THE HONORABLE JAMES L. ROBART

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

SRC LABS, LLC, & SAINT REGIS MOHAWK TRIBE,

Plaintiffs,

v.

AMAZON WEB SERVICES, INC., AMAZON.COM, INC., & VADATA INC.,

Defendants.

Case No.: 2:18-cv-00317-JLR

RESPONSIVE CLAIM CONSTRUCTION BRIEF OF DEFENDANTS AMAZON WEB SERVICES, INC., AMAZON.COM, INC., AND VADATA, INC.

JURY TRIAL DEMANDED

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INTRODUCTION

The integrity of our patent system is based on the fundamental bargain that a patent is awarded only in exchange for contributing to the public a specific new solution to a specific problem. The patent must describe this solution with sufficient particularity, and establish the metes and bounds of the claimed invention with sufficient precision, so the public has clear notice of what it may or may not freely do during the patent's term. SRC's positions in this case repudiate this bargain in two substantial ways.

First, SRC attempts to withdraw the notice it gave to the public during prosecution of three of its patents. During prosecution, it defined four terms that the parties dispute here. Now, SRC disregards those definitions and proposes either leaving the terms unconstrued or changing their definition by omitting explicit requirements adopted to obtain allowance. Both suggestions violate black-letter Federal Circuit law. A plain-and-ordinary-meaning construction is improper when parties have a dispute over claim scope. *O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351, 1361 (Fed. Cir. 2008). And when the "specification or prosecution history defines a claim term, then that definition shall apply even if it differs from the term's ordinary meaning." *Gammino v. Sprint Commc'ns Co., L.P.*, 577 F. App'x 982, 987 (Fed. Cir. 2014) (citing *CCS Fitness, Inc. v. Brunswick Corp.*, 288 F.3d 1359, 1366–67 (Fed. Cir. 2002)). SRC may not define claims "one way in order to obtain their allowance and in a different way against accused infringers." *Id.*

Second, SRC asserts a patent in which no technical solution is disclosed in the first place. The three disputed terms of the '867 patent go to the heart of the purported invention: the "data prefetch unit." But neither the claims nor the specification discloses any specific solution for a "data prefetch unit." Instead, the patent claims a "black box" representing any possible means of achieving the claimed result. Claims that recite such functional "black boxes" with no corresponding structure are invalid as a matter of law. *See Function Media, L.L.C. v. Google, Inc.*, 708 F.3d 1310, 1318–19 (Fed. Cir. 2013).

I. DISPUTED TERMS OF THE '324 AND '800 PATENTS

A. "systolic" and "systolically"

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