

United States District Court,
E.D. Texas, Lufkin Division.

E-WATCH, INC., a Nevada Corporation, and E-Watch Corporation, a Texas Corporation,
Plaintiffs.

v.

MARCH NETWORKS CORPORATION,
Defendant.

Civil Action No. 9:06-CV-25

Aug. 4, 2006.

Anthony Field Constant, Filemon B. Vela, Jr., Constant & Vela, Christopher A. Bandas, Bandas Law Firm PC, Corpus Christ, TX, Christopher Todd Coco, Provost Umphrey, Beaumont, TX, Clayton Edward Dark, Jr., Attorney at Law, Lufkin, TX, Eric William Cernyar, Gunn & Lee, Jesse Thomas Rhodes, III, Lyons, Rhodes and Vela LLP, San Antonio, TX, Scott Cook Kinsel, Moore Landrey LLP, Austin, TX, for Plaintiffs.

John E. Giust, John E. Gartman, Joseph P. Reid, Michael M. Rosen, Fish & Richardson, San Diego, CA, James Stephen Roper, Zeleskey Cornelius Hallmark Roper & Hicks, Lufkin, TX, for Defendant.

ORDER ON CLAIM TERMS OF UNITED STATES PATENT NO. 6,970,183 AND NO. 6,392,692

RON CLARK, District Judge.

Plaintiffs E-Watch, Inc. and e-Watch Corporation filed suit against Defendant March Networks Corporation claiming infringement of United States Patent No. 6,970,183 ("the '183 patent") and United States Patent No. 6,392,692 ("the '692 patent"). The following terms are agreed to by the parties.

I. Background and Standard of Review

For background of the patents, a description of the technology involved, and the standard of review, see Memorandum Opinion and Order Construing Claim Terms of United States Patent No. 6,970,183 ("the '183 patent") and No. 6,392,692 ("the '692 patent").

II. Claim Terms-The '183 patent

1. "IP network compatible" used in Claims 1, 18, and 25

The parties agree on the following construction:

"IP network compatible" means "internet protocol compliant."

2. "Multimedia surveillance and security system" used in Claims 1, 18, and 25.

The parties agree on the following construction:

"Multimedia surveillance and security system" means "a surveillance and security system which processes some combination of sensed audio, video, still image, and/or digital data."

3. "Adapted to connected" used in Claims 1, 18, and 25.

The parties agree on the following construction:

"Adapted to connected" means "are connected."

4. "A network based server for monitoring, logging, and transmitting data to the server" used in Claims 1, 18 and 25.

The parties agree on the following construction:

"A network based server for monitoring, logging, and transmitting data to the server" means "a server that keeps a record of data, used for monitoring an area, that is received from multiple sensor appliances, which transmit their data to the server through the IP network."

5. "Convertor for converting" used in Claim 1(b).

The parties agree on the following construction:

"Convertor for converting" means "a device that converts the non-IP signal from the conventional security sensor into an IP-compatible signal and communicates it over the network to a server."

6. "Network compatible signal" used in Claim 1(b).

The parties agree on the following construction:

"Network compatible signal" means "an IP network signal."

7. "Transmission control device for selectively transmitting" used in Claim 3(b).

The parties agree on the following construction:

"Transmission control device for selectively transmitting" means "a programmable digital processor or other digital circuit for selectively transmitting collected and stored data to the server ."

8. "The image signal comprising both still frame image data and motion video image data" used in Claim 18(a).

The parties agree on the following construction:

"The image signal comprising both still frame image data and motion video image data" means "a data sequence which contains at least two portions, one portion containing still frame image data (image data

that has been processed with a still image algorithm, such as **JPEG**) and another portion containing motion video image data (image data that has been processed with a video algorithm, such as **MPEG**)."

9. "Transmitter for sending" used in Claim 18(b).

The parties agree on the following construction:

"Transmitter for sending" means "a device that sends the image signal over the IP network to the server."

10. "A network for communicating with the plurality of sensor appliances with a central server" used in Claim 25(c).

The parties agree on the following construction:

"A network for communicating with the plurality of sensor appliances with a central server" means "a network containing the initial server, the plurality of sensor appliances, and the central server."

11. "Central server" used in Claim 25(d).

The parties agree on the following construction:

"Central server" means "a central server, remote from the initial server, which is able to access and manage the data transmitted by the plurality of sensor appliances."

12. "Dispatch signal" used in Claims 32 and 34.

The parties agree on the following construction:

"Dispatch signal" means "a signal sent to one or more recipients that calls for quick action."

13. "Location identifier component in the data signal" used in Claim 33.

The parties agree on the following construction:

"Location identifier component in the data signal" means "data that indicates the geographic location of the sensor appliance."

III. Claim Terms-The '692 patent

1. "IP protocol" used in Claim 1.

The parties agree on the following construction:

"IP protocol" means "Internet Protocol."

2. "Transmitting secure data to both a ground monitoring station and to the commercial transport in digitized, multi-media format comprising textual, visual and audio information" used in Claim 1.

The parties agree on the following construction:

"Transmitting secure data to both a ground monitoring station and to the commercial transport in digitized, multi-media format comprising textual, visual and audio information" means "communicating digital data which is encrypted and which contains text, image and audio information to both a ground monitoring station and to a commercial transport."

3. "Textual input device" used in Claim 1(c).

The parties agree on the following construction:

"Textual input device" means "a keyboard or other device that allows a user to enter text."

4. "Wireless transmitter" used in Claim 1(d).

The parties agree on the following construction:

"Wireless transmitter" means "one or more wireless transmission devices, whereby the audio, video and textual data are wirelessly transmitted."

5. "Wireless receiver" used in Claim 1(f).

The parties agree on the following construction:

"Wireless receiver" means "one or more wireless reception devices, whereby the audio, video and textual data are wirelessly received."

IV. Conclusion

The jury shall be instructed in accordance with these agreed interpretations of the claim terms in the '183 and '692 patents.

So **ORDERED**.

E.D.Tex.,2006.

E-Watch, Inc. v. March Networks Corp.

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