

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

PAPST LICENSING GMBH & CO., K.G.

Plaintiff,

v.

APPLE INC.,

Defendant.

CIVIL ACTION NO. 6:15-CV-01095-RWS

(LEAD CASE)

JURY TRIAL DEMANDED

**DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF**

Papst Licensing GmbH & Co., KG.  
Petitioner – Huawei, LG and ZTE

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In accordance with the Court’s Second Amended Docket Control Order (Dkt. No. 154), Defendants Apple Inc., Lenovo (United States) Inc. (“Lenovo”); Motorola Mobility LLC (“Motorola”); LG Electronics, Inc. LG Electronics U.S.A., Inc., and LG Electronics MobileComm U.S.A., Inc., (“LG”); Huawei Technologies Co., Ltd. and Huawei Technologies USA, Inc. (“Huawei”); Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Samsung”); and ZTE (USA) Inc. (“ZTE”) (collectively “Defendants”) file this Responsive Claim Construction Brief. Defendants’ proposals, as set forth below, are consistent with the claim language and intrinsic evidence, and the Federal Circuit’s decision relating to two of the five asserted patents. Defendants’ proposals account for the numerous representations that the patentee made to the Patent Office during the prosecution of the asserted patents.

## I. ARGUMENT

### A. The Means-Plus-Function Claims<sup>1,2</sup>

#### 1. *Relevant Law*

Although a presumption exists that § 112(6) does not apply to terms lacking the word “means,” that “presumption can be overcome and § 112, para. 6 will apply if the challenger demonstrates that the claim term fails to recite sufficiently definite structure or else recites function without reciting sufficient structure for performing that function.” *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1349 (internal quotes and citations omitted). Therefore, the first step in analyzing a claim term lacking the word “means,” is whether the term “fails to recite sufficiently definite structure” or recites function in the absence of structure for performing that function. *Id.* The *Williamson* court explained that certain “[g]eneric terms such as ‘mechanism,’

<sup>1</sup> The five asserted patents share a common specification (hereinafter, the “specification”).

<sup>2</sup> For purposes of this section, none of the Defendants agree that Papst’s proposed construction is correct. Only Defendants Samsung, Lenovo, and Motorola affirmatively argue that § 112(6) is applicable. The other Defendants abstain from the § 112(6) argument but, contrary to Papst’s assertions, do not agree that Papst’s proposal is “unopposed.”

‘element,’ ‘device,’ and other nonce words that reflect nothing more than verbal constructs may be used in a claim in a manner that is tantamount to using the word ‘means’ because they ‘typically do not connote sufficiently definite structure’ and therefore may invoke § 112, para. 6.” *Id.* at 1350. Furthermore, adding a modifier to one of these nonce words, without more, does not connote identifiable structure. *See Media Rights Techs., Inc. v. Capital One Finan. Corp.*, 800 F.3d 1366, 1373 (Fed. Cir. 2015); *see also Tracbeam, LLC v. T-Mobile US, Inc.*, 6:14-CV-678-RWS, 2016 WL 3751624, at \*6 (E.D. Tex. July 14, 2016) (finding § 112(6) applicable where the plaintiff’s proposed construction “implicitly admits the[] terms are purely functional”).

The Court may also consider “whether the intrinsic record redefined or disclaimed the plain meaning of [the term] in a way that impart[s] sufficient structure.” *See Core Wireless Licensing v. LG Elec., Inc., et al.*, 2015 WL 6746910 at \*8 (E.D. Tex., Nov. 04, 2015).

However, a patentee may not avoid § 112(6) treatment “by arguing that the specification recites sufficient structure” or describes how the claimed feature “is connected to and interacts with the other components of the system, what processes the [feature in issue] performs, and what structural subcomponents might comprise [feature in issue].” *Media Rights*, 800 F.3d at 1373 (2015). If the term at issue, read in light of the intrinsic record, fails to connote sufficient structure, §112(6) applies; the inquiry then turns to “whether the specification discloses sufficient structure that corresponds to the claimed function.” *Williamson*, 792 F.3d at 1351. In the event that the patent fails to disclose structure corresponding to the claimed function, then the claim is invalid for indefiniteness under 35 U.S.C. §112(2). *See id.* at 1354.

## 2. *The Connecting Device Terms*

Term Dispute	Plaintiff’s Construction	Defendants Samsung, Lenovo, and Motorola Construction
“a first connecting device for interfacing the host device with the interface device via the multi-	“a component or group of components for interfacing the interface device with the host	Subject to §112(6) <b>Function:</b> [Agreed] interfacing the host device with the interface device via the

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