

**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.

Case No. 6:11-cv-622-LED
LEAD CASE

ROY-G-BIV Corporation,

Plaintiff,

v.

HONEYWELL INTERNATIONAL, INC.
MOTIVA ENTERPRISES, LLC,

Defendants.

Case No. 6:11-cv-623-LED

ROY-G-BIV Corporation,

Plaintiff,

v.

SIEMENS CORP., et al.

Defendants.

Case No. 6:11-cv-624-LED

DEFENDANTS' JOINT CLAIM CONSTRUCTION BRIEF

ABB Inc.

TABLE OF CONTENTS

I. INTRODUCTION 1

II. JUDGE FOLSOM’S PRIOR CONSTRUCTION FROM *FANUC* 1

III. TECHNICAL BACKGROUND..... 2

IV. LEGAL PRINCIPLES OF CLAIM CONSTRUCTION 3

V. DEFENDANTS’ PROPOSED CONSTRUCTIONS AND ARGUMENT 3

 A. “Motion Control” 3

 B. “Motion Control Operation” 5

 i. Motion control operations perform motion control 6

 ii. “Hardware Independent” is an equivalent and easier to understand construction than “abstract.” 7

 C. “Non-Primitive Operations” 8

 D. “Motion Control Device” 10

 E. “Application Program Comprising A Set/Series Of Component Functions” 11

 F. “Component Code” 15

 G. “Driver Functions” 17

 H. “Core Driver Function” / “Extended Driver Function” 19

 I. “Network” 22

 J. Means-Plus-Function Terms 24

 i. “Means For Determining A Driver Unit System Employed By The Software Drivers” 25

 ii. “Means For Converting An Application Unit System Employed By The Application Program Into The Driver Unit System” 26

- iii. “Means For Generating Command Data Strings For Controlling The Selected Motion Control Device Based On The Command Format Template And The Application Program”27
- iv. “Means For Parsing Response Data Strings Generated By The Selected Motion Control Device Based On The Response Format Template And The Application Program”29
- v. “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”30

..

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Aristocrat Techs. v. Int’l Game Tech.</i> , 521 F.3d 1328 (Fed. Cir. 2008).....	24, 25
<i>Blackboard, Inc. v. Desire2Learn Inc.</i> , 574 F.3d 1371 (Fed. Cir. 2009).....	24, 25
<i>Computer Docking Station Corp. v. Dell, Inc.</i> , 519 F.3d 1366 (Fed. Cir. 2008).....	13, 16
<i>CSIRO v. Lenovo, Inc.</i> , 2012 WL 170972 (E.D. Tex. Jan. 20, 2012).....	24
<i>Digital Tech. Licensing, LLC v. Cingular Wireless LLC</i> , No. 2:06-cv-156, 2007 WL 2300792 (E.D. Tex. Aug. 7, 2007).....	14
<i>Elkay Mfg. Co. v. Ebco Mfg. Co.</i> , 192 F.3d 973 (Fed. Cir. 1999).....	3
<i>Finisar Corp. v. DirecTV Grp., Inc.</i> , 523 F.3d 1323 (Fed. Cir. 2008).....	25
<i>Function Media, LLC v. Google, Inc.</i> , 708 F.3d 1310 (Fed. Cir. 2013).....	25
<i>Harari v. Lee</i> , 656 F.3d 1331 (Fed. Cir. 2011).....	21
<i>Harris Corp. v. Ericsson Inc.</i> , 417 F.3d 1241 (Fed. Cir. 2005).....	24
<i>In re Am. Acad. Of Sci. Tech. Ctr.</i> , 367 F.3d 1359 (Fed. Cir. 2004).....	15
<i>Insituform Techs., Inc. v. Cat Contracting, Inc.</i> , 99 F.3d 1098 (Fed. Cir. 1996).....	21
<i>Krippelz v. Ford Motor Co.</i> , 667 F.3d 1261 (Fed. Cir. 2012).....	11
<i>Lockheed Martin Corp. v. Space Sys./Loral, Inc.</i> , 324 F.3d 1038 (Fed. Cir. 2003).....	24

...

Neurografix v. Siemens Med. Solutions USA, Inc.,
2011 WL 3439324 (C.D. Cal. May 5, 2011)24

Noah Sys., Inc. v. Intuit Inc.,
675 F.3d 1302 (Fed. Cir. 2012).....25

Phillips v. AWH Corp.,
415 F.3d 1303 (Fed. Cir. 2005).....3, 14, 22

Spectrum Int’l Inc. v. Sterilite Corp.,
164 F.3d 1372 (Fed. Cir. 1998).....3

Spring Window Fashions LP v. Novo Indus., L.P.,
323 F.3d 989 (Fed. Cir. 2003).....14

Tulip Computers, International B.V. v. Dell Computer Corp.,
236 F. Supp. 2d 364 (D. Del. 2002).....22

Witness Sys., Inc. v. Nice Sys., Inc.,
No. 1:06-cv-126-TCB, 2008 WL 2047633 (N.D. Ga. May 10, 2008)4

WMS Gaming, Inc. v. Int’l Game Tech.,
184 F.3d 1339 (Fed. Cir. 1999).....24

STATUTES

35 U.S.C. § 112, ¶ 6.....23

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.