IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

IRONBURG INVENTIONS LTD., *Plaintiff,* v. VALVE CORPORATION, *Defendant.*	Civil Action No. 1:15-cv-04219-TWT

DEFENDANT VALVE CORPORATION'S RESPONSE TO PLAINTIFF'S OPENING CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Ironburg's Opening Claim Construction Brief contains several flawed arguments. In this Response Brief, Valve responds to such flawed arguments relating to the following disputed terms and phrases:

- "elongate member" … "is inherently resilient and flexible"
- "elongate member"
- "the medial portion is closer to the top edge than a distal end of each of the first handle and second handle"
- "substantially the full distance between the top edge and the bottom edge"; "a first/second distance between the top edge and the bottom edge"; "substantially all" of the first/second distance, and
- "the case being shaped to be held in both hands of a user such that the user's thumbs are positioned to operate controls located on the top of the case and the user's index fingers are positioned to operate controls located on the front end of the case"; "wherein the games controller further comprises at least one first additional control located on a back of the case in a position operable by a middle, ring or little finger of the user"

Regarding the other two disputed terms ("conduit" and "formed from material having a thickness"), Valve refers the Court to its Opening Brief. Dkt. No. 69 at 21-23.

II. TERMS AND PHRASES TO BE CONSTRUED

A. "Elongate member … is inherently resilient and flexible"

Phrase	Claim	Ironburg's Proposal	Valve's Proposal
"Elongate member … is inherently resilient and flexible"	'525 Patent, Claim 1	"A member that may be bent or flexed by a load, such as a finger, and will return to its unbiased position when not under load"	"Elongate member" is indefinite. "Inherently resilient and flexible" should be given its plain and ordinary meaning.

Ironburg's belatedly proposed construction of this two-limitation phrase is a desperate attempt to rebut Valve's position that "elongate member" is indefinite. However, Ironburg's strategy fails for at least four reasons.

First, Ironburg's proposed construction improperly reads the word "elongate" (*i.e.*, the "shape" limitation) out of claim 1. Specifically, Ironburg's proposed construction improperly: (1) replaces "elongate member" with "member" for the first limitation of the disputed phrase without any explanation for removing "elongate"; and (2) substitutes language from the specification that describes the meaning of the terms "inherently resilient" and "flexible" for the second limitation of the disputed phrase. For example, the specification describes paddles 11 that are "inherently resilient, which means that they return to an unbiased position when not under load." '525 Patent at 3:33-35. Further, the patent describes "alternative embodiments" in which the paddles 11 are "configured to be resilient and flexible

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