

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

**WSOU INVESTMENTS, LLC D/B/A
BRAZOS LICENSING AND
DEVELOPMENT,**

Plaintiff,

V.

**HUAWEI TECHNOLOGIES USA
INC.; HUAWEI TECHNOLOGIES
CO., LTD.,**

Defendants.

CIVIL ACTION 6:20-cv-00889-ADA
CIVIL ACTION 6:20-cv-00891-ADA
CIVIL ACTION 6:20-cv-00892-ADA

PLAINTIFF'S OPENING CLAIM CONSTRUCTION BRIEF

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“means for determining whether a call should be routed over said PSTN or said core packet network” (claim 3).....1

II. U.S. Patent No. 7,406,260 (Case No. 6:20-cv-00891).....2

A. Overview of the ’260 Patent2

B. Disputed Terms of the ’260 Patent3

 1. “masking alarms in the OCh paths in transmit direction”
 (Claim 1)3

 2. “masking alarms in the OCh paths in receive direction” (Claim
 1)3

 3. “wherein the step of analyzing alarms comprises the steps of:”
 (Claim 1)4

 4. “masking alarms in the downstream OCh path in the transmit
 direction that are correlated with each alarm in the list”
 (Claim 1)5

Table of Authorities

Cases

Net MoneyIN, Inc. v. VeriSign, Inc.,
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Plaintiff WSOU Investments, LLC d/b/a Brazos License and Development (“WSOU”) respectfully submits this claim construction brief in support of its proposed constructions.

I. U.S. Patent No. 6,704,304 (Case No. 6:20-cv-00889)

“means for determining whether a call should be routed over said PSTN or said core packet network” (claim 3)

WSOU’s Proposed Construction	Defendant’s Proposed Construction
Subject to 35 U.S.C. § 112, ¶ 6. Function: “determining whether a call should be routed over said PSTN or said core packet network”	
Structure: the portion(s) of server system (13) programmed to perform respective operation(s) of the algorithm(s) disclosed at 1:55-62, 4:1-10, 4:19-25, and Figure 2 (blocks 203 and 205), and equivalents thereof	server system (13), as depicted in Figure 1, programmed to perform the algorithm disclosed at 1:55-62, 4:1-10, 4:19-25, and Figure 2 (blocks 203 and 205), and equivalents thereof.

The sole dispute raised by Huawei concerning the ’304 patent is the corresponding structure for the term “means for determining whether a call should be routed over said PSTN or said core packet network.” The parties agree this “means for determining . . .” term is subject to 35 U.S.C. § 112, ¶ 6 and further agree as to the recited function. The parties’ respective positions for the corresponding structure are set forth in the table above. The term is recited only in dependent claim 3 in the following context:

3. The apparatus of claim 1, wherein said server system comprises means for determining whether a call should be routed over said PSTN or said core packet network.

’304 patent, 5:11-13. Because claim 3 recites “*said server system comprises* means for determining . . .” (*id.*), it would be “both redundant and illogical” to construe the server system (13) *itself* as the structure corresponding to the recited means. *Net MoneyIN, Inc. v. VeriSign, Inc.*, 545 F.3d 1359, 1364 (Fed. Cir. 2008). Such an erroneous construction would require the claimed “server system” to comprise *itself*, in its *entirety*. *Id.* (rejecting the argument that “first bank computer including means for generating an authorization indicia” is properly construed to include the “first bank computer” *itself* as requisite corresponding structure).

To avoid error and possible confusion injected by Huawei's construction, WSOU proposes a slight modification that identifies the corresponding structure as "the portion(s) of server system (13) programmed to perform respective operation(s) of the algorithm(s) disclosed at 1:55-62, 4:1-10, 4:19-25, and Figure 2 (blocks 203 and 205), and equivalents thereof."