

# United States Court of Appeals for the Federal Circuit

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IRIDESCENT NETWORKS, INC.,  
*Plaintiff-Appellant*

v.

AT&T MOBILITY, LLC, ERICSSON INC.,  
*Defendants-Appellees*

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2018-1449

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Appeal from the United States District Court for the  
Eastern District of Texas in No. 6:16-cv-01003-RWS-JDL,  
Judge Robert Schroeder, III.

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Decided: August 12, 2019

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LLC also represented by BRYANT C. BOREN, JR., Palo Alto,  
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Before PROST, *Chief Judge*, REYNA and TARANTO, *Circuit Judges*.

REYNA, *Circuit Judge*.

Iridescent Networks, Inc. sued AT&T Mobility, LLC and Ericsson Inc. in the U.S. District Court for the Eastern District of Texas for infringement of U.S. Patent No. 8,036,119. Following claim construction, the parties jointly stipulated to noninfringement, and the district court entered judgment in favor of AT&T Mobility, LLC and Ericsson Inc. Iridescent Networks, Inc. appeals on the ground that the district court erred in its construction of the term “high quality of service connection.” Because the district court correctly construed this term, we affirm.

#### BACKGROUND

##### I. The '119 Patent

Iridescent Networks, Inc. (“Iridescent”) is the assignee of U.S. Patent No. 8,036,119 (“the ’119 patent”), entitled “System and Method of Providing Bandwidth on Demand.” The ’119 patent is directed to a system and method of network communication that provides guaranteed bandwidth on demand for applications that require high bandwidth and minimizes data delay and loss during transmission.<sup>1</sup>

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<sup>1</sup> Modern networks, including cellular networks, transfer data in small blocks called “packets.” Appellant’s Br. 6–7. Transmission of the packets may be affected by three factors: bandwidth, latency, and packet loss. “Bandwidth” refers to the maximum data transfer rate of a network. *See id.* at 14. “Latency” refers to the time required to transmit a packet across a network, with longer latency indicating a delay. *See id.* “Packet loss” refers to the loss of packets during transmission. *See id.* at 7.

'119 patent col. 1 ll. 19–22, 58–60, col. 3 ll. 46–48, col. 6 ll. 21–23.

The '119 patent discloses that prior art networks transmit data packets in an ad hoc manner, with each packet taking an unpredictable route to its destination. *Id.* col. 1 ll. 35–45. This is undesirable because some applications delivered on broadband “are very sensitive to any delay and . . . any variance in the delay” of packet transmission. *Id.* col. 1 ll. 66–col. 2 l. 2. The '119 patent teaches that some applications “are also sensitive to any packets . . . which may be lost in the transmission (0.0001% packet loss is the preferred quality for video transmission).” *Id.* col. 2 ll. 2–5. The '119 patent also teaches that some applications require significantly more bandwidth than others to provide tolerable levels of quality. *Id.* col. 1 ll. 58–60, col. 3 ll. 31–45. The '119 patent describes video applications as examples of such applications and explains that prior art “video compression methods vary greatly in the bandwidth they require to transport the video in real-time—some solutions are as low as 64 kbps up to 300 Mbps.” *Id.* col. 3 ll. 31–45. Figure 3 of the '119 patent illustrates bandwidth, packet loss, and latency requirements of several applications, including different video applications:

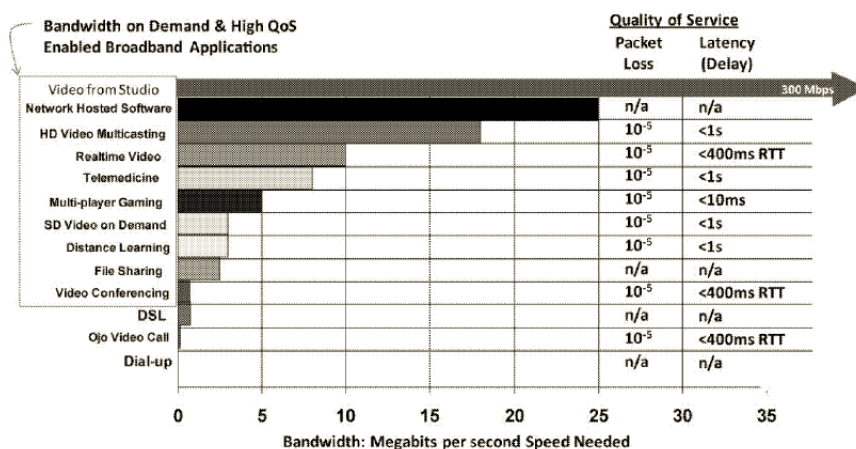


FIG. 3

*Id.* Fig. 3.

To deal with these parameter-sensitive applications, the '119 patent discloses a system and method for managing network traffic routes and bandwidth availability to minimize adverse network conditions and to assure that the network connection maintains a requested minimum level of one of these three parameters. *Id.* col. 5 l. 64–col. 6 l. 3. Rather than using existing ad hoc network routes, the invention creates custom routes to maximize the availability of the required bandwidth, minimize packet loss, and reduce latency. *Id.* col. 5 ll. 64–67; *id.* col. 6 ll. 57–61. According to the '119 patent, this results in a “high quality” network connection with bandwidth “on demand.” *Id.* col. 5 ll. 23–29. Applications that do not have minimum network connection parameter requirements may be routed through existing “best-effort” ad hoc network connections using “existing network components.” *Id.* col. 5 ll. 14–20. Claim 1 is illustrative and recites:

1. A method for providing bandwidth on demand comprising:

receiving, by a controller positioned in a network, a request for a *high quality of service connection* supporting any one of a plurality of one-way and two-way traffic types between an originating end-point and a terminating end-point, wherein the request comes from the originating end-point and includes at least one of a requested amount of bandwidth and a codec;

determining, by the controller, whether the originating end-point is authorized to use the requested amount of bandwidth or the codec and whether the terminating end-point can be reached by the controller;

directing, by the controller, a portal that is positioned in the network and physically separate from the controller to allocate local port resources of the portal for the connection;

negotiating, by the controller, to reserve far-end resources for the terminating end-point; and

providing, by the controller to the portal, routing instructions for traffic corresponding to the connection so that the traffic is directed by the portal based only on the routing instructions provided by the controller, wherein the portal does not perform any independent routing on the traffic, and wherein the connection extending from the originating end-point to the terminating end-point is provided by a dedicated bearer path that includes a required route supported by the portal and dynamically provisioned by the controller, and wherein control paths for the connection are supported only between each of the originating and terminating end-points and the controller and between the portal and the controller.

*Id.* col. 7 l. 43–col. 8 l. 7 (emphasis added).

The application that led to the '119 patent is a continuation of U.S. Application No. 11/743,470 (“the parent application”), which issued as U.S. Patent No. 7,639,612, also assigned to Iridescent. Both patents share a substantially identical specification.

During prosecution of the parent application, the examiner rejected several claims containing a similar limitation: “high quality and low latency bandwidth.” J.A. 271,

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