

**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**

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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

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