THE UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.

The Honorable Cameron R. Elliot
Administrative Law Judge

In the Matter of **CERTAIN CAPACITIVE TOUCH-CONTROLLED MOBILE DEVICES, COMPUTER AND COMPONENTS THEREOF**	Investigation No. 337-TA-1193

COMPLAINANT NEODRON LTD.'S OPENING CLAIM CONSTRUCTION BRIEF

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a) Even Method Claims "Are Not Ordinarily Construed to Require" Any Unrecited Order—and There is *No Authority* to Require Such Order in *System Claims,* Which Are the Only Claims in Dispute On This Term Here 26

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I. INTRODUCTION

Neodron and Respondents offer not just competing claim-construction proposals, but very different approaches to claim construction. The Federal Circuit has set forth straightforward rules to guide claim construction. For example, where claim terms have a plain and ordinary meaning to a person of ordinary skill in the technical art, there is a heavy presumption that meaning applies. In each case, Neodron's claim term proposals stay faithful to that plain meaning and narrow from that plain meaning on when necessary under controlling Federal Circuit law or when helpful to narrow the disputes for this ALJ.

Respondents' proposals, on the other hand, ask this ALJ to recharacterize and burden clear terms with artificial and extraneous baggage, but cannot point to any clear or unmistakable disclaimer or lexicography to do so. This invites reversible error. *E.g.*, *JVW Enters. v. Interact Accessories, Inc.*, 424 F.3d 1324, 1335 (Fed. Cir. 2005). Indeed, many of their proposals are inconsistent with—and even exclude—embodiments taught in the specification. Such constructions are "rarely, if ever, correct." *SanDisk Corp. v. Memorex Prods*., 415 F.3d 1278, 1285-86 (Fed. Cir. 2005). For other proposals, Defendants' proposed constructions are inconsistent with the claim language itself. These are also improper under controlling law—and do nothing to help any fact-finder, but rather only make that job more difficult. Respondents' legally flawed and results-oriented proposals should be rejected.

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