

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

NEODRON LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES INC.,

Defendant.

Case No. 1:19-cv-00819-ADA

NEODRON LTD.,

Plaintiff,

v.

HP, INC.,

Defendant.

Case No. 1:19-cv-00873-ADA

NEODRON LTD.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 1:19-cv-00874-ADA

NEODRON LTD.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 1:19-cv-00898-ADA

NEODRON LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendant.

Case No. 1:19-cv-00903-ADA

PLAINTIFF NEODRON LTD.'S REPLY CLAIM CONSTRUCTION BRIEF
GROUP 3 – TOUCH PROCESSING PATENTS

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I. DISPUTED TERM FOR THE '286 PATENT

A. “sensor value(s)” ('286 Patent, claims 1, 3–5, 8–10, 12–13, 15–17, 20–21, 23–24)

Neodron’s Proposed Construction	Defendants’ Proposed Construction
Plain and ordinary meaning, which is “sensor signal value(s).”	Plain and ordinary meaning, i.e. “value indicating the strength of the sensor signal.”

Defendants’ “responsive” brief regurgitates their arguments from their opening brief. Like their opening brief, Defendants argue that their “strength” language should be adopted because the patent’s written description uses that language. But courts “do not import limitations into claims from examples or embodiments appearing only in a patent’s written description, even when a specification describes very specific embodiments of the invention or even describes only a single embodiment.” *JVW Enters. v. Interact Accessories, Inc.*, 424 F.3d 1324, 1335 (Fed. Cir. 2005); *see also, e.g., Phillips v. AWH Corp.*, 415 F.3d 1303, 1323 (Fed. Cir. 2005) (*en banc*) (“[A]lthough the specification often describes very specific embodiments of the invention, we have repeatedly warned against confining the claims to those embodiments.”). Indeed, a specification’s statement must amount to a “clear and unmistakable disclaimer” before it can limit claim scope. *Thorner v. Sony Entertainment Am. LLC*, 669 F.3d 1362, 1365-67 (Fed. Cir. 2012).

Defendants have not and cannot identify any such “clear and unmistakable” statement, as explained more fully in Neodron’s responsive brief. *See* Dkt. 68 at 2-4. Instead, Defendants argue that Neodron must “point to a single embodiment in the specification in which the sensor value does *not* indicate a signal strength” (Dkt. 67 at 2). But Neodron is not the party that is asking the Court to import limitations from the specification; Defendants are. It is Defendants’ burden to show why the “strength” language should be imported from the specification, not Neodron. Defendants have not done so, as there is no clear and unmistakable disclaimer in the specification.

Defendants also argue that the claimed biasing **must** be done “by comparing their signal strength” (Dkt. 67 at 3). That is false. The claim recites precisely how it is done, without Defendants’ “strength” language: “the key assignment is biased in favor of the currently active key by increasing sensor values of the currently active key.” ‘286 patent cl. 1. The “strength” of a signal is not the only attribute of a sensor, just as the signal strength is not the only attribute of a cellular phone connection. For instance, you can have a strong signal strength when having a cellular phone call, but the signal strength tells you nothing about the content of the cellular signal—e.g., whether the cellular signal is transmitting the word “hello” or the word “good bye.” Similarly, a “sensor value” can certainly include “value indicating the strength of the sensor signal,” but it is not limited to that. It can include other attributes of a sensor.

ALJ Elliott’s claim construction ruling in the ITC case regarding “sensor value” in a related patent confirms that “strength” of the sensor signal is not the only attribute. For instance, ALJ Elliott agreed with Neodron that “the claim could encompass additional, unclaimed processing steps, and components to perform them, including ‘any processing, amplification, thresholding, smoothing, noise reduction, whether it is that’s done in the process of comparing’ the values to determine which key is pressed.” ITC Markman Order at 28. Processing steps such as “smoothing” and “noise reduction” is not solely about changing the “strength” of the signal, but rather about changing the shape or other informational attribute of the signal. Accordingly, ALJ Elliott’s ruling contradicts Defendants’ assertion that “signal strength” is the only attribute of a sensor that exists, or that it is the only attribute that matters for the claimed biasing.

Defendants’ arguments regarding ALJ Elliott’s claim construction order (Dkt. 67 at 4-5) are meritless. First, Defendants argue that ALJ Elliott’s order is not binding. Dkt. 67 at 4. Neodron

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