

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

QUEST NETTECH CORPORATION,

Plaintiff,

v.

APPLE INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§

Case No. 2:19-cv-00118-JRG

JURY TRIAL DEMANDED

**PLAINTIFF QUEST NETTECH CORPORATION'S
OPENING CLAIM CONSTRUCTION BRIEF**

TABLE OF CONTENTS

	<u>Page(s)</u>
I. CLAIM CONSTRUCTION STANDARD OF REVIEW	1
A. GOVERNING LAW.....	1
B. LEVEL OF ORDINARY SKILL IN THE ART	1
II. PATENT BACKGROUND AND TECHNOLOGY.....	1
III. DISPUTED TERMS.....	2
A. “[multiple account] electronic credit card” (claims 10, 11, 14-24, and 26-33) (No. 1)	2
B. “operation of the [credit] card”(claims 10 and 33) (No. 2).....	5
C. “financial transaction records relative to the multiple accounts” / “records relative to the multiple accounts”(claims 10 and 33) (No. 3).....	7
D. “wherein said memory is of sufficient size to store financial transaction records related to a predetermined time period of use” (claim 10) (No. 4)	9
E. “transfer of data stored in the memory to a new multiple account electronic credit card” (claim 10) (No. 5)	10
IV. CONCLUSION	12

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>01 Communique Lab., Inc. v. LogMeIn, Inc.</i> , 687 F.3d 1292 (Fed. Cir. 2012).....	5
<i>AGIS Software Dev., LLC v. Huawei Device USA Inc.</i> , No. 2:17-CV-513-JRG, 2018 WL 4908169 (E.D. Tex., Oct. 10, 2018)	1, 9, 10
<i>Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.</i> , 868 F.2d 1251 (Fed. Cir. 1989).....	4
<i>Funai Elec. Co., Ltd. v. Daewoo Elecs. Corp.</i> , 616 F.3d 1357 (Fed. Cir. 2010).....	6
<i>Genband USA LLC v. Metaswitch Networks Ltd.</i> , No. 2:14-cv-33-JRG-RS, 2015 WL 1518007 (E.D. Tex. Apr. 2, 2015)	8
<i>Hill-Rom Servs., Inc. v. Stryker Corp.</i> , 755 F.3d 1367 (Fed. Cir. 2014).....	8
<i>Howemedica Osteonics Corp. v. Wright Med. Tech., Inc.</i> , 540 F.3d 1337 (Fed. Cir. 2008).....	11
<i>Novatek, Inc. v. Sollami Co.</i> , 559 Fed. Appx. 1011 (Fed. Cir. 2014)	3
<i>NTP, Inc. v. Research In Motion, Ltd.</i> , 418 F.3d 1282 (Fed. Cir. 2005).....	3
<i>Proveris Sci. Corp. v. Innovasystems, Inc.</i> , 739 F.3d 1367 (Fed. Cir. 2014).....	3
<i>Resonate Inc. v. Alteon Websystems, Inc.</i> , 338 F.3d 1360 (Fed. Cir. 2003).....	11
<i>Seoul Semiconductor Co. Ltd. v. Nichia Corp.</i> , 596 F. Supp. 2d 1005 (E.D. Tex. 2009)	1
<i>TPQ Dev., LLC v. Merrill Lynch & Co.</i> , No. 2:08-CV-471, 2012 WL 1940849 (E.D. Tex. May 29, 2012).....	4, 5
<i>Unwired Planet L.L.C. v. Google, Inc.</i> , 660 Fed. Appx. 974 (Fed. Cir. 2016)	2

Verizon Servs. Corp. v. Vonage Holdings Corp.,
503 F.3d 1295 (Fed. Cir. 2007).....8

Vitronics Corp. v. Conceptronic, Inc.,
90 F. 3d 1576 (Fed. Cir. 1996)..... 8, 10

Pursuant to P.R. 4-5(a) and the Court's Docket Control Order of August 8, 2019 (Dkt. 42), Plaintiff Quest NetTech Corporation ("NetTech") hereby submits its Opening Claim Construction Brief. The asserted patent is U.S. Patent No. RE38,137 (the "137 Patent," Ex. A) (the "Asserted Patent").

I. CLAIM CONSTRUCTION STANDARD OF REVIEW

A. GOVERNING LAW

The governing legal standards relating to claim construction are described in the Court's opinion in *AGIS Software Dev., LLC v. Huawei Device USA Inc.*, No. 2:17-CV-513-JRG, 2018 WL 4908169, at *3-5 (E.D. Tex., Oct. 10, 2018), and are hereby incorporated by reference. *See also Seoul Semiconductor Co. Ltd. v. Nichia Corp.*, 596 F. Supp. 2d 1005 (E.D. Tex. 2009).

B. LEVEL OF ORDINARY SKILL IN THE ART

The "Field of the Invention" is described generally as related to the field of financial data systems. Ex. A, 1:10. The detailed descriptions of the inventions and the claims of the Asserted Patent draw on a combination of skills from the computer science and engineering arts. NetTech submits that a person of ordinary skill in the art ("POSITA") covered by the Asserted Patent would have a bachelor's degree in electrical or computer engineering with one to two years of experience in the fields of computer programming and/or computer hardware design, preferably with a focus on data processing or financial systems. Extensive experience and technical training may substitute for educational requirements, while advanced education might substitute for experience.

II. PATENT BACKGROUND AND TECHNOLOGY

U.S. Patent No. 5,859,419 (the "419 Patent") issued from U.S. Patent Application No. 08/535,712 (the "712 Application"), which was filed on September 28, 1995. A reissue

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.