

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

GODO KAISHA IP BRIDGE 1,)	
)	
Plaintiff,)	Case No. 2:17-cv-00676-RWS-RSP
)	
v.)	
)	
INTEL CORPORATION,)	
)	
Defendant.)	

**INTEL CORPORATION’S RESPONSE TO IP BRIDGE’S
SUPPLEMENTAL CLAIM CONSTRUCTION STATEMENT**

Intel respectfully submits this brief response to IP Bridge’s Supplemental Claim Construction Statement concerning *Praxair, Inc. v. ATMI, Inc.* 543 F.3d 1306 (Fed. Cir. 2008) (“*Praxair*”). Dkt. No. 124 (“IPB Supplemental Br.”). In that case, the Federal Circuit construed the claims at issue to require a “fundamental object of the invention,” holding that “[t]he claims must be read in light of the specification’s consistent emphasis on this fundamental feature of the invention.” *See Praxair* at 1323-24.

IP Bridge’s attempts to distinguish *Praxair* are unavailing. First, IP Bridge asserts that there was “no allegation, agreement, or finding in *Praxair* that a ‘flow restrictor’ was a well-understood term of art,” yet, according to IP Bridge, there is “no dispute” that “dielectric film” in the ’736 patent is a term of art that is “capable of being understood under its plain and ordinary meaning.” *See* IPB Supplemental Brief at 2; *see also id.* at 3 (arguing that “dielectric film” does not have a disputed meaning). That is incorrect. In the district court, *Praxair* expressly argued that “‘flow resistor’ . . . should be construed consistent with [its] plain and ordinary meaning” (*see Praxair, Inc. v. ATMI, Inc.*, No. 1:03-cv-01158-SLR, D.I. 189 at 3 (D. Del. Aug. 23, 2005)), and

as reflected in the Federal Circuit’s construction, that meaning is “a structure that serves to restrict the rate of flow” *See Praxair* at 1324. But just as here, the alleged plain meaning of the disputed term in the abstract was not enough. The Federal Circuit found it necessary to construe “flow restrictor” based on statements in the specification concerning a “fundamental feature of the invention,”—*i.e.*, that it “serves to restrict the rate of flow sufficiently to prevent a hazardous situation.” *See Praxair*, 543 F.3d at 1323–24. This Court should likewise construe “dielectric film” in accordance with its fundamental feature (*i.e.* reducing capacitance). *See, e.g.*, ’736 patent at 3:31-48, 4:16-35, 8:16-26, 20:51-62, 24:34-43.

Second, IP Bridge asserts that—unlike here—the disputed term in *Praxair* “was understood to be a term of degree” such that “the question was whether the proper construction of [flow restrictor] ‘include[s] a device that creates *any* flow restriction, no matter how minor or inconsequential.” *See* IPB Supplemental Brief at 2. But the dispute in this case is exactly the same: IP Bridge contends that *any* dielectric film can suffice, regardless of whether it reduces the wire-to-substrate capacitance of the semiconductor device. *See* Dkt. No. 108 at 2.

Third, IP Bridge argues that while the patent in *Praxair* “defined [flow restrictor] based on th[e] object of the invention”—through, for example, a statement about the “present invention”—“the ’736 patent never attempts to define the term ‘dielectric film’ based on an ability to reduce capacitance.” IPB Supplemental Br. at 2–3. This argument is highly inconsistent with the intrinsic evidence. Numerous passages in the ’736 patent equate the “present invention” with the use of the claimed dielectric film to reduce wire-to-substrate capacitance. *See, e.g.*, ’736 patent at 4:16-35, 24:34-43.

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Respectfully submitted,

By: /s/ Greg Arovas with permission, by
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CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 16th day of August 2018.

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