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

QUEST NETTECH CORPORATION,	§	
	§	
Plaintiff,	§	C.A. No. 2:19-cv-118-JRG
v.	§	
	§	
APPLE INC.,	§	JURY TRIAL DEMANDED
	§	
Defendant.	§	

**APPLE INC.'S RESPONSIVE
<u>CLAIM CONSTRUCTION BRIEF</u>**

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I.   INTRODUCTION

Defendant Apple Inc. ("Apple") hereby submits its responsive claim construction brief. Apple and Plaintiff Quest NetTech Corporation ("NetTech") dispute the meaning of five claim terms in asserted U.S. Patent No. RE38,137 ("the '137 patent"). The disputes are resolved by applying several well-established legal principles. First, the patent's characterization of "the present invention" compels the adoption of Apple's constructions for the "[financial transaction] records" and "memory is of sufficient size" terms. Second, the plain language of claim 10 itself resolves the dispute over the meaning of the term "data" in Apple's favor. Third, the prohibitions against broadening claims beyond their plain meaning and construing terms to preserve validity require that the term "multiple account electronic credit card" be given its plain and ordinary meaning as Apple has proposed. And fourth, the prohibition against importing limitations from the specification into the claims militates against adopting NetTech's proposed construction for "operation of the credit card."

Apple's constructions should be adopted because they stay true to the intrinsic record and these principles.

II.   THE '137 PATENT

The '137 patent—titled "Programmable Multiple Company Credit Card System"—claims priority to an application filed on September 28, 1995. The priority application issued as U.S. Patent No. 5,859,419 ("the '419 patent") on January 12, 1999. Subsequently, the patent owner filed an application seeking reissue of the '419 patent on January 11, 2001. That application gave rise to the '137 patent, which issued on June 10, 2003. The '137 patent expired on September 28, 2015.

The '137 patent is directed to a "universal financial data card for compiling and storing financial transaction records pertaining to a plurality of financial accounts." '137 patent at

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