

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

DALI WIRELESS, INC.,

Plaintiff,

v.

CELLCO PARTNERSHIP D/B/A VERIZON
WIRELESS, VERIZON CORPORATE
SERVICES GROUP INC., VERIZON
ONLINE LLC, ERICSSON INC., and
TELEFONAKTIEBOLAGET LM,

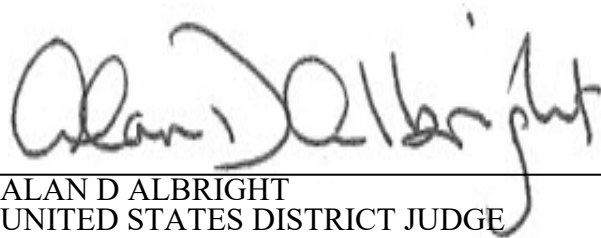
Defendants.

Case No. 6:22-cv-01313-ADA

CLAIM CONSTRUCTION ORDER

The Court held a *Markman* hearing on January 30, 2023. During that hearing, the Court provided its final constructions and took the construction of the “translating” step in U.S. Patent No. 8,682,338 under advisement. The Court now enters its final claim constructions.

SIGNED this 2nd day of February, 2023.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

I. AGREED CONSTRUCTIONS

A. U.S. Patent 8,682,338

Claim Term	Claim(s)	Agreed Construction
“reconfigure each remote radio unit”	1	“changing the configuration of each remote radio unit”
“load percentage”	1	“a value representing the portion of available capacity that is in use”

II. DISPUTED CONSTRUCTIONS

A. U.S. Patent 11,026,232

Claim Term	Proposed By	Claim(s)	Dali’s Proposed Construction	Defendants’ Proposed Construction ¹	Preliminary Construction
“radio resources”	Plaintiff	1, 3, 12, 14, 20	RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is transmitted by a wireless access point, but do not include the underlying data that is transmitted	Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not refer to the underlying data that is transmitted	<p>Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not include the underlying data that is transmitted.</p> <p>Note: when data is modulated on an RF carrier, the RF carrier is a radio resource, but the data modulated on the RF carrier is not a radio resource.</p>

“operator hub”	Plaintiff	1, 12, 20	Plain and ordinary meaning	Plain and ordinary meaning, which does not include the one or more central nodes	Plain and ordinary meaning.
“an operator hub . . . that provides the plurality of radio resources to a radio access network using the Common Public Radio Interface (CPRI) protocol”	Defendants	1	Plain and ordinary meaning except as “radio resources” has been construed above	Plain and ordinary meaning, which is that the operator hub uses the CPRI protocol to provide the plurality of radio resources to a radio access network	Plain and ordinary meaning. Note: the phrase “that provides the plurality of radio resources to a radio access network using the Common Public Radio Interface (CPRI) protocol” modifies “operator hub.”

B. U.S. Patent 10,334,499

Claim Term	Proposed By	Claim(s)	Dali’s Proposed Construction	Defendants’ Proposed Construction	Preliminary Construction
“is configured to”	Defendants	1, 8	Plain and ordinary meaning	Plain and ordinary meaning, which requires being actually configured, not merely capable of being configured	Plain and ordinary meaning, which requires being configured, not merely capable of being configured.
“radio resources”	Joint	1-4, 8-11, 13-16, 18, 19	RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is being transmitted by a remote unit, but do not include the underlying data that is transmitted	Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not refer to the underlying data that is transmitted	Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not include the underlying data that is transmitted.

					Note: when data is modulated on an RF carrier, the RF carrier is a radio resource, but the data modulated on the RF carrier is not a radio resource.
--	--	--	--	--	--

C. U.S. Patent 11,006,343

Claim Term	Proposed By	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction	Preliminary Construction
"is configured to"	Defendants	1	Plain and ordinary meaning	Plain and ordinary meaning, which requires being actually configured, not merely capable of being configured	Plain and ordinary meaning, which requires being configured, not merely capable of being configured.
"radio resources"	Joint	1, 12	RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is being transmitted by a remote unit, but do not include the underlying data that is transmitted	Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not refer to the underlying data that is transmitted	<p>Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not include the underlying data that is transmitted.</p> <p>Note: when data is modulated on an RF carrier, the RF carrier is a radio resource, but the data modulated on the RF carrier is not a radio resource.</p>

D. U.S. Patent 8,682,338

The Court finds collateral estoppel does not apply to the “translating” and “packetizing” terms because Defendants have not shown the Delaware Court’s constructions of those terms were necessary to support the final judgment. In the Delaware Court’s Order (Dkt. 76-3) establishing the basis for the Final Judgment (Dkt. 63-19), the “routing and switching” limitations are the only basis for the final judgment discussed by the Court. Thus, the record does not establish the necessity of the construction of the “translating” and “packetizing” terms to support the final judgment. The Court need not reach the collateral estoppel issue with respect to the “routing and switching” limitations because this Court agrees with the Delaware Court’s construction. Thus, the construction is the same whether based on collateral estoppel or independent claim construction.

Claim Term	Proposed By	Claim(s)	Dali’s Proposed Construction	Defendants’ Proposed Construction	Preliminary Construction
“translating the uplink and downlink signals between RF and base band as appropriate”	Joint	1	Plain and ordinary meaning in accordance with the plain and ordinary meaning of “downlink signals” as explained [below], and wherein “translating . . . as appropriate” is a conditional limitation	This phrase “recites ‘as appropriate’ to mean the amount of translation necessary to produce a baseband signal from an RF signal”, according to the construction and reasoning of the Delaware district court	“translating one or more uplink RF signals from RF to baseband, and translating one or more downlink RF signals from baseband to RF”
“downlink signals”	Plaintiff	1	Plain and ordinary meaning which is: signals transmitted in the downlink direction	This term should “be given [its] plain and ordinary meaning, which is ‘signals transmitted in the downlink direction’”, and must be construed in the context of the “translating the uplink and downlink signals between RF and base band as appropriate” phrase in which it appears, and the claim as a whole,	Plain and ordinary meaning which is: signals transmitted in the downlink direction.

				according to the construction and reasoning of the Delaware district court	
“packetizing the uplink and downlink baseband signals”	Joint	1	Plain and ordinary meaning in accordance with the plain and ordinary meaning of “downlink signals” as explained above. A POSITA would understand antecedent basis for “baseband signals” is present by implication	“packetizing the uplink and downlink baseband signals that were produced in the ‘translating’ step”, according to the construction and reasoning of the Delaware court	Plain and ordinary meaning, which is: packetizing the uplink and downlink signals while in baseband format.
“routing and switching the packetized signals among the one or more remote radio units via the at least one digital access unit”	Joint	1	Plain and ordinary meaning in accordance with the plain and ordinary meaning of “downlink signals” as explained above	<p>This phrase “refers to ‘the packetized signals’ produced by the packetizing step and includes both uplink baseband signals and downlink baseband signals that were previously packetized,” according to the construction and reasoning of the Delaware district court</p> <p>The “routing and switching . . . via the at least one DAU” portion of this phrase should be construed as “routing and switching . . . through the</p>	<p>“via” is construed as “through”</p> <p>“the packetized signals” is construed as “the signals produced by the ‘packetizing step’ including both uplink baseband signals and downlink baseband signals that were previously packetized”</p>

				at least one DAU,” according to the construction and reasoning of the Delaware district court	
--	--	--	--	---	--