

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

BILLJCO, LLC,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 6:21-cv-528-ADA

**JURY TRIAL DEMANDED**

**APPLE INC.'S OPENING CLAIM CONSTRUCTION BRIEF**

## TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION .....	1
II. OVERVIEW OF THE ASSERTED PATENTS.....	1
A. The Mobile Device Patents.....	2
B. The Sending Device Patents .....	3
III. LEVEL OF ORDINARY SKILL IN THE ART .....	4
IV. DISPUTED CLAIM TERMS .....	5
A. “an object ... containing information and instructions for presenting said information” (’839 patent, claim 1) .....	5
B. “a Bluetooth communications interface” (’994 patent, claims 1, 8, 14).....	7
Apple’s Construction .....	7
C. “application” (’011 patent, claims 1, 11, 20; ’994 patent, claims 1-3, 8-10, 14-16; ’868 patent, claim 1; ’804 patent, claims 1, 11) .....	8
D. “wireless data record” (’011 patent, claims 1, 11, 20; ’868 patent, claim 1; ’804 patent, claims 1, 10, 11, 12; ’839 patent, claim 23; ’994 patent, claims 1, 8, 14).....	10
E. “application context identifier data” (’011 patent, claims 1, 11, 20).....	12
F. “an application in use at the sending data processing system” (’804 patent, claim 1) .....	15
G. “an originating identity of the whereabouts data” (’267 patent, claim 1).....	16
H. “identity information for describing an originator identity” (’804 patent, claim 1) .....	18
I. “a frame” (’839 patent, claim 24) .....	20
V. CONCLUSION.....	22

**TABLE OF AUTHORITIES**

	<b>Page(s)</b>
<b>Cases</b>	
<i>3M Innovative Properties Co. v. Avery Dennison Corp.</i> , 350 F.3d 1365 (Fed. Cir. 2003).....	9
<i>Abbott Laboratories v. Sandoz, Inc.</i> , 566 F.3d 1282 (Fed. Cir. 2009).....	9
<i>ACQIS LLC v. Samsung Electronics Co., Ltd.</i> , Case No. 2:20-cv-00295-JRG (E.D. Tex. Sept. 26, 2021).....	7
<i>In re Bass</i> , 314 F.3d 575 (Fed. Cir. 2002).....	9
<i>Fundamental Innovation Sys. Int’l LLC v. Samsung Elecs. Co.</i> , Case No. 2:17-cv-145-JRG-RSP, 2018 WL 647734 (E.D. Tex. Jan. 31, 2018).....	7, 8
<i>Harold Schoenhaus and Richard M. Jay v. Genesco, Inc. and Johnston &amp; Murphy, Inc.</i> , 440 F.3d 1354 (Fed. Cir. 2006).....	6
<i>Info-Hold, Inc. v. Applies Media Techs. Corp.</i> , 783 F.3d 1262 (Fed. Cir. 2015).....	8
<i>Irdeto Access, Inc. v. Echostar Satellite Corp.</i> , 383 F.3d 1295 (Fed. Cir. 2004).....	6
<i>Level Sleep LLC v. Sleep Number Corp.</i> , 2021 WL 2934816 (Fed. Cir. 2021 July 13, 2021).....	9
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005).....	6, 8, 13
<i>Sinorgchem Co., Shandong v. International Trade Com’n</i> , 511 F.3d 1132 (Fed. Cir. 2007).....	9
<i>SpeedTrack, Inc. v. Amazon.com</i> , 998 F.3d 1373 (Fed. Cir. 2021).....	6
<i>Uniloc USA, Inc. v. Apple, Inc.</i> , Case No. 19-cv-1692, 2021 WL 432183 (N.D. Cal. Jan. 15, 2021).....	7
<i>Vita-Mix Corp. v. Basic Holding, Inc.</i> , 581 F.3d 1317 (Fed. Cir. 2009).....	6

**TABLE OF AUTHORITIES**  
**(continued)**

	<b>Page(s)</b>
<i>Vitronics Corp. v. Conceptoronic, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996).....	6

## I. INTRODUCTION

Plaintiff BillJCo, LLC (“BillJCo”) asserts six patents and 41 claims against Defendant Apple Inc. (“Apple”). This brief addresses nine key claim terms that require construction to adjudicate this case. For most of these terms, Apple’s constructions identify the plain and ordinary meaning of the term in light of the intrinsic evidence to one of ordinary skill in the art. For the other terms, Apple’s constructions are compelled by the patentee’s lexicography or disavowal of claim scope during prosecution to obtain allowance of the claims.

BillJCo’s constructions—and its positions during the meet-and-confer process—are an entirely different story. Without exception, BillJCo simply incants the phrase “plain and ordinary” without explaining what that meaning is, or why and how BillJCo disagrees with Apple’s constructions. As such, BillJCo has, to date, ascribed no meaning to these terms.

## II. OVERVIEW OF THE ASSERTED PATENTS

BillJCo asserts the following six patents: U.S. Patent Nos. 8,566,839 (“’839 patent”), 8,639,267 (“’267 patent”), 8,761,804 (“’804 patent”), 9,088,868 (“’868 patent”), 10,292,011 (“’011 patent”) and 10,477,994 (“’994 patent”). While the asserted patents all claim priority to a common application, Application No. 12/077,041 filed on March 14, 2008 (“’041 application”), only the ’804 patent claims priority to the ’041 application as a continuation. The other five asserted patents claim priority to the ’041 application as a continuation-in-part because they add new matter to their respective specifications.

The asserted patents generally describe providing location-based services and a location-based exchange of data between a sending data processing system and a mobile data processing system. *See, e.g.*, Ex. 1 (’011 patent), 1:36-44. As explained below, three of the patents generally focus on mobile data processing system (“mobile device”) behavior, while the other three patents generally focus on sending data processing system (“sending device”) behavior.

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