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STATUTES

35 U.S.C. § 112, ¶ 2 (2006 ed.)23

I. Introduction

In its seminal case of *Phillips v. AWH Corp.*, the Federal Circuit stated:

Ultimately, the interpretation to be given a term can only be determined and confirmed with a full understanding of *what the inventors actually invented* and intended to envelop with the claim. The construction that stays true to the claim language *and most naturally aligns with the patent's description of the invention* will be, in the end, the correct construction.

415 F.3d 1303, 1316 (Fed. Cir. 2005) (en banc) (quoting *Renishaw PLC v. Marposs Societa' per Azioni*, 158 F.3d 1243, 1250 (Fed. Cir. 1998)).¹ *Phillips* reversed the trend of parties heavily relying upon dueling dictionary definitions, expert testimony, and other extrinsic evidence for claim construction, which often resulted in improper claim scope. *Trs. of Columbia Univ. v. Symantec Corp.*, 811 F.3d 1359, 1363 (Fed. Cir. 2016); *Solas OLED Ltd. v. Samsung Display Co.*, No. 2:19-cv-00152-JRG, 2020 U.S. Dist. LEXIS 67490, at *13 (E.D. Tex. Apr. 17, 2020). The Federal Circuit explained, “We have viewed extrinsic evidence in general as less reliable than the patent and its prosecution history in determining how to read claim terms” for several reasons, including that “undue reliance on extrinsic evidence poses the risk that it will be used to change the meaning of claims in derogation of the indisputable public records consisting of the claims, the specification and the prosecution history, thereby undermining the public notice function of patents.” *Phillips*, 415 F.3d at 1318–19 (internal citations and quotation marks omitted).²

Plaintiff’s opening claim construction brief (hereafter, “Pl. Br.”) reads like a pre-*Phillips* brief. Plaintiff cites over a dozen items of extrinsic evidence—including its hand-picked software manuals and datasheets, the earlier *Genius* case (involving none of these Defendants),

¹ All emphasis is added unless otherwise noted.

² See also Section IV, *infra* at pp. 10–11 (Applicable Law section discussing *Phillips* discussion of weighing intrinsic and extrinsic evidence).

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