

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

VOIP-PAL.COM, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD., et
al.,

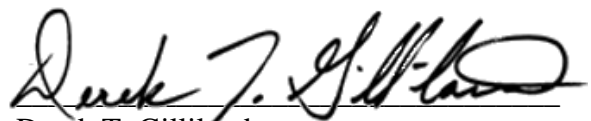
Defendants.

CIVIL ACTION NO. 6:21-cv-1246-ADA

CLAIM CONSTRUCTION ORDER

Before the Court are the Parties' claim construction briefs: Defendants Samsung Electronics Co., Ltd., Samsung Austin Semiconductor LLC, and Samsung Electronics America, Inc.'s ("Samsung") Opening Claim Construction Brief (ECF No. 34), Plaintiff VOIP-PAL.com, Inc.'s Responsive Claim Construction Brief (ECF No. 35), Defendants' Reply Claim Construction Brief (ECF No. 38), Plaintiffs' Sur-Reply (ECF No. 41), and the Joint Claim Construction Statement (ECF No. 43). On January 3, 2023, the Court provided the parties with its Preliminary Claim Constructions, and on January 4, 2023, the Court held a *Markman* hearing. 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. The deadline to file any objections to the undersigned's claim construction rulings (pursuant to Federal Rules of Civil Procedure 59 and 72) do not need to be filed until 14 days after that more fulsome Order is entered upon the docket.

SIGNED this 4th day of January, 2022.



Derek T. Gilliland
United States Magistrate Judge

I. AGREED-UPON CLAIM TERMS:

Claim Term	Agreed Constructions (adopted by the Court)
<p>“means for receiving, from a user of the mobile telephone, a callee identifier” (’234 Patent, Claim 11)</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p>Function: receiving, from a user of the mobile telephone, a callee identifier</p> <p>Structure: a dialing input, which is a key pad, a voice recognition unit, or a parameter memory with prestored callee identifiers</p>
<p>“means for transmitting an access code request message to an access server” (’234 Patent Claim 11; ’721 Patent, Claim 20)</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p>Function: transmitting an access code request message to an access server</p> <p>Structure: a network interface</p>
<p>“means for receiving an access code reply message from the access server in response to [said/the] access code request message” (’234 Patent, Claim 11; ’721 Patent, Claim 20)</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p>Function: receiving an access code reply message from the access server in response to [said/the] access code request message</p> <p>Structure: a network interface</p>
<p>“means for receiving from the mobile telephone [said/an] access code request message” (’234 Patent, Claims 19, 46)</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p>Function: receiving from the mobile telephone [said/an] access code request message</p> <p>Structure: a network interface</p>

<p>“means for transmitting [said/an/the] access code reply message including [said/the] access code to the [mobile telephone/wireless apparatus]” (’234 Patent, Claims 19, 46; ’721 Patent, Claims 34, 77)</p>	<p>Governed by 35 U.S.C. § 112 ¶ 6</p> <p>Function: transmitting [said/an/the] access code reply message including [said/the] access code to the [mobile telephone/wireless apparatus]</p> <p>Structure: a network interface</p>
<p>“gateway” (’721 Patent, Claims 1, 20, 38, 51, 77, 103)</p>	<p>Plain and ordinary meaning (i.e., a device capable of carrying a communication between distinct networks)</p>
<p>“means for receiving from a user of the wireless apparatus a destination node identifier” (’721 Patent, Claim 20)</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Function: receiving from a user of the wireless apparatus a destination node identifier</p> <p>Structure: a dialing input, which is a key pad, a voice recognition unit, or a parameter memory with prestored callee identifiers</p>
<p>“means for causing the wireless apparatus to establish communications with the destination node through the communications channel identified by the access code in the access code reply message” (’721 Patent, Claim 20)</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Function: causing the wireless apparatus to establish communications with the destination node through the communications channel identified by the access code in the access code reply message</p> <p>Structure: a processor of the wireless apparatus</p>

<p>“means for receiving from the wireless [apparatus/device] [the/an] access code request message” (’721 Patent, Claims 34, 77)</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Function: receiving from the wireless [apparatus/device] [the/an] access code request message</p> <p>Structure: a network interface</p>
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II. DISPUTED CLAIM TERMS (ALL TERMS RAISED BY DEFENDANTS):

Claim Term	Plaintiff’s Construction	Defendants’ Construction	Court’s Final Construction
<p>“access code” (’234 Patent, Claims 1, 10, 11, 19-21, 25, 28, 30-33, 38, 40, 43, 45-48, 54, 61, 62, 64, 65, 70, 72, 75; ’721 Patent, Claims 1, 14, 16, 20, 34, 38, 39, 46, 49-51, 57, 73, 77, 103, 104, 109, 110, 124, 130, 135, 138-40)</p>	<p>Plain and ordinary meaning, which is a code used to grant access</p>	<p>Samsung Proposed Construction:</p> <p>“code temporarily associated with the callee identifier”</p> <p>Huawei’s Proposed Construction:</p> <p>“code used by the [mobile telephone / wireless device / wireless apparatus] in place of the [callee identifier / destination node identifier]”</p>	<p>Plain and ordinary meaning, which is a code used to grant access</p>
<p>“pool of access codes” (’234 Patent, Claims 1, 11, 20, 30, 38, 46, 54, 62, 70; ’721 Patent,</p>	<p>Plain and ordinary meaning</p>	<p>“table containing access codes for exclusive association with a [callee identifier / destination node identifier]”</p>	<p>Plain and ordinary meaning.</p>

Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Final Construction
Claims 63, 109)			
“a respective telephone number or Internet Protocol (IP) network address [that enables a local call to be made to call the callee identified by the callee identifier]” ('234 Patent, Claims 1, 11, 20, 30, 46, 62)	Plain and ordinary meaning	Indefinite	Plain and Ordinary Meaning. The Claim is not indefinite.
“local call” ('234 Patent, Claims 1, 11, 20)	A call treated as ‘local’ (for example, as opposed to long distance) by a service provider. Not limited to PSTN.	Plain and ordinary meaning (i.e., call within the PSTN local calling area of the mobile telephone)	A call treated as ‘local’ (for example, as opposed to long distance) by a service provider. Not limited to PSTN.
“means for initiating a call using said access code to identify the callee” ('234 Patent, Claim 11)	Governed by 35 U.S.C. §112, ¶6 Function: initiating a call using said access code to identify the callee. Structure: Mobile wireless device 12 having a microprocessor 52 programmed to implement	Governed by 35 U.S.C. §112, ¶6 Function: initiating a call using said access code to identify the callee Structure: a processor (of the mobile telephone) At the <i>Markman</i> hearing, the	Governed by 35 U.S.C. §112, ¶6 Function: initiating a call using said access code to identify the callee. Structure: A processor (of the Mobile wireless device 12) programmed to implement the algorithm illustrated in FIG. 3, which includes block 149 labeled “Initiate

Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Final Construction
	<p>the algorithm illustrated in FIG. 3, which includes block 149 labeled "Initiate voice/video call using access code." The wireless device 12 includes I/O port(s) 56 capable of acting as an interface to external networks (70, 72, 15, 16). See FIG. 2.</p>	<p>Defendants proposed the following revised construction:</p> <p>Governed by 35 U.S.C. §112, ¶ 6</p> <p>Function: initiating a call using said access code to identify the callee.</p> <p>Structure: A processor (of the Mobile wireless device 12) programmed to implement the algorithm illustrated in FIG. 3, which includes block 149 labeled "Initiate voice/video call using access code."</p>	<p>voice/video call using access code."</p>
<p>"means for communicating with [said/the] routing controller to obtain from [said/the] routing controller [said/the] access code" ('234 Patent, Claim 19; '721 Patent, Claim 34)</p>	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: communicating with [said/the] routing controller to obtain from [said/the] routing controller [said/the] access code</p> <p>Structure: An I/O port of an access server, an I/O port of a routing controller and/or at</p>	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: communicating from the mobile telephone with said routing controller to obtain from said routing controller said access code</p> <p>Structure: a network interface (of the access server)</p>	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: communicating with [said/the] routing controller to obtain from [said/the] routing controller [said/the] access code</p> <p>Structure: An I/O port of an access server, an I/O port of a routing controller and/or at least one</p>

Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Final Construction
	least one processor (e.g., 152 in Figure 6) performing a method equivalent to process 190, including block 196, in Figure 7, to transmit a request to the routing controller.		microprocessor (e.g., 152 in Figure 6)
“means for producing an access code” ('234 Patent, Claim 46)	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: producing an access code</p> <p>Structure: Access server 14 and/or routing controller 30 having a microprocessor (152 or 232) programmed to implement the algorithm illustrated in Fig. 7 including step 196 and/or Fig. 12.</p>	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: producing an access code</p> <p>Structure: a processor (of the routing controller) with searching access to a pool of access codes</p>	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: producing an access code</p> <p>Structure: Access server 14 and/or routing controller 30 having a microprocessor (152 or 232)</p>
“means for causing a routing controller to produce an access code identifying a communications channel on a gateway through which communications between the	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: causing a routing controller to produce an access code identifying a communications channel on a gateway through which communications between the wireless device and the</p>	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: producing an access code identifying a communications channel on a gateway through which communications between the wireless device and the destination node can be</p>	<p>Governed by 35 U.S.C. §112, ¶6</p> <p>Function: causing a routing controller to produce an access code identifying a communications channel on a gateway through which communications between the wireless device and the destination node can be conducted</p>

Claim Term	Plaintiff’s Construction	Defendants’ Construction	Court’s Final Construction
<p>wireless device and the destination node can be conducted” (’721 Patent, Claim 77)</p>	<p>destination node can be conducted</p> <p>Structure: Access server 14 and/or routing controller 30 having a network interface (e.g., 156) and at least one processor (e.g., 152 in Figure 6) performing a method equivalent to process 190, including block 196, in Figure 7, to transmit a request to the routing controller 30; and/or at least one network interface (e.g., 236) and processor (e.g., 232 in Figure 8) to receive and process a request to produce an access code identifying a communications channel.</p>	<p>conducted</p> <p>Structure: a processor (of the access server)</p>	<p>Structure: Access server 14 and/or routing controller 30, a network interface (e.g., 156) and at least one processor (e.g., 152 in Figure 6)</p>