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

ROY-G-BIV CORP.	§	
	§	
v.	§	**NO. 6:11-CV-622 (Lead Case)**
	§	
ABB, Ltd., ABB INC., MEADWESTVACO TEXAS, LP, and MEADWESTVACO CORP.	§	
	§	
	§	
	§	
ROY-G-BIV Corp.	§	
	§	
v.	§	**NO. 6:11-CV-623**
	§	
HONEYWELL INTERNATIONAL, INC. and MOTIVA ENTERPRISES, LLC	§	
	§	
	§	
ROY-G-BIV CORP.	§	
	§	
v.	§	**NO. 6:11-CV-624**
	§	
SIEMENS CORP., et al.	§	

CLAIM CONSTRUCTION MEMORANDUM OPINION AND ORDER

These cases are assigned for trial to the Honorable Leonard Davis, United States Chief District Judge, and are referred to the undersigned United States Magistrate Judge for claim construction purposes, including Defendants' Motion for Summary Judgment of Indefiniteness. (Doc. No. 158.) On June 19, 2013, the Court held a hearing to determine the proper construction of the claim terms in U.S. Patent Nos. 6,513,058; 6,516,236; 6,941,543; and 8,073,557, and to hear argument on the Defendants' Motion for Summary Judgment. See (Transcript, Doc. No. 183.) After considering the arguments made by the parties at the hearing and in the parties' claim construction and summary judgment briefing (Doc. Nos. 151, 157, 167, 168, 169, 171, 174, 175), the Court adopts the constructions set forth below. See also Appendix A.

Also before the Court is the Defendants' Joint Motion for Summary Judgment of Indefiniteness. (Doc. No. 168.) While the terms underlying that Motion are construed in this Order, the undersigned will also enter a separate report recommending that Chief Judge Davis deny the Defendants' Motion.

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I. Background

The Plaintiff Roy-G-Biv Corp. ("RGB") sued the following Defendants for infringement of U.S. Patent Nos. 6,513,058 ("the '058 Patent"), 6,516,236 ("the '236 Patent"), 6,941,543 ("the '543 Patent"), and 8,073,557 ("the '557 Patent"): ABB, Inc., Honeywell International, Inc., MeadWestvaco Corp., MeadWestvaco Texas, LP, Motiva Enterprises, LLC, Siemens AG, Inc., Siemens Corp., Siemens Industry, Inc., Siemens Product Lifecycle Management Software, Inc., and Siemens Product Lifecycle Management Software II (US), Inc.[1] RGB asserts claims 1–5 of the '058 patent, claims 1–10 of the '236 patent, claims 5–16 of the '543 patent, and claims 16–30 and 46–59 of the '557 patent.

The RGB Patents relate generally to "motion control" technology, in which the operation of motorized mechanical devices ("motion control devices") is controlled with software. More specifically, the RGB Patents are directed to a system that allows an application program to communicate with and control any one of a group of supported motion control devices that may speak different "languages." RGB describes the system in a three-tiered manner, involving an application program that generates control commands, "middleware" that translates control commands into a language understandable by software drivers, and device-specific software drivers that directly communicate with and control particular motion control devices.

RGB previously asserted three of the RGB Patents in ROY-G-BIV Corp. v. Fanuc Ltd., ("Fanuc"), No. 2:07-CV-418 (E.D. Texas). In that case, Judge David Folsom construed many of the same patent terms that are at issue in the present action. See Fanuc, No. 2:07-CV-418, 2009 U.S. Dist. LEXIS 127428 (E.D. Tex. Aug. 25, 2009) (construing claim terms in the '058, '236, and '543 Patents as well as U.S. Patent No. 5,691,897).

1. This order refers to the four asserted patents collectively as "the RGB Patents" and all defendants collectively as "the Defendants."

II. Applicable Law

A. General Principles of Claim Construction

"It is a 'bedrock principle' of patent law that 'the claims of a patent define the invention to which the patentee is entitled the right to exclude.'" Phillips v. AWH Corp., 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting Innova/Pure Water Inc. v. Safari Water Filtration Sys., Inc., 381 F.3d 1111, 1115 (Fed. Cir. 2004)). Courts generally give claim terms their ordinary and customary meaning as understood by one of ordinary skill in the art at the time of the invention. Id. at 1312–13. To determine the meaning of claims, courts begin by examining the intrinsic evidence. Bell Atl. Network Servs., Inc. v. Covad Commc'ns Group, Inc., 262 F.3d 1258, 1267 (Fed. Cir. 2001); see also Phillips, 415 F.3d at 1313–14; C.R. Bard, Inc. v. U.S. Surgical Corp., 388 F.3d 858, 861 (Fed. Cir. 2004). The intrinsic evidence includes the claims themselves, the specification, and the prosecution history. Bell Atl. Network Servs., Inc., 262 F.3d at 1267; see also Phillips, 415 F.3d at 1314; C.R. Bard, Inc., 388 F.3d at 861.

"[T]he claims themselves provide substantial guidance as to the meaning of particular claim terms." Phillips, 415 F.3d at 1314. First, a term's context in the asserted claim can be highly instructive. Id. Other asserted or unasserted claims may likewise provide guidance on a term's meaning since claim terms are typically used consistently throughout a patent. Id. Differences among claims can also assist in understanding a term's meaning. Id. For example, when a dependent claim adds a limitation to an independent claim, it is presumed that the independent claim does not include the limitation. Id. at 1314–15.

Claims must also be read in view of the specification. Id. at 1315 (quoting Markman v. Westview Instruments, Inc., 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc)). "[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the

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