

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

<p>ADAPTIX, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>MOTOROLA MOBILITY LLC, <i>et al</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 5:13-cv-01774 PSG</p> <p>CLAIM CONSTRUCTION ORDER</p> <p>(Re: Docket No. 109)</p>
<p>ADAPTIX, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>APPLE INC, <i>et al</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 5:13-cv-01776 PSG</p> <p>CLAIM CONSTRUCTION ORDER</p> <p>(Re: Docket No. 144)</p>
<p>ADAPTIX, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>APPLE INC., <i>et al</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 5:13-cv-01777 PSG</p> <p>CLAIM CONSTRUCTION ORDER</p> <p>(Re: Docket No. 143)</p>

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<p>ADAPTIX, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>AT&T MOBILITY LLC, <i>et al</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 5:13-cv-01778 PSG</p> <p>CLAIM CONSTRUCTION ORDER</p> <p>(Re: Docket No. 150)</p>
<p>ADAPTIX, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, HTC CORPORATION, and HTC AMERICA, INC.,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 5:13-cv-01844 PSG</p> <p>CLAIM CONSTRUCTION ORDER</p> <p>(Re: Docket No. 134)</p>
<p>ADAPTIX, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>APPLE INC., <i>et al</i>,</p> <p style="text-align: center;">Defendants.</p>	<p>Case No. 5:13-cv-02023 PSG</p> <p>CLAIM CONSTRUCTION ORDER</p> <p>(Re: Docket No. 125)</p>

In this patent infringement suit, Adaptix, Inc. alleges that Motorola Mobility, L.L.C, Apple, Inc., AT&T Mobility L.L.C, and Cellco Partnership *d/b/a* Verizon Wireless infringes U.S. Patent No. 6,947,748 and U.S. Patent No. 7,454,212. Yesterday and today, the court held a tutorial and claim construction hearing. The court’s constructions are as follows:

<u>CLAIM TERM</u>	<u>CONSTRUCTION</u>
<p>“Select[ing] a set of candidate subcarriers”</p> <p><i>’748 Patent: Claims 6, 8, 19, 21</i></p> <p><i>’212 Patent: Claim 1, 18</i></p>	<p>“Selecting” = “Choosing.”</p> <p>All other terms: plain and ordinary meaning</p>
<p>“Subcarriers [of/from] the set of subcarriers selected by the [] base station”</p>	<p>“Subcarriers that the base station has chosen from the set of</p>

<p>1 2</p>	<p><i>'748 Patent: Claims 6, 8, 19, 21</i> <i>'212 Patent: Claim 1, 18</i></p>	<p>candidate subcarriers selected by the subscriber”</p>
<p>3 4 5</p>	<p>“SINR Value” <i>'748 Patent: Claim 1, 19</i></p>	<p>“Calculation based on the Signal-to-Interference-plus-Noise Ratios of the cluster’s subcarriers”</p>
<p>6 7 8</p>	<p>“Index indication of a candidate cluster with it(s) ((SINR) value)” <i>'748 Patent: Claims 6, 19</i></p>	<p>“Identifier (ID) of a chosen candidate cluster of subcarriers with its SINR value.”</p>
<p>9 10 11</p>	<p>“Arbitrarily order[ed/ing]” <i>'748 Patent: Claims 6, 19</i> <i>'212 Patent: Claims 13, 28</i></p>	<p>“Order[ed/ing] in a manner not previously defined”</p>
<p>12 13 14 15 16</p>	<p>“A system employing orthogonal frequency division multiple access (OFDMA)” <i>'748 Patent: Claims 6, 8</i> <i>'212 Patent: Claim 1</i></p>	<p>“OFDMA”: orthogonal frequency division multiple access All other terms: plain and ordinary meaning</p>
<p>17 18 19</p>	<p>“Subcarrier allocation for OFDMA” <i>'748 Patent: Claim 11</i></p>	<p>“OFDMA”: orthogonal frequency division multiple access All other terms: plain and ordinary meaning</p>
<p>20 21 22 23</p>	<p>“OFDMA subcarriers” <i>'748 Patent: Claims 11, 19, 21</i> <i>'212 Patent: Claim 18</i></p>	<p>“OFDMA”: orthogonal frequency division multiple access; All other terms: plain and ordinary meaning</p>
<p>24 25 26</p>	<p>“intra-cell traffic load balancing” <i>'748 Patent: Claim 11</i></p>	<p>“balancing cluster usage within a cell of a base station”</p>

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The parties should rest assured that the court arrived at these constructions with a full appreciation of not only the relevant intrinsic and extrinsic evidence, but also the Federal Circuit's teachings in *Phillips v. AWH Corp.*¹ and its progeny. So that the parties may pursue whatever recourse they believe is necessary, a complete opinion will issue before entry of any judgment.

IT IS SO ORDERED.

Dated: December 19, 2013



PAUL S. GREWAL
United States Magistrate Judge

¹ 415 F.3d 1303, 1312-15 (Fed. Cir. 2005).