

Brilliant-SIO BA-1

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HENNIGAN, BENNETT & DORMAN LLP
RODERICK G. DORMAN (SBN 96908)
dormanr@hbdlawyers.com
LAWRENCE M. HADLEY (SNB 157728)
hadleyl@hbdlawyers.com
HAZIM H. ANSARI (SBN 190601)
ansarih@hbdlawyers.com
865 South Figueroa Street, Suite 2900
Los Angeles, California 90017
(213) 694-1200 - Telephone
(213) 694-1234 - Facsimile

Attorneys for Plaintiffs, **ALINET, INC.,**
BRILLIANT DIGITAL ENTERTAINMENT, INC. and
KINETECH, INC.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

ALINET, INC., BRILLIANT DIGITAL
ENTERTAINMENT, INC. and
KINETECH, INC.,

Plaintiffs,

vs.

STREAMCAST NETWORKS, INC.
and **MICHAEL WEISS,**

Defendants.

Case No. CV-06-5086 SJO (Ex)

PLAINTIFFS' CLAIM
CONSTRUCTION OPENING BRIEF

DATE: May 7, 2007
TIME: 10:00 a.m.
CTRM: 1600 (Spring Street)
Hon. S. James Otero

Discovery Cutoff: July 10, 2007
Pretrial Conference: Sept. 24, 2007
Trial Date: October 2, 2007

20071119 29 (1) 4:08

FILED

Hennigan, Bennett & Dorman LLP
Los Angeles, California

5/29

CV-06-5086 SJO (EX)

PLAINTIFFS' CLAIM CONSTRUCTION OPENING BRIEF

NETAPP-PA-003036

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS

(Page)

I.	BACKGROUND TO PLAINTIFFS' U.S. PATENT NOS. 5,978,791, 6,415,280, AND 6,928,442.....	1
II.	PRINCIPLES OF CLAIM CONSTRUCTION.....	3
A.	Claim Terms Are Presumed To Carry Their Ordinary And Customary Meaning.....	3
B.	The Presumption That Claim Terms Carry Their Ordinary And Customary Meaning May Be Overcome.....	5
III.	THE PARTIES' JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT.....	8
IV.	PLAINTIFFS' CONSTRUCTION OF THE 11 CLAIM TERMS REMAINING IN DISPUTE.....	9
A.	The Means Plus Function Claim Terms Of The '791 Patent Directly Equate To Portions Of The Data Structures And/Or Mechanisms Delineated In The Specification.....	9
1.	"Identity means for determining, for any of a plurality of data items present in the system, a substantially unique identifier".....	11
2.	"Access means for accessing a particular data item using the identifier of the data item".....	12
3.	"Requesting means for requesting a data item at a current location in the system from a remote location in the system, based on the identifier of the data item".....	14
4.	"Context means for making and maintaining a context association between at least one contextual name of a data item in the system and the identifier of the data item".....	15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS (cont'd)

(Page)

5. "Contextual name access means for accessing a data item in the system for a given context name of the data item, determining the data identifier associated with the given context name, and invoking said access means to access the data item using the data identifier" 16

B. The terms "Substantially Unique Identifier," "Substantially Unique Value," "Message Digest Function," And "Regions" Are Expressly Defined In the Patent 17

1. A substantially unique identifier should be defined as "an identity for a data item generated by processing all of the data in the data item, and only the data in the data item, through an algorithm" 17

2. A substantially unique value should be defined as "a value generated by a message digest function having the following properties: (1) changes to the message digest function input are virtually guaranteed to produce a different output, and (2) it must be computationally difficult to create the same output value by applying the same message digest function to a different input" 19

3. A message digest function should be defined as "a function which reduces a data block B of arbitrary length to a relatively small, fixed size identifier, such that the identifier is virtually guaranteed to represent the data block B and only data block B" and should further have the five properties cited in the '791 Patent, Col.12:62-13:9 20

4. A set of regions should be defined as "some units of management and control" 21

C. Plaintiffs' Proposed Construction Of "Client Request," "Licensed/Authorized Parties," And "Unlicensed/Unauthorized Parties" 22

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF CONTENTS (cont'd)

(Page)

1. The term "client request" should be defined as a request originating from any processor.....22

2. The terms "licensed/authorized parties" and "unlicensed/unauthorized parties" should be defined as any entity or person that has (does not have) permission to do something.....23

DECLARATION OF HAZIM ANSARI.....25



TABLE OF AUTHORITIES

(Page)

CASES

1

2

3

4 Abbott Laboratories v. Dey, L.P.
110 F. Supp. 2d 667 (N.D. Ill. 2000)..... 18

5 Alloc, Inc. v. International Trade Commission,
342 F.3d 1361 (Fed. Cir. 2003)..... 4, 6, 7

6

7 Arlington Industries, Inc. v. Bridgeport Fittings, Inc.,
345 F.3d 1318 (Fed. Cir. 2003)..... 3, 5

8 Budde v. Harley-Davidson, Inc.,
230 F.3d 1369 (Fed. Cir. 2001)..... 8

9

10 CCS Fitness, Inc. v. Brunswick Corp.,
288 F.3d 1359 (Fed. Cir. 2002)..... 3, 6, 7

11 E.I. Du Pont De Nemours & Co. v. Phillips Petroleum Co.,
849 F.2d 1430 (Fed. Cir. 1988)..... 7

12

13 Enviroco Corp. v. Clestra Cleanroom, Inc.,
209 F.3d 1360 (Fed. Cir. 2000)..... 7

14 In re Ghison,
442 F.2d 985 (C.C.P.A. 1971)..... 8

15

16 Horscht Celanese Corp. v. BP Chemicals, Inc.,
78 F.3d 1575 (Fed. Cir. 1996)..... 4

17 Innova/Pure Water v. Safari Water Filtration System, Inc.,
381 F.3d 1111 (Fed. Cir. 2004)..... 5

18

19 J.T. Eaton & Co. v. Atlantic Paste & Glue Co.,
106 F.3d 1563 (Fed. Cir. 1997)..... 7

20 Johnson Worldwide Associates, Inc. v. Zebco Corp.,
175 F.3d 989 (Fed. Cir. 1999)..... 3, 6

21

22 Nilssen v. Motorola, Inc.,
80 F. Supp. 2d 921 (N.D. Ill. 2000)..... 18

23 North American Vaccine v. American Cyanamid Co.,
7 F.3d 1571 (Fed. Cir. 1993)..... 8

24

25 Phillips v. AWH,
415 F.3d 1303 (Fed. Cir. 2005)..... passim

26 Sage Products, Inc. v. Devon Industries, Inc.,
126 F.3d 1420 (Fed. Cir. 1997)..... 7, 8

27

28 Standard Oil Co. v. American Cyanamid Co.,
774 F.2d 448 (Fed. Cir. 1985)..... 5



KIP HODMAN, BENNETT & DORRAN LLP
ATTORNEYS AT LAW
100 W. WISCONSIN AVENUE
SUITE 1000
MILWAUKEE, WISCONSIN 53202

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.