

REDACTED

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

PPC BROADBAND, INC.,

Plaintiff,

-vs-

**CORNING OPTICAL COMMUNICATIONS
RF LLC,**

Defendant.

CONFIDENTIAL

Civil Action No.
5:16-cv-00162-GLS-DEP

**DEFENDANT CORNING OPTICAL COMMUNICATIONS RF LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

REDACTED**TABLE OF CONTENTS**

	Page
I. INTRODUCTION	1
II. APPLICABLE LAW	2
A. General Principles of Claim Construction	2
B. Construction of Means-Plus-Function Limitations.....	3
III. THE COURT SHOULD ADOPT CORNING’S CONSTRUCTIONS OF DISPUTED CLAIM TERMS IN THE ’338 PATENT.	5
A. Overview of the ’338 Patent	5
B. Construction of “Engagement Fingers”	6
1. The ’338 Patent Specification Depicts and Describes the Engagement Fingers as Portions of the Post Made Resilient by Slotting the Post.	7
2. The Invention Disclosure and Related ’053 Patent Confirm that the Invention Was Slotting the Post or Nut to Create Resilient Engagement Fingers.....	9
3. The ’338 Patent Prosecution History Shows that the Examiner and the Applicant Interpreted the Claims to Require a Slotted Post.	10
C. Construction of “Proximate the Second End”	13
D. Construction of “Slots Positioned on the Post”	14
E. The Other Disputed Terms of the ’338 Patent Require No Construction.....	15
IV. THE COURT SHOULD ADOPT CORNING’S CONSTRUCTIONS OF DISPUTED CLAIMS TERMS IN THE ’481 PATENT FAMILY.....	16
A. Overview of the ’481 Patent Family.....	16
B. Construction of “Means for Exerting a Biasing Force”.....	17
C. Construction of “Biasing Member” and “Biasing Means” in the ’481, ’740 and ’845 Patents.....	22
D. Construction of “Flange of the Post,” “Flange of the Tubular Post,” “Surface of the Flange,” and “Outwardly Extending Flange” in the ’481, ’740, ’205, ’431, and ’845 Patents.....	24
E. Construction of “Body Member Having a Body Biasing Portion and Configured to Engage the Post” and “Body Biasing Portion” in the ’740 Patent.....	26
F. Construction of “Body Biasing Means” in the ’740 Patent	29
G. Construction of “Axially Move Between a First Position ... and a Second Position” in the ’205 and ’431 Patents.....	31
H. Construction of “Biasing O-ring” in the ’205 and ’431 Patents	32

REDACTED

TABLE OF CONTENTS

(continued)

	Page
I. Construction of “Body Means,” “Coupling Means,” “Outer Wall Means,” and “Post Means” in the ’740 Patent	33
J. The Other Disputed Claim Terms of the ’481 Patent Family Are Indefinite	34
V. CONCLUSION.....	35

REDACTED
TABLE OF AUTHORITIES

	Page
CASES	
<i>Amazon.com, Inc. v. Barnesandnoble.com, Inc.</i> , 239 F.3d 1343 (Fed. Cir. 2001).....	7
<i>Amhil Enterprises Ltd. v. Wawa, Inc.</i> , 81 F.3d 1554 (Fed. Cir. 1996).....	3
<i>Atofina v. Great Lakes Chem. Corp.</i> , 441 F.3d 991 (Fed. Cir. 2006).....	3
<i>CCS Fitness, Inc. v. Brunswick Corp.</i> , 288 F.3d 1359 (Fed. Cir. 2002).....	2, 3
<i>Comark Commc'ns Corp. Harris Corp.</i> , 156 F.3d 1182 (Fed. Cir. 1998).....	15
<i>Cook Biotech Inc. v. Acell, Inc.</i> , 460 F.3d 1365 (Fed. Cir. 2006).....	10
<i>DeMarini Sports, Inc. v. Worth, Inc.</i> , 239 F.3d 1314 (Fed. Cir. 2001).....	3
<i>Fuji Photo Film Co., Ltd. v. Int'l Trade Comm'n</i> , 386 F.3d 1095 (Fed. Cir. 2004).....	12
<i>Harris Corp. v. IXYS Corp.</i> , 114 F.3d 1149 (Fed. Cir. 1997).....	3
<i>Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.</i> , 381 F.3d 1111 (Fed. Cir. 2004).....	2
<i>Inventio AG v. ThyssenKrupp Elevator Ams. Corp.</i> , 649 F.3d 1350 (Fed. Cir. 2011).....	4
<i>Johns Hopkins Univ. v. Datascope Corp.</i> , No. CIV WDQ-05-0759, 2007 WL 1575077 (D. Md. May 30, 2007).....	23
<i>Karlin Tech., Inc. v. Surgical Dynamics, Inc.</i> , 177 F.3d 968 (Fed. Cir. 1999).....	16
<i>Kemco Sales, Inc. v. Control Papers Co.</i> , 208 F.3d 1352 (Fed. Cir. 2000).....	4
<i>Lockheed Martin Corp. v. Space Sys./Loral, Inc.</i> , 324 F.3d 1308 (Fed. Cir. 2003).....	3

REDACTED

TABLE OF AUTHORITIES

(continued)

	Page
<i>Markman v. Westview Instruments, Inc.</i> , 517 U.S. 370 (1996).....	2
<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 134 S. Ct. 2120 (2014).....	16
<i>Net MoneyIN, Inc. v. VeriSign, Inc.</i> , 545 F.3d 1359 (Fed. Cir. 2008).....	4
<i>Nike Inc. v. Wolverine World Wide, Inc.</i> , 43 F.3d 644 (Fed. Cir. 1994).....	7
<i>Omega Eng’g, Inc., v. Raytek Corp.</i> , 334 F.3d 1314 (Fed. Cir. 2003).....	12
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>)	passim
<i>Ruckus Wireless, Inc. v. Innovative Wireless Solutions, LLC</i> , 824 F.3d 999 (Fed. Cir. 2016).....	3
<i>Sage Prod., Inc. v. Devon Indus., Inc.</i> , 126 F.3d 1420 (Fed. Cir. 1997).....	4, 18, 29, 34
<i>SciMed Life Sys. v. Advanced Cardiovascular Sys., Inc.</i> , 242 F.3d 1337 (Fed. Cir. 2001).....	15
<i>Signtech USA, Ltd. v. Vutek, Inc.</i> , 174 F.3d 1352 (Fed. Cir. 1999).....	29, 30
<i>Thorner v. Sony Computer Entm’t Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012).....	3
<i>Vitronics Corp. v. Conceptronic, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996).....	3, 8
<i>Welker Bearing Co. v. PHD, Inc.</i> , 550 F.3d 1090 (Fed. Cir. 2008).....	4, 23
<i>Williamson v. Citrix Online, LLC</i> , 792 F.3d 1339 (Fed. Cir. 2015) (<i>en banc</i>)	4, 22
STATUTES	
35 U.S.C. § 101.....	3
35 U.S.C. § 102.....	3

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.