IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND-ODESSA DIVISION

RESONANT SYSTEMS, INC., d/b/a RevelHMI, Plaintiff, v. APPLE INC., Defendant.	Case No. 7:23-cv-00077-ADA **JURY TRIAL DEMANDED**

PLAINTIFF RESONANT SYSTEMS, INC.'S
RESPONSIVE CLAIM CONSTRUCTION BRIEF

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF CONTENTS

I. INTRODUCTION 1

II. RESPONSE TO APPLE'S "TECHNOLOGY OVERVIEW" 1

III. DISPUTED CLAIM TERMS 2

A. "control component" terms ('767 claim 1; '337 claim 2; '830 claims 1, 19, 20; '882 claims 1, 10) 2

1. The "control component" of '767 claim 1 is not subject to § 112 ¶ 6, and even if it were, Apple's proposed algorithm should be rejected 5

2. Resonant's proposed structure for '337 claim 2 should be adopted 10

3. Resonant's proposed structure for '830 claims 1, 19, and 20 should be adopted 15

4. Resonant's proposed structure for '882 claims 1 and 10 should be adopted 19

B. Preambles of '337 claim 2 and '830 claim 20 21

C. Typographical error in '830 claim 4 22

D. Typographical error in '882 claim 17 25

E. "the mass" ('882 patent, claims 1, 3-6, 10) 26

F. "the one or more sensors" ('767 patent, claim 1); "the oscillating resonant modules ('882 patent, claim 20) 28

G. "desired outputs" ('767 patent, claim 1; '830 patent, claim 4) 29

IV. CONCLUSION 30

DOCKET ALARM

Find authenticated court documents without watermarks at docketalarm.com.

TABLE OF AUTHORITIES

Cases

Apex Inc. v. Raritan Comp., Inc.,
325 F.3d 1364 (Fed. Cir. 2003)..... 12

Budde v. Harley-Davidson, Inc.,
250 F.3d 1369 (Fed. Cir. 2001)..... 30

CBT Flint Partners, LLC v. Return Path, Inc.,
654 F.3d 1353 (Fed. Cir. 2011)..... 6

Dyfan, LLC v. Target Corp.,
28 F.4th 1360 (Fed. Cir. 2022) 12, 29

Grp. One, Ltd. v. Hallmark Cards, Inc.,
407 F.3d 1297 (Fed. Cir. 2005)..... 6

HTC Corp. v. IPCom GmbH & Co., KG,
667 F.3d 1270 (Fed. Cir. 2012)..... 18, 30

Intel Corp. v. Qualcomm Inc.,
21 F.4th 801 (Fed. Cir. 2021) 14

JVW Enters., Inc. v. Interact Accessories,
424 F.3d 1324 (Fed. Cir. 2005)..... 3

Micro Chem., Inc. v. Great Plains Chem. Co.,
194 F.3d 1250 (Fed. Cir. 1999)..... 16, 21, 24, 28

Microprocessor Enhancement Corp. v. Texas Instruments Inc.,
520 F.3d 1367 (Fed. Cir. 2008)..... 8

Nanology Alpha LLC v. WITec Wissenschaftliche Instrumente und Technologie GmbH,
No. 6:16-CV-00445-RWS, 2017 WL 5905272 (E.D. Tex. Nov. 30, 2017)..... 13

Northrop Grumman Corp. v. Intel Corp.,
325 F.3d 1346 (Fed. Cir. 2003)..... 21, 24, 28

Novo Indus., L.P. v. Micro Molds Corp.,
350 F.3d 1348 (Fed. Cir. 2003)..... 6

Ollnova Techs. Ltd. v. ecobee Techs., ULC d/b/a ecobee,
No. 2:22-CV-00072-JRG, Dkt. No. 105 (E.D. Tex. Apr. 10, 2023)..... 6, 8

Pavo Sols. LLC v. Kingston Tech. Co.,
35 F.4th 1367 (Fed. Cir. 2022) 6

SanDisk Corp. v. Memorex Prods.,
415 F.3d 1278 (Fed. Cir. 2015)..... 14

Solas OLED Ltd. v. Samsung Elecs. Co.,
No. 2:21-CV-00105-JRG, 2022 WL 36222 (E.D. Tex. Jan. 4, 2022) 9

Thorner v. Sony Comp. Ent. Am. LLC,
669 F.3d 1362 (Fed. Cir. 2012)..... 3

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

Ultimax Cement Mfg. Corp. v. CTS Cement Mfg. Corp.,
587 F.3d 1339 (Fed. Cir. 2009)..... 6

Univ. of Pitt. of Commonwealth Sys. of Higher Educ. v. Varian Med. Sys., Inc.,
561 F. App'x 934 (Fed. Cir. 2014) 20, 24, 28

Statutes

35 U.S.C. § 112 ¶ 6 ..... passim

DOCKET ALARM
Find authenticated court documents without watermarks at docketalarm.com.

I. INTRODUCTION

While Defendant Apple asserts that only "[f]our disputes regarding claim construction remain" (Dkt. 75 at 1), its scattershot opening brief shows that Apple raises more than a dozen sweeping arguments that are inconsistent with the intrinsic record and violate basic tenets of claim construction. In stark contrast, Plaintiff Resonant offers constructions that are consistent with the intrinsic evidence, the understanding of a POSITA, and applicable law.

Apple first seeks to construe several claims reciting "control component" terms. While the parties have several disputes on these terms, the primary issue is that Apple has taken a fundamentally wrong approach to defining algorithms corresponding to claimed functions, where such algorithms are even necessary. Apple believes it is proper to include within such an algorithm steps that are completely unnecessary for and entirely unrelated to performing the claimed function. Resonant told Apple during the meet-and-confer process that this was improper and, contrary to Apple's false statement in its brief, even gave Apple specific examples—which Apple did not dispute—of how its algorithm definitions were clearly overbroad. But Apple plowed forward with its algorithm definitions even though they violate the fundamental principle that corresponding structure under 35 U.S.C. § 112 ¶ 6 is only the structure that is ***necessary*** for performing the claimed function, and nothing more.

Nearly all of Apple's remaining arguments are indefiniteness positions that defy logic, ignore clear intrinsic evidence, and disregard how a POSITA would understand the claims. As detailed below and in the declaration of Resonant's claim construction expert, Dr. Keith Goossen (Ex. A, "Goossen Decl."), Apple's proposals should be rejected and Resonant's should be adopted.

II. RESPONSE TO APPLE'S "TECHNOLOGY OVERVIEW"

Apple's "Technology Overview" mischaracterizes the patented technologies as only being applicable to personal vibrators. Dkt. 75 at 2-3. Apple knows full well that is not the case. It is not

DOCKET ALARM Find authenticated court documents without watermarks at docketalarm.com.

DOCKET ALARM

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.