

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Thomas B. Pender
Administrative Law Judge**

In the Matter of

**CERTAIN ROBOTIC VACUUM
CLEANING DEVICES AND
COMPONENTS THEREOF SUCH AS
SPARE PARTS**

Investigation No. 337-TA-1057

COMPLAINANT'S REPLY CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Respondents' Opening Claim Construction Brief confirms that Respondents seek to improperly narrow and rewrite the claims. Not only do many of Respondents' proposed constructions ignore the generally dispositive language of the specification (in violation of *Phillips*), they also read out preferred embodiments, create redundancies and logical inconsistencies, and seek unduly narrow limitations without any disclaimer or explicit re-definition to be found in the intrinsic record.

Respondents also overstate and misapply claim construction precedent, and present some arguments that are simply irrelevant to the dispute at hand. For example, Respondents spent several pages of their Opening Brief critiquing Complainant's treatment of the phrase "bounce mode" even though the disputed claim language does not include the phrase "bounce mode." Similarly, Respondents speculate about Complainant's intent in substituting "advancing" for "continuing" in an alternate proposal despite the actual dispute focusing on the narrowing limitation that Respondents propose to add. Respondents also included a lengthy expert declaration that ultimately yielded little more than a handful of conclusory opinions. Yet, Respondents did not even consistently adopt their own expert's opinion on issues of corresponding structure, as will be explained below.

In Reply, Complainant cuts through this misdirection to simplify and clarify the disputes for the ALJ. Complainant's proposed constructions stay true to the words of the claims chosen by the patentee and are consistent with the patent specifications and prosecution histories. Accordingly, the ALJ should adopt Complainant's proposed constructions.

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