

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

RAYTHEON COMPANY,)	
)	
Plaintiff,)	Civil Action No. 2:15-CV-341-JRG-RSP
)	
v.)	LEAD CASE
)	
SAMSUNG ELECTRONICS CO., LTD., ET AL.,)	JURY TRIAL DEMANDED
)	
<i>Defendants.</i>)	
_____)	

DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Defendants Sony Kabushiki Kaisha, Sony Corporation of America, Sony Semiconductor Corporation, Sony EMCS Corporation, Sony Electronics Inc., Sony Mobile Communications Inc., Sony Mobile Communications AB, Sony Mobile Communications (USA) Inc. (collectively, the “Sony Defendants”), OmniVision Technologies, Inc. (“OmniVision”), Apple Inc. (“Apple”), Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Telecommunications America, LLC (collectively, the “Samsung Defendants”) submit this brief in support of their proposed constructions of claim terms from U.S. Patent No. 5,591,678 (the “’678 Patent”).

II. THE LEGAL STANDARD FOR CLAIM CONSTRUCTION

The claims of a patent define the invention, and courts generally give claims their ordinary and customary meaning, measured as of the patent’s effective filing date. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (*en banc*). Claims should be interpreted in the same manner for infringement and validity determinations. *Amgen Inc. v. Hoechst Marion Roussel, Inc.*, 314 F.3d 1313, 1330 (Fed. Cir. 2003). To determine the meaning of claims, courts start by considering intrinsic evidence: the language of the claim itself, the specification, and the patent’s prosecution history. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (*en banc*), *aff’d*, 517 U.S. 370 (1996).

The claims themselves provide substantial guidance in determining the meaning of particular claim terms. *Phillips*, 415 F.3d at 1314. Claim terms must be examined in the context of the claims in which they are used and other claims in the patent, both asserted and unasserted. *Id.* “A claim construction that gives meaning to all the terms of the claim is preferred over one that does not do so.” *Merck & Co., Inc. v. Teva Pharms. USA, Inc.*, 395 F.3d 1364, 1372 (Fed.

Cir. 2005). Thus, courts should avoid claim constructions that render superfluous one or more claim terms. *Id.*

The claims must be read in the context of the specification of which they are a part. *Phillips*, 415 F.3d at 1315. The specification “is the single best guide to the meaning of a disputed term” and, as such, usually is dispositive of a claim’s meaning. *Id.* at 1321. The specification may reveal, either expressly or impliedly, a special definition given to a claim term by the patentee, in which case the special definition governs. *Id.* at 1316.

Courts also look to the prosecution history of a patent to shed light on the meaning of its claims. *Id.* at 1317; *Markman*, 52 F.3d at 980. Although not dispositive, statements made during prosecution can serve as evidence of how the ordinarily skilled artisan would have interpreted a disputed claim term. *Salazar v. Proctor & Gamble Co.*, 414 F.3d 1342, 1347 (Fed. Cir. 2005).

In most situations, courts need only analyze intrinsic evidence to resolve ambiguity in a disputed claim term. But courts may admit and rely on extrinsic evidence when doing so would help educate the court regarding the field of the invention or help the court determine what a person of ordinary skill would understand claim terms to mean. *Phillips*, 415 F.3d at 1319. The Federal Circuit has cautioned, however, that “extrinsic evidence in general [is] less reliable than the patent and its prosecution history,” and therefore cannot contradict the meaning suggested by the intrinsic evidence. *Id.* at 1318, 1324.

III. INTRODUCTION TO THE CLAIMED TECHNOLOGY

The ’678 patent is directed to manufacturing techniques for semiconductor devices. Specifically, it describes a manufacturing technique that stacks two-dimensional microelectronic circuits in a third dimension. Ex. 1, ’678 Patent, Col. 1:66-2:2. The patent explains that conventional manufacturing operations build circuit elements at or near an exposed surface of the wafer layer of a substrate. *Id.* Stacking could not be performed with traditional substrate

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