1   COOLEY LLP
HEIDI KEEFE (178960)
2   (HKEEFE@COOLEY.COM)
LOWELL MEAD (223989)
3   (LMEAD@COOLEY.COM)
PRIYA VISWANATH (238089)
4   (PVISWANATH@COOLEY.COM)
3175 HANOVER STREET
5   PALO ALTO, CA 94304
TELEPHONE: (650) 843-5000
6   FACSIMILE: (650) 849-7400

7   COOLEY LLP
STEPHEN SMITH (*PRO HAC VICE)*
8   STEPHEN.SMITH@COOLEY.COM
PHILLIP MORTON (*PRO HAC VICE)*
9   (PMORTON@COOLEY.COM)
1299 PENNSYLVANIA AVENUE
10 NW, SUITE 700
WASHINGTON, DC 20004-2400
11 TELEPHONE: (202) 842-7800
FACSIMILE: (202) 842-7899

12
Attorneys for Defendant
13 Apple Inc.

14

15   UNITED STATES DISTRICT COURT

16   NORTHERN DISTRICT OF CALIFORNIA

17   SAN JOSE DIVISION

18

19 COREPHOTONICS, LTD.,   Case No. 5:17-cv-06457-LHK (lead case)
                                            Case No. 5:18-cv-02555-LHK
20   Plaintiff,
                                            **APPLE'S RESPONSIVE CLAIM
21   v.   CONSTRUCTION BRIEF**

22 APPLE INC.,   Date: January 17, 2019
                                            Time: 1:30 P.M.
23   Defendant.   Courtroom: 8
                                            Judge: Hon. Lucy H. Koh
24
                                            DEMAND FOR JURY TRIAL
25

26

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1 **I.   INTRODUCTION**

2   This is an unusual case where the plaintiff-patentee, Corephotonics, seeks unduly narrow claim

3 constructions for most of the disputed terms. Corephotonics proclaims that its claimed inventions are

4 allegedly innovative. (Dkt. No. 96 ("Open. Br.") at 1-2.) Tellingly, however, Corephotonics asks the

5 Court to improperly inject narrowing limitations in an apparent effort to avoid invalidating prior art.

6 The Court should reject Corephotonics' litigation-driven proposals. Apple's proposed constructions

7 faithfully reflect the meanings shown by the evidence, and should be adopted.

8 **II.   THE COURT SHOULD ADOPT APPLE'S PROPOSALS.**

9   **A.   "total track length (TTL)" / "total length (TTL)" ('032 patent, claim 1; '712
            patent, claims 1, 15, 19; '568 patent, claim 1; '291 patent, claim 6)**
10

11

Corephotonics' Proposal	Apple's Proposal
length on an optical axis between the object-side surface of the first lens element and **the electronic sensor**	length on an optical axis between the object-side surface of the first lens element and **the image plane**

12

13

14   The parties' sole dispute is whether "total track length (TTL)" is measured with reference to

15 an image plane, as used consistently in the specification according to its customary meaning in the art,

16 or necessarily requires an "electronic sensor," as Corephotonics seeks to read into the claims.

17   "Total track length (TTL)" is a well-known term of art in the field of optical lenses. The

18 patents-in-suit use this term with its established customary meaning: the length on an optical axis

19 between the object-side surface of the first lens element and the image plane. Apple's proposed

20 construction captures that meaning. In instituting Apple's IPR petition regarding the '032 patent, the

21 U.S. Patent and Trademark Office Patent Trial & Appeal Board ("PTAB") agreed with Apple's

22 construction: "we agree with Petitioner that a person having ordinary skill in the art would conclude

23 the term 'total track length (TTL)' to be 'the length of the optical axis spacing between the object-side

24 surface of the first lens element and the image plane.'" *Apple Inc. v. Corephotonics Ltd.*, IPR 2018-

25 01140, Institution Decision (Dkt. 97-2), at 11 (PTAB Dec. 4, 2018).

26   Corephotonics' construction erroneously relies on the specification's discussion of one

27 optional, exemplary embodiment that *may* include an electronic sensor. *GE Lighting Solutions LLC v.*

28 *AgiLight, Inc.*, 750 F. 3d 1304, 1309 (Fed. Cir. 2014) ("[I]t is improper to read limitations from a

1   preferred embodiment described in the specification—even if it is the only embodiment—into the

2   claims absent a clear indication in the intrinsic record that the patentee intended the claims to be so

3   limited.") (internal quotation and citation omitted). But that discussion regarding one of several

4   embodiments does not change the term's customary meaning as known in the field and used in the

5   patents. In fact, Corephotonics' construction would impermissibly exclude multiple preferred

6   embodiments in the specification, which do *not* include any sensor and measure total track length

7   (TTL) only with reference to the image plane. ('032, Figs. 2A, 3A, 5:10-11, 5:50-52, 6:27-28, 7:15-

8   17.)[1]

9   1.   **"Total track length (TTL)" has an established customary meaning.**

10   The concept of TTL is straightforward. An optical imaging assembly, such as in a telephoto

11 camera, includes one or more lens elements. As light rays from an object at infinity pass through these

12 lens elements, they become focused at a plane in space. This plane is known as the image plane (or

13 "focal plane"). For example, Figure 3A from the patents-in-suit shows the light rays (diagonal lines)

14 passing through the lens elements and focusing on the image plane.

Object side surface of first lens element

Image plane

Total track length

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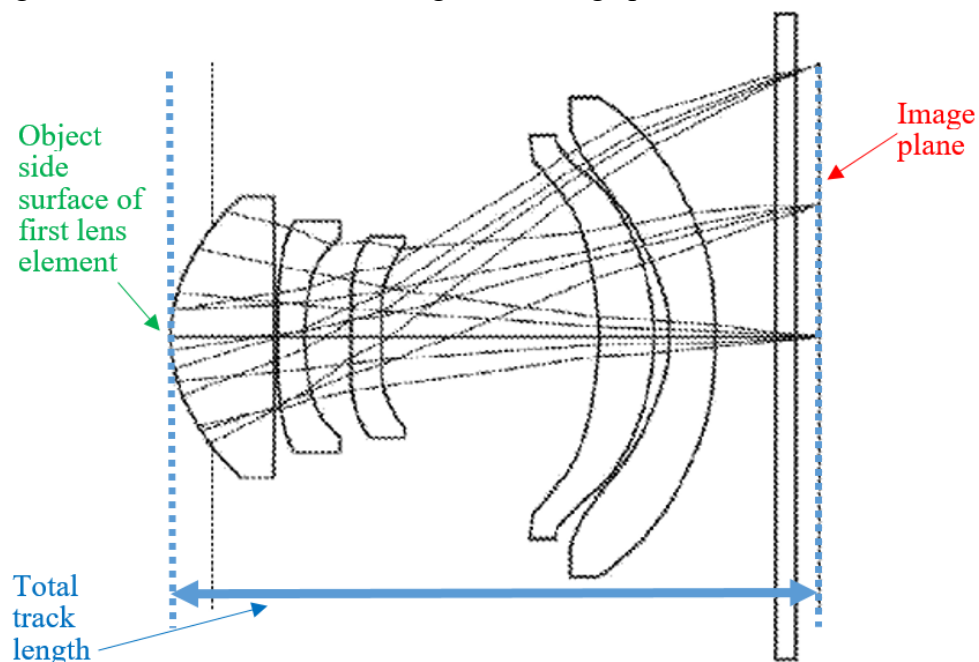
[1] For convenience, this brief cites the '032 patent to represent the shared specification of the '032, '712, '568, and '291 patents.

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