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 **OPENING CLAIM CONSTRUCTION BRIEF OF DEFENDANTS AMAZON WEB SERVICES, INC., AMAZON.COM, INC., AND VADATA, INC.** **JURY TRIAL DEMANDED**

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Plaintiffs SRC Labs, LLC and Saint Regis Mohawk Tribe (collectively, "SRC") assert 11 claims from four patents.[1] The parties dispute constructions of seven terms in those claims. The constructions proposed by Amazon Web Services, Inc., Amazon.com, Inc., and VADATA, Inc. (collectively "Amazon") are rooted in the intrinsic evidence and reflect what one of skill in the art would conclude after reading that evidence. The Court should therefore adopt Amazon's constructions.

I. APPLICABLE LAW GOVERNING CLAIM CONSTRUCTION

A patent can be conceived of as a "contract" between the inventor and the public where, "[i]n return for full disclosure of the invention the government gives a monopoly of sorts for a time." *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 997 (Fed. Cir. 1995), *aff'd*, 517 U.S. 370 (1996). To obtain the benefit of this bargain, the inventor must fully disclose and define the invention in a way that "sets out the metes and bounds of the property the inventor owns for the term." *Id.* The primary way for a patentee to do so is through the words of the claims, which "function to delineate the precise scope of a claimed invention and to give notice to the public, including potential competitors, of the patentee's right to exclude." *Haemonetics Corp. v. Baxter Healthcare Corp.*, 607 F.3d 776, 781 (Fed. Cir. 2010). Accordingly, the claim construction analysis begins "by considering the language of the claims themselves." *Trs. of Columbia Univ. v. Symantec Corp.*, 811 F.3d 1359, 1362 (Fed. Cir. 2016).

But the analysis does not end there. Because "[a]n inventor is entitled to claim in a patent what he has invented, but no more," *MySpace, Inc. v. GraphOn Corp.*, 672 F.3d 1250, 1256 (Fed. Cir. 2012), the inquiry must then turn to the patentee's description of the invention in the patent specification. *Carnegie Mellon Univ. v. Hoffmann-La Roche Inc.*, 541 F.3d 1115, 1122 (Fed. Cir. 2008). As the specification must describe what was actually invented, it is the "single best guide to the meaning of a disputed term," and "thus, the primary basis for construing the claims." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 (Fed. Cir. 2005) (en banc). For example, a patentee may set out the limits of the

[1] SRC asserts claims 1, 3, and 4 of U.S. Patent No. 7,149,867 (the "'867 patent") (Dkt. 113-08), claims 1 and 17 of U.S. Patent No. 7,225,324 (the "'324 patent") (Dkt. 113-04), claims 1 and 17 of U.S. Patent No. 7,620,800 (the "'800 patent") (Dkt. 113-07), and claims 1, 3, 9 and 10 of U.S. Patent No. 9,153,311 (the "'311 patent") (Dkt. 113-03). SRC also asserts two of these four patents, the '324 and '800 patents, in its co-pending case against Microsoft. *See SRC Labs, LLC v. Microsoft Corp.*, Case No. C18-0321JLR.

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