

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

SPEIR TECHNOLOGIES LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:22-cv-00077-ADA

**JURY TRIAL DEMANDED**

**PLAINTIFF SPEIR TECHNOLOGIES LTD.'S RESPONSIVE  
CLAIM CONSTRUCTION BRIEF**

**TABLE OF CONTENTS**

I. INTRODUCTION.....	1
II. DISPUTED TERMS .....	1
A. U.S. Patent Nos. 7,110,779 (“the ’779 Patent”) and 7,321,777 (“the ’777 Patent”).....	1
i. “known device latency,” ’779 Patent, Claim 18; ’777 Patent Claims 1, 12, 20 .....	1
B. U.S. Patent No. 7,765,399 (“the ’399 Patent”).....	4
i. “human/machine interface”, Claims 1, 2, 3, 4, 5, and 9 .....	4
ii. “distinct”, Claims 1, 7, and 9 .....	8
1. No construction of “distinct” is necessary.....	8
2. The ’399 Patent claims contradict Apple’s construction.....	9
3. The specification and figures contradict Apple’s construction .....	11
4. The prosecution history does not support Apple’s construction .....	13
iii. “classified” / “unclassified”, Claim 1, 7, and 9.....	14
1. The terms “classified” and “unclassified” are not subjective terms of degree .....	15
2. The terms “classified” and “unclassified” are easily understood in light of the intrinsic evidence.....	16
3. Apple’s indefiniteness arguments are misguided .....	18
4. Apple’s proposed construction should be rejected.....	19
iv. “The mobile PDA computer system according to claim 1”, Claim 7 .....	20
v. “physically secure enclosure”, Claim 9 .....	21
C. U.S. Patent No. 8,345,780 (“the ’780 Patent”).....	22
i. “short term” / “long term”, Claims 1, 9, and 12 .....	22
1. The ’780 Patent informs the scope of the invention with reasonable certainty .....	23
2. The prosecution history further informs the scope of the invention with reasonable certainty .....	26
ii. Apple’s proposed alternative construction is wrong.....	27
iii. “self interference”, Claims 1, 9, and 12 .....	27
III. CONCLUSION .....	30

**TABLE OF AUTHORITIES****Cases**

<i>AlexSam, Inc. v. Simon Prop. Grp. (Texas), L.P.</i> , No. 2:19-CV-331-RWS-RSP, 2022 WL 807434 (E.D. Tex. Mar. 16, 2022).....	12
<i>AlexSam, Inc. v. Simon Prop. Grp., L.P.</i> , No. 2:19-CV-331-RWS-RSP, 2021 WL 7709964 (E.D. Tex. Nov. 15, 2021) .....	12
<i>Apple, Inc. v. Ameranth, Inc.</i> , 842 F.3d 1229 (Fed. Cir. 2016) .....	8
<i>Aristocrat Techs. Australia Pty Ltd. v. Int’l Game Tech.</i> , 709 F.3d 1348 (Fed. Cir. 2013) .....	11
<i>Bicon, Inc. v. Straumann Co.</i> , 441 F.3d 945 (Fed. Cir. 2006) .....	2
<i>CyWee Grp., Ltd. v. Huawei Device Co.</i> , No. 2:17-CV-00495-WCB-RSP, 2018 WL 6419484 (E.D. Tex. Dec. 6, 2018) .....	23
<i>Energizer Holdings, Inc. v. Int’l Trade Comm’n</i> , 435 F.3d 1366 (Fed. Cir. 2006) .....	20
<i>Eolas Techs. Inc. v. Amazon.com, Inc.</i> , No. 6:15-CV-01038, 2016 WL 7155294 (E.D. Tex. Dec. 8, 2016) .....	19
<i>Epos Techs Ltd. v. Pegasus Techs.</i> , 766 F.3d 1338 (Fed. Cir. 2014) .....	11, 22
<i>Exmark Mfg. Co. v. Briggs &amp; Stratton Power Prods.</i> , 879 F.3d 1332 (Fed. Cir. 2018) .....	25
<i>Fractus, S.A. v. AT&amp;T Mobility LLC</i> , No. 2:18-CV-00135-JRG, 2019 WL 1641357 (E.D. Tex. Apr. 16, 2019) .....	18
<i>Guangdong Alison Hi-Tech Co. v. Int’l Trade Com’n</i> , 936 F.3d 1353 (Fed. Cir. 2019) .....	25
<i>Hill-Rom Servs., Inc. v. Stryker Corp.</i> , 755 F.3d 1367 (Fed. Cir. 2014).....	1, 8, 19
<i>Jack Guttman, Inc. v. Kopykake Enters., Inc.</i> , 302 F.3d 1352 (Fed. Cir. 2002) .....	28
<i>Microprocessor Enhancement Corp. v. Texas Instrus. Inc.</i> , 520 F.3d 1367 (Fed. Cir. 2008) .....	20

<i>Nautilus, Inc. v. Biosig Instrus., Inc.</i> , 572 U.S. 898 (2014).....	14, 23
<i>Niazi Licensing Corp. v. St. Jude Med. S.C., Inc.</i> , 30 F.4th 1339 (Fed. Cir. 2022) .....	23
<i>One-E-Way, Inc. v. Int’l Trade Comm’n</i> , 859 F.3d 1059 (Fed. Cir. 2017) .....	23
<i>Ortho-McNeil Pharm., Inc. v. Caraco Pharm. Labs., Ltd.</i> , 476 F.3d 1321 (Fed. Cir. 2007) .....	26
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) .....	9
<i>Plantronics, Inc. v. Aliph, Inc.</i> , 724 F.3d 1343 (Fed. Cir. 2013) .....	7
<i>Prima Tek II, L.L.C. v. Polypap, S.A.R.L.</i> , 318 F.3d 1143 (Fed. Cir. 2003) .....	5
<i>RetailMeNot, Inc. v. Honey Sci. Corp.</i> , No. 18-937-CFC-MPT, 2019 WL 6337719 (D. Del. Nov. 27, 2019) .....	20, 21
<i>Rodime PLC v. Seagate Tech., Inc.</i> , 174 F.3d 1294 (Fed. Cir. 1999) .....	10
<i>Ruckus Wireless, Inc. v. Innovative Wireless Sols., LLC</i> , 824 F.3d 999 (Fed. Cir. 2016) .....	21, 27
<i>Skedco, Inc. v. Strategic Operations, Inc.</i> , 685 F. App’x 956 (Fed. Cir. 2017) .....	10
<i>Sonix Tech. Co. v. Pubs. Int’l, Ltd.</i> , 844 F.3d 1370 (Fed. Cir. 2017) .....	14, 18, 23
<i>Thorner v. Sony Comput. Entm’t Am. LLC</i> , 669 F.3d 1362 (Fed. Cir. 2012) .....	1, 6, 10
<i>Toshiba Corp. v. Imation Corp.</i> , 681 F.3d 1358 (Fed. Cir. 2012) .....	4, 5, 22
<i>Vitronics Corp. v. Conceptronic, Inc.</i> , 90 F.3d 1576 (Fed. Cir. 1996) .....	28
<i>Vstream Techs., LLC v. PLR Holdings, LLC</i> , No. 6:15-CV-974-JRG-JDL, 2016 WL 6159624 (E.D. Tex. Oct. 24, 2016) .....	16

*Vstream Techs., LLC v. PLR Holdings, LLC*,  
No. 6:15CV974-JRG-JDL, 2016 WL 6211550 (E.D. Tex. Sept. 27, 2016)..... 16

*Wright Med. Tech., Inc. v. Osteonics Corp.*,  
122 F.3d 1440 (Fed. Cir. 1997) ..... 7

*WSOU Invs., LLC v. F5 Networks, Inc.*,  
No. 2:20-CV-01878-BJR, 2022 WL 268825 (W.D. Wash. Jan. 28, 2022) ..... 16

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.