United States District Court,
D. Delaware.

LUCENT TECHNOLOGIES, INC,
Plaintiff.
v.
EXTREME NETWORKS, INC. and Foundry Networks, Inc,
Defendants.

Civil Action No. 03-508 JJF

April 14, 2005.

Josy W. Ingersoll, Monte Terrell Squire, John W. Shaw, Karen Elizabeth Keller, Young, Conaway, Stargatt & Taylor, Wilmington, DE, for Plaintiff.

Robert A. Appleby, Pro Hac Vice.

Karen Jacobs Louden, Morris, Nichols, Arsht & Tunnell, Wilmington, DE, Philip A. Rovner, Potter Anderson & Corroon, LLP, for Defendants.

ORDER

JOSEPH J. FARNAN, JR.**, District Judge.**

At Wilmington, this *14* day of April 2005, for the reasons set forth in the Memorandum Opinion issued this date,

IT IS HEREBY ORDERED that:

1. For the purposes of United States Patent Nos. 4,769,810 ("the '810 patent") and 4,769,811 ("the '811 patent"), the following terms and/or phrases are assigned the following meanings:

a. The term **"marking"** as used in claim 12 of the '810 patent and claim 12 of the '811 patent means "marking;"

b. The phrase **"excessive bandwidth packet"** as used in claim 12 of the '810 patent means "a packet transmitted at a rate greater than the subscribed rate;"

c. The term **"bytes"** as used in claim 12 of the '810 patent means "bytes;"

d. The phrase **"accumulating a count of bytes of data"** as used in claim 12 of the '810 patent means "maintaining a count of bytes of data;"

e. The term **"node"** as used in claims 12 and 21 of the '810 patent means "node;"

f. The term **"interval"** as used in claim 12 of the '810 patent means "a period of time;"

g. The phrase **"receiving a packet"** as used in claim 12 of the '810 patent means "receiving a packet;"

h. The phrase **"predetermined threshold"** as used in claim 12 of the '810 patent means "predetermined threshold;"

i. The phrase **"receive terminal"** as used in claim 21 of the '810 patent means "an input port of a packet switch;"

j. The term **"channel"** as used in claim 21 of the '810 patent means "a path for transmitting electrical signals;"

k. The phrase **"excessive rate"** as used in claim 21 of the '810 patent and claims 10 and 12 of the '811 patent means "rate greater than the subscribed rate;"

l. The phrase **"means for determining the rate at which a packet of data is being transmitted through the channel and generating a mark whenever the determined rate is an excessive rate"** as used in claim 21 of the '810 patent is a means-plus-function limitation. Its function is determining the rate at which a packet of data is being transmitted and generating a mark when that rate is an excessive rate. Its corresponding structure is a logic circuit, as depicted in Figure 2, which executes the algorithms of Figures 3 and 8 along with the update algorithm of Figure 4;

m. The phrase **"means for storing the mark with the packet of data"** is a means-plus-function limitation. Its function is storing the mark with the packet of data. Its corresponding structure is a marking field in the header of a packet.

n. The phrase **"preparing to transmit the data packet"** as used in claim 10 of the '811 patent means "accessing the header of a packet to make a decision on where to send the packet and to obtain the marking field;"

o. The term **"marked"** as used in claims 10 and 12 of the '811 patent means" identified by a marking signal as being transmitted at an excessive transmission rate;"

p. The term **"congestion"** as used in claims 10 and 12 of the '811 patent means "the occurrence of more work than can be handled in a specific period of time;"

q. The phrase **"preparing to transmit one of that customer's data packets"** as used in claim 12 of the '811 patent means "accessing the header of a packet to make a decision on where to send the packet and to obtain the marking field;"

2. For the purposes of United States Patent No. 4,914,650 ("the '650 patent"), the following terms and/or phrases are assigned the following meanings:

a. The phrase **"integrated voice and data multiplexer"** as used in claim 11 of the '650 patent means "a device that combines voice and data on a single path;"

b. The phrase **"guaranteeing predetermined individual minimum bandwidths"** as used in claims 11 and 13 of the '650 patent means "guaranteeing individual minimum amounts of data that can be sent per unit of time, determined beforehand;"

c. The term **"aggregate"** as used in claims 11 and 13 of the '650 patent is construed to mean "gathered in to a mass or sum so as to constitute a whole;"

d. The phrase **"voice traffic"** as used in claim 11 of the '650 patent means "transmitted voice packets;"

e. The phrase **"data traffic"** as used in claim 11 of the '650 patent means "transmitted data packets;"

f. The phrase **"integrated first and second type of traffic multiplexer"** as used in claim 13 of the '650 patent means "a device that combines a first type of transmitted packets and a second type of transmitted packets on a single path;"

g. The phrase **"first type of traffic"** as used in claim 13 of the '650 patent means "first type of transmitted packets;"

h. The phrase **"second type of traffic"** as used in claim 13 of the '650 patent means "second type of transmitted packets;"

3. For the purposes of United States Patent No. 4,922,486 ("the '486 patent"), the following terms and/or phrases are assigned the following meanings:

a. The phrase **"protocol for a data network"** as used in claim 1 of the '486 patent means "protocol for a data network;"

b. The term **"packet"** as used in claim 1 of the '486 patent means "a group of bits, including data and control limitations, which is switched and transmitted as a unit; the data is arranged in a specific format;"

c. The phrase **"data packet header"** as used in claim 1 of the '486 patent means "data packet header;"

d. The phrase **"identification of a source"** as used in claim 1 of the '486 patent means "identification of a source;"

e. The phrase **"identification of a destination"** as used in claim 1 of the ' 486 patent means "identification of a destination;"

f. The phrase **"means for checking for each data entity that transmission from said source to said destination is authorized prior to transmitting said each data entity to said destination if network transmission capacity is available"** as used in claim 1 of the '486 patent is a means-plus-function limitation. Its function is checking for each data entity that transmission from said source to said destination is authorized prior to transmitting if network capacity is available. Its corresponding structure of login authorization table 351, source checker 307, source checker table 308, router 309, and router tables 310;

4. For the purposes of United States Patent No. 5,245,607 ("the '607 patent"), the following terms and/or phrases are assigned the following meanings:

a. The term **"arrangement"** as used in claim 1 of the '607 patent means "arrangement;"

b. The term **"node"** as used in claim 1 of the '607 patent means "a point on a network where information can be sent, received, or forwarded;"

c. The phrase **"broadcast message"** as used in claim 1 of the '607 patent means "a message that is sent to all nodes in the network;"

d. The term **"neighbor"** as used in claim 1 of the '607 patent is construed to mean "two nodes are neighbors when they have a link between them; a link is a bi-directional communication path that terminates at a single node on either end;"

e. The phrase **"means contained in said first node for receiving via an associated one of said links said message, said message being originated by a third one of said nodes"** as used in claim 1 of the '607 patent is a means-plus-function limitation. Its function is receiving via an associated link one of said links said message, said message being originated by a third one of said nodes. Its corresponding structure is port modules 702-1 through 702-N, as depicted in Figure 7, and the algorithm depicted in Figures 8-10 for constructing a routing table in the node as shown in Figures 5 and 6;

f. The phrase **"means contained in first node for transmitting said message to said second node when the number of links between said first and third nodes is less than the number of links between said second and third nodes and is less than the number of links between said third node and any other neighbor of said second node"** as used in claim 1 of the '607 patent is a means-plus-function limitation with a function of transmitting the broadcast message to a second node when the number of links between the first and third nodes is less than the number of links between the third node and any other neighbor of the second node, and structure of port modules 702-(1-N) and the algorithm of Figs. 8-10 for constructing a routing table in the node, contention bus 704, control switch 703 and its associated routing control memory, and broadcast bus 705.

D.Del.,2005.
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