IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROY-G-BIV Corporation, **Plaintiff,** **v.** **ABB, Ltd., ABB, Inc., MEADWESTVACO TEXAS, LP and MEADWESTVACO CORPORATION,** **Defendants.**	
ROY-G-BIV Corporation, **Plaintiff,** **v.** **HONEYWELL INTERNATIONAL, INC., MOTIVA ENTERPRISES, LLC** **Defendants.**	**Case No. 6:11-cv-00622-LED** **JURY TRIAL DEMANDED**
ROY-G-BIV Corporation, **Plaintiff,** **v.** **SIEMENS CORP., et al.** **Defendants.**	

PLAINTIFF ROY-G-BIV CORPORATION'S
OPENING MARKMAN BRIEF

ABB v ROY-G-BIV
TRIAL IPR2013-00062
ABB - EXHIBIT 1027

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I. INTRODUCTION

Plaintiff RGB asserts four patents ("the RGB Patents") that relate generally to motion control systems and, more specifically, to software for communicating with and controlling different motion control devices that may speak different "languages." RGB's patented approach to universal connectivity has become the industry standard. RGB previously asserted three of the RGB Patents in *ROY-G-BIV Corp. v. Fanuc Ltd. et al.*, Case No. 2:07-cv-00418-DF (E.D. Texas) ("*Fanuc*"). Those patents were U.S. Patent Nos. 6,513,058 ("the '058 Patent") ("Ex. 1"); 6,516,236 ("the '236 Patent") ("Ex. 2"); and 6,941,543 ("Ex. 3"). The fourth RGB Patent, U.S. Patent No. 8,073,557 ("the '557 Patent") ("Ex. 4") was not previously asserted.[1]

In the earlier case, Judge Folsom construed most of the terms that are disputed here. *Fanuc Markman* Ruling ("Ex. 5"). Except for clarifications designed to head off anticipated mischief by Defendants, RGB urges this Court to adopt Judge Folsom's constructions. RGB's proposed constructions accord with the RGB Patents' lexicography and contextual usage, and well-established claim construction canons. In contrast, Defendants' proposed constructions are either attempts to limit the claims to a preferred embodiment, attempts to exclude preferred embodiments, or self-serving creations that have no basis in the RGB Patents.

II. TECHNOLOGY BACKGROUND

A. Generally

RGB's patents relate to "motion control" technology, in which the operation of motorized mechanical devices ("motion control devices") is controlled with software. These motion control devices comprise "a controller and a mechanical system." Ex. 2 at 1:19-21. The RGB Patents

[1] Because all four asserted patents share a nearly identical specification, this brief typically cites only to the '236 Patent.

explain that "the principles of the present invention are generally applicable to any mechanical system that generates movement based on a control signal." *Id*. at 1:34-36.

Both at the time of RGB's invention and now, motion control devices interface with computers and are driven by "low level [software] programs" often referred to as drivers. *Id*. at 1:65-2:1. These low level programs "work directly with the motion control command language specific to a given motion control device." *Id*. at 1:65-2:1. The software "generate[s] control commands that are passed to the controller" of the motion control device. *Id*. at 1:57-59. The controllers in different motion control devices often rely on different sets of control commands—*i.e.*, they speak different "languages." Thus, the driver associated with a particular motion control device is typically "highly hardware dependent," *id*. at 2:1-3, meaning that it can communicate only in the particular "language" of the motion control device(s) with which it is associated.

The human users that operate motion control devices do not interact directly with the driver that is associated with that device. Instead, they interact with the driver and associated motion control device using "high level software programs" often referred to as "application programs." *Id*. at 2:4-15. Prior to the inventions of the RGB Patents, after the human user selected the desired operations for a motion control device, the application program then either generated appropriate commands for the motion control device (*see* graphical depiction in Exhibit 6) or called drivers, which in turn generated appropriate control commands for the motion control device (*see* graphical depiction in Exhibit 7). Because drivers are hardware dependent, application programs were tailored to specific drivers. As a result, the human user who wished to control multiple motion control devices would need multiple application programs, each one of which could communicate with a different group of motion control devices. This was inefficient and caused increasing complexity as the number and different types of proprietary motion control devices increased.

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