UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

ARNOUSE DIGITAL DEVICES, CORP., Plaintiff,	)	
v.	)	Case No. 5:11-cv-155
MOTOROLA MOBILITY, INC. Defendant.	)	

ARNOUSE DIGITAL DEVICES, CORP.'S *MARKMAN* BRIEF REGARDING CONSTRUCTION OF THE DISPUTED CLAIM TERMS IN U.S. PATENT NO. 7,516,484

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TABLE OF AUTHORITIES

Cases

Advanced Fiber Technologies Trust v. J & L Fiber, 674 F. 3d 1365 (Fed. Cir. 2012) 17

Application of Lund, 376 F. 2d 982 (CCPA 1967) 24

Bicon, Inc. v. Straumann Co., 441 F.3d 945 (Fed. Cir. 2006) 17

CCS Fitness, Inc. v. Brunswick Corp., 288 F. 3d 1359 (Fed. Cir. 2002) 17

Digital Biometrics, Inc. v. Identix, Inc., 149 F.3d 1335 (Fed. Cir. 1998) 10

Digital-Vending Svcs. Intern. v. Univ. of Phoenix, 672 F.3d 1270 (Fed. Cir. 2012) 17

Johnson & Johnston Assoc. Inc. v. R.E. Serv. Co., Inc., 285 F.3d 1046 (Fed. Cir. 2002) (*en banc*) 7

Laitram Corp. v. Rexnord, Inc., 939 F.2d 1533 (Fed. Cir. 1991) 9

Liebel-Flarsheim Co. v. Medrad, Inc., 358 F.3d 898 (Fed. Cir. 2004) 9, 11

Liebscher v. Boothroyd, 258 F.2d 948 (CCPA 1958) 11

Markman v. Westview Instruments Inc., 517 U.S. 370 (1996) 7

Martek Biosciences v. Nutrinova, 579 F.3d 1363 (Fed. Cir. 2009) 10

Medrad, Inc. v. MRI Devices Corp., 401 F.3d 1313 (Fed. Cir. 2005) 8

Multiform Desiccants, Inc. v. Medzam, Ltd., 133 F.3d 1473 (Fed. Cir. 1998) 8

Phillips v. AWH Corp., 415 F.3d 1303 (Fed. Cir. 2005) (*en banc*) ..... passim

Renishaw PLC v. Marposs Societa' per Azioni, 158 F.3d 1243 (Fed. Cir. 1998) 10, 11

Rexnord Corp. v. Laitram Corp., 274 F.3d 1336 (Fed. Cir. 2001) 9, 20, 28

SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc., 242 F.3d 1337 (Fed. Cir. 2001) .. 11

Standard Oil Co. v. Am. Cyanamid Co., 774 F.2d 448 (Fed. Cir. 1985) 10

Vas-Cath v. Mahurakr, 935 F.2d 1555 (Fed. Cir. 1991) 10

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Vitronics, Corp. v Conceptronic. Inc., 90 F.3d 1576 (Fed. Cir. 1996) 8

Watts v. XL Sys., Inc., 232 F.3d 877 (Fed. Cir. 2000) 11

Statutes

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Other Authorities

Merriam-Webster, http://www.merriam-webster.com/dictionary/computer 14

ROBERT C. FABER, Faber On Mechanics of Patent Claim Drafting, 6th ed. (August 2010) 26

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