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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNILOC USA, INC., et al.,

Plaintiffs,

v.

APPLE INC.,

Defendant.

Case Nos. 3:18-cv-00365-WHA

DEFENDANT APPLE INC.'S CLAIM CONSTRUCTION BRIEF FOR CLAIM 9 OF U.S. PATENT NO. 6,216,158

JUDGE: Hon. William Alsup

Accompanying Papers: Declaration of Michael T. Pieja in Support; Exhibits

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Under paragraph 4 of the Court's May 1, 2018, Case Management Order, Uniloc selected claim 9 of the U.S. Patent No. 6,126,158 ("the '158 Patent") to include in the Court's early summary judgment procedure. Pursuant to paragraph 22 of the Court's Case Management Order, and the Court's July 14, 2018, Order endorsing the parties' scheduling stipulation, Defendant Apple Inc. ("Apple") hereby respectfully submits its brief regarding the claim construction issues pertaining to that claim. Pursuant to the July 14 Order, the parties will be submitting separate briefs regarding Apple's chosen claim (claim 21 of U.S. Patent No. 6,446,127), with Uniloc filing the opening brief on that claim.

I. INTRODUCTION

U.S. Patent No. 6,216,158 describes a supposed improvement to 1990s-era Palm Pilots and PDAs. According to the patent, these devices' limited physical capabilities prevented them from running many useful applications. Drawing heavily on pre-existing technology, the '158 Patent proposes addressing this "problem" by putting applications, and other services like printers, on a network. The patent then describes a way for a PDA or other palm-sized device to look up the services in a directory and control them over the network.

This description of the patent's alleged invention permeates the patent's claims, specification, and prosecution history. Apple's proposed constructions faithfully track this intrinsic evidence, following the Federal Circuit's admonition that "the construction that stays true to the claim language and most naturally aligns with the patent's description of the invention will be, in the end, the correct construction." *Trustees of Columbia Univ. v. Symantec Corp.*, 811 F.3d 1359, 1366 (Fed. Cir. 2016) (quotation omitted). Uniloc's proposed constructions, in contrast, stray far from the intrinsic evidence in an effort to fabricate infringement reads on Apple's products. And Uniloc's constructions create more issues than they solve. For one term, Uniloc proposes "ordinary meaning" without saying what that meaning is or addressing the parties' dispute. For another, Uniloc offers a construction that makes infringement dependent on the subjective intent of a device's user.

Further, and even absent Uniloc's constructions, claim 9 contains an unresolvable ambiguity. The claim is a method claim. In the middle of the claim, however, is a structural element that has no link to the rest of the claim and that attempts to refer back to an element that is not present. Nothing

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