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

SPACETIME3D, INC.,	
Plaintiff,	Civil Action No. 6:22-cv-00149-ADA
v.	**JURY TRIAL DEMANDED**
APPLE INC.,	
Defendant.	

DEFENDANT APPLE INC.'S OPENING CLAIM CONSTRUCTION BRIEF

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I.   INTRODUCTION

The parties dispute the construction of two claim terms in two of the three asserted patents directed to 3D user interfaces. For both terms, the parties have undertaken notably different approaches to claim construction. For its proposals, Apple Inc. ("Apple") has applied well-settled principles of patent law. That is, where the asserted claims use terms in accordance with their customary usage, Apple has proposed definitions that reflect that usage. And, where the patentee defined the scope of their claimed invention in the preamble to the claims, Apple has proposed that the Court accept the inventor's own limitation. By contrast, SpaceTime3D, Inc. ("SpaceTime3D") seeks overbroad constructions, unsupported by the patents.

In fact, Judge Payne (E.D. Tex.), in a prior litigation involving the same patents, rejected the very same arguments set forth by SpaceTime3D and adopted Apple's proposed constructions, verbatim. *SpaceTime3D, Inc. v. Samsung Elecs. Co.*, No. 2:19-cv-372-JRG (E.D. Tex. Dec. 7, 2020), Dkt. 104 ("*Samsung Claim Construction Order*"). The Court should do the same here.
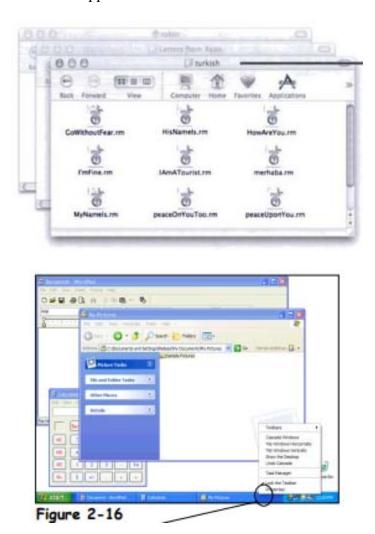
II.   ASSERTED PATENTS

The Asserted Patents—U.S. Patent Nos. 8,881,048 ("'048 patent"), 9,304,654 ("'654 patent"), and 9,696,868 ("'868 patent")—share substantively the same specification and relate generally to a three-dimensional ("3D") graphical user interface ("GUI").[1] More specifically, the patents purport to describe an "improved" GUI wherein objects are presented in a virtual, 3D Cartesian space. *See* '048 patent, Abstract, 2:47-55. According to the patents, "the 3D GUI creates the illusion of infinite space in 3D." *Id.*, 5:6-7.

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[1] Apple cites to the specification of the '048 patent herein, but the same language appears in the specification of the other Asserted Patents.

The Asserted Patents contend that, as of the patents' alleged priority date—September 13, 2005, when SpaceTime3D's provisional application was filed[2]—prior art computer systems included GUIs through which users could interact with windows and applications. '048 patent, 1:56-67. These prior art GUIs included those incorporated into the widely distributed Mac OS X and Windows XP computer operating systems, which predated the Asserted Patents' alleged priority date by at least two years and, as shown in the figures below, allowed users to open and interact with multiple windows and applications:

Figure 2-16

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[2] Apple reserves the right to dispute the proper priority date for the Asserted Claims at the appropriate time during discovery.

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