UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PHILIPS NORTH AMERICA LLC	)	
	)	
Plaintiff,	)	
	)	C.A. No. 1:19-cv-11586-IT
v.	)	
	)	
FITBIT, INC.,	)	**JURY TRIAL DEMANDED**
	)	
Defendant.	)	
	)	
	)	
	)	

PLAINTIFF'S OPENING CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Plaintiff Philips North America, LLC ("Philips") submits its opening claim construction brief. As demonstrated below, Philips's proposed constructions are grounded in the intrinsic record and the plain meaning of various terms to a person of ordinary skill in the art, while Defendant Fitbit, Inc's ("Fitbit") proposals are divorced from the specifications of the asserted patents—in some instances going so far as to exclude exemplary embodiments. While Fitbit might desire unreasonably broad constructions that would ensnare prior art, or unreasonably narrower ones that would support non-infringement arguments, those are not the tenets that should guide claim construction. Of note, despite advancing a number of unsupported constructions in the present litigation, Fitbit has filed IPR petitions against the '233, '958, and '377 Patents where it argued that **no terms** required construction.

II. LEGAL STANDARDS

Claim construction is supposed to stay true to the meaning that a claim would have to a technically qualified person of ordinary skill in the art in light of the intrinsic record. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1313 (Fed. Cir. 2005) (*en banc*). The patent specification "is the single best guide to the meaning of a disputed term." *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996). Expert testimony can be useful "to ensure that the court's understanding of the technical aspects of the patent is consistent with that of a person of ordinary skill in the art, or to establish that a particular term in the patent or the prior art has a particular meaning in the pertinent field." *Philips*, 415 F.3d at 1318.

When claim construction involves disputed means-plus-function limitations, the Court must identify the claimed function and the corresponding structure that performs that function. *See Applied Med. Resources Corp. v. U.S. Surgical Corp.*, 448 F.3d 1324, 1332 (Fed. Cir. 2006).

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