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

SOLAS OLED LTD., *Plaintiff*, v. SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC., *Defendants*.	Civil Action No. 2:21-CV-00105-JRG

DEFENDANTS SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG ELECTRONICS AMERICA, INC.'S RESPONSIVE CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

The constructions proposed by Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Defendants" or "Samsung") reflect the meaning (or lack thereof) the terms at issue in U.S. Patent No. 8,526,767 ("the '767 Patent") would have to a person of ordinary skill in the art ("POSITA") at the time of the alleged invention based on the intrinsic evidence and, where applicable, extrinsic evidence showing a customary meaning. Samsung's proposals thus represent the meaning of the terms in the context of the '767 Patent as confirmed by the testimony of Dr. R. Jacob Baker, a POSITA at the time of the alleged invention. Ex. 1, Baker Decl, ¶¶ 34, 36-57.[1] By contrast, Solas's proposed constructions—which are not supported by any evidence from a POSITA—consist of attorney argument that ignores explicit claim language (construing "the gesture-processing logic" as "the logic"), merely states "no construction necessary; plain and ordinary meaning," or otherwise fails to provide assistance to the jury in applying the asserted claim language.

II. LEGAL STANDARD

"It is a 'bedrock principle' of patent law that 'the claims of a patent define the invention to which the patentee is entitled the right to exclude.'" *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (citation omitted). A POSITA "is deemed to read the claim term not only in the context of the particular claim . . . but in the context of the entire patent, including the specification." *Id.* at 1313. "The words of a claim are generally given their ordinary and customary meaning as understood by a person of ordinary skill in the art when read in the context of the specification and prosecution history." *Thorner v. Sony Comput. Ent. Am. LLC*, 669 F.3d 1362, 1365 (Fed. Cir. 2012) (citing *Phillips*, 415 F.3d at 1313). A "term's ordinary meaning must be

[1] Exhibits cited herein are attached to the declaration of John Kappos, filed concurrently herewith.

considered in the context of all the intrinsic evidence, including the claims, specification, and prosecution history." *Biogen Idec, Inc. v. GlaxoSmithKline LLC*, 713 F.3d 1090, 1094 (Fed. Cir. 2013). When a patentee acts as his own lexicographer then the customary meaning does not apply. *See Trustees of Columbia Univ. in City of New York v. Symantec Corp.*, 811 F.3d 1359, 1363-64 (Fed. Cir. 2016).

"[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.'" *Phillips*, 415 F.3d at 1315 (internal quotation marks omitted). Extrinsic evidence can also be useful, and courts have "especially noted the help that technical dictionaries may provide . . . to better understand the underlying technology and the way in which one of skill in the art might use the claim terms." *Id.* at 1317-18 (internal quotation marks omitted). Expert testimony may also aid a court in understanding the underlying technology. *See id.*

"[A] patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention." *Nautilus Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014). It is insufficient that "a court can ascribe ***some*** meaning to a patent's claim." *Id.* at 911 (emphasis original). Where there are multiple potential constructions and the intrinsic record does not provide a reasonable basis to decide between the constructions, the claim is indefinite. *See Light Transformation Techs. LLC v. Lighting Sci. Grp. Corp.,* No. 2:12-cv-826-MHS-RSP, 2014 WL 3402125, at *8 (E.D. Tex. July 11, 2014). Further, claim terms that lack antecedent basis within the claim likewise may be indefinite "where such basis is not otherwise present by implication or the meaning is not reasonably ascertainable." *Halliburton Energy Servs., Inc. v. M-I LLC*, 514 F.3d 1244, 1249 (Fed. Cir. 2008).

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