

Exhibit

2002

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ROY-G-BIV CORP.,

Plaintiff,

vs.

FANUC LTD., et al.,

Defendants.

§
§
§
§
§
§
§
§
§
§

CIVIL ACTION NO. 2:07-CV-418 (DF)

CLAIM CONSTRUCTION ORDER

Construing Terms in U.S. Patent Nos. 5,691,897, 6,513,058, 6,516,236 and 6,941,543

Before the Court are RGB's Opening Brief on Claim Construction (Dkt. No. 100), FANUC's Opening Claim Construction Brief (Dkt. No. 105), RGB's Reply Brief on Claim Construction (Dkt. No. 109), and FANUC's Sur-reply Brief (Dkt. No. 117). Also before the Court are the Local Patent Rule (LPR) 4-3 Joint Claim Construction and Prehearing Statement (Dkt. No. 93) and the LPR 4-5 Supplemental Joint Claim Construction Chart (Dkt. No. 119; Dkt. No. 119, Ex. B (Second Supplemental Exhibit B)). A claim-construction hearing, in accordance with *Markman v. Westview Instruments*, 52 F.3d 967 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996), was held in Texarkana on April 16, 2009. Dkt. No. 146 (hearing transcript). After hearing the arguments of counsel and reviewing the relevant pleadings, presentation materials, other papers, and case law, the Court finds the disputed terms of the patents-in-suit should be construed as set forth herein.

TABLE OF CONTENTS

I.	BACKGROUND.....	- 1 -
II.	LEGAL PRINCIPLES.....	- 1 -
III.	PATENTS-IN-SUIT	- 2 -
IV.	U.S. PATENT NO. 5,691,897	- 4 -
	A. Overview.....	- 4 -
	B. Claim Construction	- 5 -
	1. “application program”.....	- 5 -
	2. “component function”	- 7 -
	3. “component code”.....	- 11 -
	4. “software driver(s)” / “drivers”	- 12 -
	5. “motion control operation(s)”	- 15 -
	6. “primitive operation(s)”	- 18 -
	7. “driver function(s)”	- 19 -
	8. “core driver functions”.....	- 21 -
	9. “driver code”.....	- 22 -
	10. “control command(s)”.....	- 24 -
	11. “developing a set of software drivers”	- 26 -
	12. “defining a [core/extended] set of [core/extended] driver functions”	- 28 -
	13. “defining a set of component functions”	- 29 -
	14. “defining a set of motion control operations”	- 29 -
	15. “providing component code for each of the component functions”	- 30 -
	16. “providing response stream code”	- 31 -
	17. “selecting at least one of the destinations” (“of control commands”)	- 32 -
	18. “selecting from the set of software drivers the software driver developed for the selected motion control device”	- 37 -
	19. “selecting one motion control device”	- 38 -
V.	U.S. PATENT NO. 6,513,058	- 38 -
	A. Overview.....	- 38 -
	B. Claim Construction	- 40 -
	1. “network”.....	- 40 -
	2. “a control command generating module for generating control commands based on the component functions of the application program, the component code associated with the component functions, and the driver code associated with the software drivers”	- 41 -

VI.	U.S. PATENT NO. 6,516,236	- 44 -
A.	Overview	- 44 -
B.	Claim Construction	- 46 -
1.	“a selected destination of control commands”	- 46 -
2.	“a selected software driver”	- 47 -
3.	“motion control component”	- 47 -
4.	“a motion control component for generating the sequence of control commands for controlling the selected motion control device based on the component functions of the application program, the component code associated with the component functions, and the driver code associated with the selected software driver”	- 48 -
5.	“stream control means for communicating the control commands to the selected destination of control commands based on the transmit stream code contained by the stream associated with the selected destination of control commands”	- 51 -
6.	“the stream control means processes the response data based on the response stream code”	- 54 -
VII.	U.S. PATENT NO. 6,941,543	- 55 -
A.	Overview	- 55 -
B.	Claim Construction	- 57 -
1.	“selected from a plurality of software drivers”	- 57 -
2.	“selecting a software driver”	- 58 -
3.	“incremental motion step(s)”	- 58 -
4.	“identifies an incremental motion step”	- 60 -
VIII.	CONCLUSION.....	- 61 -

I. BACKGROUND

In the present lawsuit, ROY-G-BIV Corp. (“RGB”) contends certain software (and accompanying equipment) developed, sold, offered for sale, used or imported by FANUC Ltd., FANUC Robotics America, Inc., GE Fanuc Automation Americas, Inc., and GE Fanuc Intelligent Platforms, Inc. (collectively, “FANUC”) infringe claims of U.S. Patent Nos. 5,691,897 (“the ’897 Patent”), 6,513,058 (“the ’058 Patent”), 6,516,236 (“the ’236 Patent”), and 6,941,543 (“the ’543 Patent”). Both the ’897 and ’236 Patents are entitled “Motion Control Systems,” while the ’058 Patent is entitled “Distribution of Motion Control Commands Over a Network,” and the ’543 Patent is entitled “Motion Control System and Method.” All three later patents are continuations-in-part of the ’897 Patent. ’058 at [63]; ’236 at [63]; ’543 at [63].

II. LEGAL PRINCIPLES

A determination of patent infringement involves two steps: first, the patent claims are construed, and second, the claims are compared to the allegedly infringing device. *Cybor Corp. v. FAS Techs., Inc.*, 138 F.3d 1448, 1455 (Fed. Cir. 1998) (en banc). The legal principles of claim construction were reexamined by the Federal Circuit in *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). The Federal Circuit in *Phillips* expressly reaffirmed the principles of claim construction as set forth in *Markman v. Westview Instruments, Inc.*, 52 F.3d 967 (Fed. Cir. 1995) (en banc), *aff’d*, 517 U.S. 370 (1996), *Vitronics Corp. v. Conceptor, Inc.*, 90 F.3d 1576 (Fed. Cir. 1996), and *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111 (Fed. Cir. 2004). Claim construction is a legal question for the courts. *Markman*, 52 F.3d at 979.

The Court, in accordance with the doctrines of claim construction that it has outlined in the past, will construe the claims of the RGB Patents below. *See Pioneer v. Samsung*, No. 2:07-CV-170, Dkt. No. 94, at 2-8 (E.D. Tex. filed Mar. 10, 2008) (claim-construction order).

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.