1   *[See signature blocks for counsel information]*

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3   **UNITED STATES DISTRICT COURT**

4   **CENTRAL DISTRICT OF CALIFORNIA**

5   **SOUTHERN DIVISION**

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7 SPEX TECHNOLOGIES, INC.,	Case No. 8:16-CV-01790-JVS-AGR
8 Plaintiff,	
9 v.	**JOINT CLAIM CONSTRUCTION CHART**
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11 KINGSTON TECHNOLOGY CORPORATION, KINGSTON	
12 DIGITAL, INC., KINGSTON TECHNOLOGY COMPANY, INC.,	
13 IMATION CORPORATION,	
14 DATALOCKER INC., DATA LOCKER INTERNATIONAL, LLC,	
15	
16 Defendants.	
17 SPEX TECHNOLOGIES, INC.,	Case No. 8:16-CV-01799-JVS-AGR
Plaintiff,	
18	
19 v.	
20 WESTERN DIGITAL	
21 CORPORATION, WESTERN DIGITAL TECHNOLOGIES, INC.,	
22 HGST, INC.,	
23	
Defendants.	
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JOINT CLAIM CONSTRUCTION CHART

SPEX Technologies, Inc.

RUSS, AUGUST & KABAT

SPEX TECHNOLOGIES, INC., Plaintiff v. TOSHIBA AMERICA ELECTRONICS COMPONENTS INC., TOSHIBA AMERICA INFORMATION SYSTEMS, INC., TOSHIBA AMERICA, INC., AND TOSHIBA CORPORATION, Defendants.	Case No. 8:16-CV-01800-JVS-AGR
SPEX TECHNOLOGIES, INC., Plaintiff, v. APRICORN, Defendant.	Case No. 2:16-CV-07349-JVS-AGR

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JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to Court order and Northern District of California's Patent L.R. 4-3, Plaintiff SPEX Technologies, Inc. ("SPEX") and Defendants Kingston Technology Corporation, Kingston Digital, Inc., Kingston Technology Company, Inc., Imation Corporation, Datalocker Inc., Data Locker International, LLC, Western Digital Corporation, Western Digital Technologies, Inc., HGST, Inc., Toshiba America Electronics Components Inc., Toshiba America Information Systems, Inc., Toshiba Corporation and Apricorn. (collectively, "Defendants") (SPEX and Defendants are referred to collectively as the "Parties") hereby provide their Joint Claim Construction Chart and Prehearing Statement.

I.   AGREED CONSTRUCTION.

Phrase	Agreed Construction
"means for non-volatilely storing data"	Subject to 35 U.S.C. § 112(6). Recited Function: non-volatilely storing data Corresponding Structures: Non-volatile memory devices; or equivalents thereof.[1]

II.   DISPUTED CONSTRUCTIONS.

Phrase	SPEX's Proposal	Defendants' Proposal
1. "defined interaction" "interaction with a host computing device in a defined way"	**Proposal for "defined interaction":** a specific, predefined functionality of the device, such as data storage, data communication, data input and output or user identification **Proposal for "interaction with a host computing device in a defined way":** interaction with a host computing device using a specific, predefined functionality of the device, such as data storage, data communication, data input and output or user identification	**Proposal for "defined interaction" and "interaction… in a defined way":** Indefinite under 35 U.S.C. § 112. **Intrinsic Evidence:** • "In particular, the modular device can include a security module that is adapted to enable performance of one or more security operations on data, and a target module that is adapted to enable a defined interaction with a host computing device." '135 Patent, Abstract; '802 Patent, Abstract ("In

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[1] Although Defendants agree that 35 U.S.C. § 112(6) permits "equivalents" of the disclosed structure for the purposes of an infringement analysis, Defendants disagree that "equivalents" should be included as part of claim construction or that "equivalents" form part of the "corresponding structure," as "equivalents" are not disclosed in the patent.

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JOINT CLAIM CONSTRUCTION CHART

Phrase	SPEX's Proposal	Defendants' Proposal
	Intrinsic Evidence: • '802 patent at Abstract, Fig. 4, Fig. 5, Fig. 6, 3:17-36, 4:62-5:4, 5:59-6:18, 7:25-27, 13:27-41, claims 2, 4, 5, 7, 9, 10, 12, 14, 16, 17, 18, 19, 20, 21, 22, 25, 26, 27, 29, 30, 31, 32, 33, 34, 35 • Petition for Inter Partes Review Under 37 C.F.R. § 42.100, IPR2017-00824, at 29-30, 41, 45, 50, 55, 56, 58, 60, and cited evidence. **Extrinsic Evidence:** • Declaration of Mr. Miguel Gomez rebutting the opinions offered in the declaration of Mark T. Jones. Mr. Gomez may also declare that the term should be construed as proposed by SPEX in light of the intrinsic evidence.	particular, the peripheral device can be adapted to enable, in a single integral peripheral device, performance of one or more security operations on data, and a defined interaction with a host computing device that has not previously been integrated with security operations in a single integral device.") • "In particular, the modular device can include a security module that is adapted to enable performance of one or more security operations on data, and a target module that is adapted to enable a defined interaction with a host computing device." '135 Patent at 3:27-31; '802 Patent at 3:27-33 ("In particular, the peripheral device can be adapted to enable, in a single integral peripheral device, performance of one or more security operations on data, and a defined interaction with a host computing device that has not previously been integrated with security operations in a single integral device."). • "The peripheral device can also be implemented so that the security operations are performed in-line, i.e., the security operations are performed between the communication of data to or from the host computing device and the performance of the defined interaction.')." '802 Patent at 3:40-45. • "A peripheral device according to the invention can advantageously enable application of security operations to a wide variety of interactions with a host computing device. In particular, a peripheral device according to the invention can accomplish this without necessity to use two peripheral devices: one that performs the security operations and

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JOINT CLAIM CONSTRUCTION STATEMENT

Phrase	SPEX's Proposal	Defendants' Proposal
		one that performs the defined interaction. This can, for example, minimize the possibility that the device adapted to perform the defined interaction will be used with the host computing system without proper application of security operations to that interaction." '802 Patent at 3:49-59. • "The target module is adapted to enable a defined interaction with a host computing device (examples of which are given below)." '135 Patent at 4:18-20. • "In another embodiment of the invention, a modular device includes a security module that is adapted to enable performance of one or more security operations on data, and a target module that is adapted to enable a defined interaction with a host computing device (such as the interactions discussed above with respect to exemplary embodiments of the target module of the previously discussed embodiment of the invention)." '135 Patent at 4:40-47. • "In yet another embodiment of the invention, a modular device that is adapted to enable communication with a host computing device, and that includes a security module that is adapted to enable performance of one or more security operations on data and a target module that is adapted to enable a defined interaction with a host computing device, is further adapted to enable provision of the type of a target module to a host computing device in response to a request from the host computing device for information regarding the type of the modular device." '135 Patent at 4:56-65. • "In still another embodiment of the invention, a modular device

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JOINT CLAIM CONSTRUCTION STATEMENT

DOCKET ALARM

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.

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Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.