No Anticipation Under 35 U.S.C. § 102<sup>1</sup> and Defendants' Motion for Summary Judgment that U.S. Pat. No. 6,970,917 is not Entitled to Claim Priority to U.S. Prov. Pat. Appl. 60/251,034 and that Claim 1 of the '917 Patent is Invalid Under 35 U.S.C. § 102.<sup>2</sup> Both of these Motions address the patent-in-suit, U.S. Patent No. 6,970,917 ("the '917 Patent"). The '917 Patent pertains to a method, system and computer program for remote control and management of wireless devices.

Claim 1 of the '917 Patent provides:

A method for remotely managing a wireless device over a wireless network comprising a server and the wireless device, the wireless network operable to communicatively connect the server and the wireless device, the method comprising the steps of:

transmitting registration information relating to the wireless device from the

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<sup>1</sup> (Docket Item No. 547.)

<sup>2</sup> (Docket Item No. 565.)

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wireless device to the server;

verifying the registration information at the server; and

**without a request from the wireless device**, performing the steps of:  
establishing a mailbox for the wireless device at the server,  
placing a command for the wireless device in the mailbox at the server,  
delivering the command from the mailbox at the server to the wireless device by establishing a connection between the wireless device and the server, transmitting the contents of the mailbox from the server to the wireless device, and accepting the contents of the mailbox at the wireless device, and  
executing the command at the wireless device;

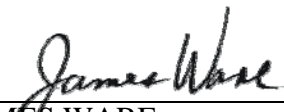
wherein the connection is established based on a threshold condition.

(‘917 Patent, Col. 7:22-44 (emphasis added).)

On February 25, 2010, the Court issued its First Claim Construction Order. (Docket Item No. 127.) The parties did not ask the Court to construe the step “without a request from the wireless device.” Upon review of the parties’ Motions, the Court now finds it necessary to construe this phrase.

Accordingly, the Court ORDERS the parties to submit additional briefing setting forth their respective proposed definitions of the phrase “without a request from the wireless device” in Claim 1 of the ‘917 Patent. The parties shall file their simultaneous briefs, numbering not more than ten pages, on or before **September 7, 2011**. Upon receipt of the parties’ briefs, the Court will determine whether a hearing on the issue is necessary.

Dated: August 31, 2011

  
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JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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**Dated: August 31, 2011**

**Richard W. Wieking, Clerk**

**By:           /s/ JW Chambers**  
**Susan Imbriani**  
**Courtroom Deputy**