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

IRONBURG INVENTIONS LTD. a United Kingdom Limited Company, Plaintiff, vs. COLLECTIVE MINDS GAMING CO. LTD., Defendant.	Civil Action No. 1:16-cv-04110-TWT

<u>PLAINTIFF IRONBURG INVENTIONS LTD'S OPPOSTION CLAIM CONSTRUCTION BRIEF</u>

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

Page

I. INTRODUCTION 1

II. STATEMENT OF LAW 1

A. The Patent Specification May Not Be Used To Rewrite the Claims to Something More or Different Than What Its Words Express 2

B. It Is Improper To Import Limitations Into The Claims From The Specification.. 3

III. DISCUSSION... 3

A. Collective Minds' Assertion That Certain Constructions Are Necessary To Prevent Ironburg's Unreasonable Application of Claim Language Is Unsupported And Clearly Erroneous 3

1. "Top Edge," "Front" and "Medial Portion" are not Dimensional Limitations.. 6

a. Collective Minds' revisions go beyond distinguishing "top" from "bottom"; upper from lower; and "front" from back... 7

b. Collective Minds seeks to improperly add a center point requirement to steer infringement decisions 9

c. Ironburg has not admitted collective minds' proposals are correct 11

2. The Claims Do Not Require Back Controls "Positioned To Be Engaged By The User 12

3. Claim 5 of the '770 Patent Refers to Handles That Extend Below The Medial Portion 13

4. Claims 1 and 30 of the '688 Patent Do Not Require Construction 17

5. Engaging Surface of Claim 24 of the '688 Patent Does Not Require Construction 19

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS
(continued)

Page

6. Command Initiation Point is No More Than a Physical Position......20

7. Front End of the Controller Includes "End"......24

8. Ironburg Does not Oppose Plain and Ordinary Meaning for the Convergence Clause in Claim 13 of the '525 Patent......25

IV. CONCLUSION......25

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF AUTHORITIES

Page

CASES

Acumed LLC v. Stryker Corp.,
483 F.3d 800 (Fed. Cir. 2007) 1

Cardiac Pacemakers, Inc. v. St. Jude Med., Inc.,
576 F.3d 1348 (Fed. Cir. 2009) 10

Every Penny Counts, Inc. v. Am. Express Co.,
563 F.3d 1378 (Fed. Cir. 2009) 4, 5

K-2 Corp. v. Salomon S.A.,
191 F.3d 1356 (Fed. Cir. 1999) 2

Lazare Kaplan Int'l, Inc. v. Photoscribe Techs., Inc.,
628 F.3d 1359 (Fed. Cir. 2010) 5

Markman v. Westview Instruments, Inc.,
52 F.3d 967 (Fed. Cir. 1995), aff'd, 517 U.S. 370, 116 S.Ct. 1384,
134 L.Ed.2d 577 (1996) 5

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005) 1, 2, 3

Union Carbide Chems. & Plastics Tech. Corp. v. Shell Oil Co.,
425 F.3d 1366 (Fed. Cir. 2005) 10

White v. Dunbar,
119 U.S.47 (1886) 2, 4

Wilson Sporting Goods Co. v. Hillerich & Bradsby Co.,
442 F.3d 1322 (Fed. Cir. 2006) 5

RULES

LPR 6.5 1

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

I. INTRODUCTION

Pursuant to Patent Local Rules LPR 6.5, Plaintiff Ironburg Inventions Ltd. ("Ironburg") submits this Responsive Claim Construction Brief in support of its proposed constructions of the identified disputed terms of the five patents-in-suit: U.S. Patent Nos. 8,641,525 ("'525" Patent), 9,089,770 ("'770" Patent), 9,289,688 ("'688" Patent), 9,352,229 ("'229" Patent), and 9,308,450 ("'450" Patent). See Declaration of Robert D. Becker In Support of Ironburg's Opening Claim Construction Brief ("Becker Decl.") Exhibits 1-5.

Ironburg respectfully requests that this Court decline to rewrite the claims as urged by Collective Minds.

II. STATEMENT OF LAW

Ironburg agrees with Collective Minds. "When construing claims, a court must begin by 'look[ing] to the words of the claims themselves ... to define the scope of the patented invention.'" *Acumed LLC v. Stryker Corp*., 483 F.3d 800, 805 (Fed. Cir. 2007), *citing Phillips v. AWH Corp*., 415 F.3d 1303, 1312 (Fed. Cir. 2005) (*en banc*). "[T]he claims themselves provide substantial guidance as to the meaning of particular claim terms." *Phillips*, 415 F.3d at 1314. Beyond the claims themselves, courts look principally to the intrinsic evidence of a patent to determine the ordinary and customary meaning of a claim term. This intrinsic record includes the specification and the patent's prosecution history.

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.