

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

DEMARAY LLC,

Plaintiff,

v.

INTEL CORPORATION,

Defendant.

Case No. 6:20-cv-00634-ADA

JURY TRIAL DEMANDED

DEMARAY LLC,

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO., LTD (A
KOREAN COMPANY), SAMSUNG
ELECTRONICS AMERICA, INC.,
SAMSUNG SEMICONDUCTOR, INC., and
SAMSUNG AUSTIN SEMICONDUCTOR,
LLC,**

Defendants.

Case No. 6:20-cv-00636-ADA

JURY TRIAL DEMANDED

**PLAINTIFF DEMARAY LLC'S
OPENING CLAIM CONSTRUCTION BRIEF**

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION.....	1
II. THE DEMARAY PATENTS	1
III. DISPUTED CONSTRUCTIONS	2
A. [DEFENDANTS' TERM] ¹ “Substrate” (’657 Patent, cls. 1, 2, 7, 11; ’276 Patent, cls. 1, 2, 6, 10)	2
1. This Term Does Not Require Construction	2
2. Defendants Seek To Import Narrowing Limitations Contrary to Plain Meaning And The Patent Specifications	3
B. [DEFENDANTS' TERM] “A method of depositing a film on an insulating substrate, comprising” (’657 Patent, cl. 1).....	4
1. The Preamble Is Not Limiting	4
2. Defendants Seek To Narrow The Claims To A Subset Of Monolithic Substrates	6
C. [DEFENDANTS' TERM] “Pulsed DC power” (’657 Patent, cls. 1, 2, 11; ’276 Patent, cls. 1, 6)	7
1. This Term Does Not Require Construction	7
2. Defendants Seek To Narrow The General Term To A Highly Specific Subset Of Pulsed DC Power	8
D. [DEFENDANTS' TERM] “Pulsed DC power supply” (’276 Patent, cls. 1, 6).....	11
1. This Term Does Not Require Construction	11
2. Defendants Again Seek To Limit The Term To A Preset, Continuous Supply Of Pulsed DC Power	12
E. [DEFENDANTS' TERM] “Narrow band rejection filter” (’657 Patent, cls. 1, 2, 20; ’276 Patent, cls. 1, 6).....	13

¹ Defendants have proposed ten terms for construction (with a total of twelve terms) in excess of the limits on terms in the Court’s Standing Order.

	<u>Page</u>
1. This Term Does Not Require Construction	13
2. Defendants Seek To Add An Extraneous “Passing” Requirement Into A Term About “Rejection”	14
F. [DEFENDANTS' TERMS] “Corresponds to” (’657 Patent, cls. 1, 6), “Rejects at” (’276 Patent, cl. 1), “Operating at” (’276 Patent, cl. 6)	14
1. Plain English Words Like “Rejects At,” “Corresponds To,” And “Operating At” Do Not Require Rewriting	15
G. [DEFENDANTS' TERM] “Reconditioning the target” (’657 Patent, cl. 1)	16
1. This Term Does Not Require Construction	16
2. Defendants Seek To Add An Unsupported Temporal Limitation Requiring Multiple Depositions.....	17
H. [DEMARAY'S TERMS] “Metallic mode” (’657 Patent, cls. 1, 2), “Poison mode” (’657 Patent, cls. 1, 2).....	18
1. Demaray’s Proposed Constructions Are Consistent With Plain And Ordinary Meaning	18
I. [DEFENDANTS' TERM] “Substantially constant” (’276 Patent, cl. 10)	20
1. The Term “Substantially Constant” Does Not Require Construction.....	20
2. Defendants Seek To Unnecessarily Rephrase The Claim Language.....	20

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Am. Med. Sys., Inc. v. Biolitec, Inc.</i> , 618 F.3d 1354 (Fed. Cir. 2010).....	4
<i>Asahi Glass Co. v. Guardian Indus. Corp.</i> , 886 F. Supp. 2d 369 (D. Del. 2012).....	19
<i>Asset Guard Prods. v. Sentinel Containment, Inc.</i> , 2018 WL 6248533 (S.D. Tex. Nov. 29, 2018)	5
<i>Aventis Pharms., Inc. v. Amino Chems. Ltd.</i> , 715 F.3d 1363 (Fed. Cir. 2013).....	1
<i>Biscotti Inc. v. Microsoft Corp.</i> , 2016 WL 6611487 (E.D. Tex. Nov. 9, 2016)	12, 13
<i>Catalina Mktg. Int’l, Inc. v. Coolsavings.com Inc.</i> , 289 F.3d 801 (Fed. Cir. 2002).....	4, 5
<i>Cochlear Bone Anchored Sols. AB v. Oticon Med. AB</i> , 958 F.3d 1348 (Fed. Cir. 2020).....	6
<i>Embrex, Inc. v. Service Eng’g Corp.</i> , 216 F.3d 1343 (Fed. Cir. 2000).....	1
<i>Harris Corp. v. IXYS Corp.</i> , 114 F.3d 1149 (Fed. Cir. 1997).....	16
<i>Marrin v. Griffin</i> , 599 F.3d 1290 (Fed.Cir. 2010).....	5
<i>O2 Micro Int’l Ltd. v. Beyond Innovation Tech. Co.</i> , 521 F.3d 1351 (Fed. Cir. 2008).....	1
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1301 (Fed. Cir. 2005).....	10
<i>Power Integrations, Inc. v. Fairchild Semiconductor Int’l, Inc.</i> , 904 F.3d 965 (Fed. Cir. 2018).....	11
<i>Summit 6, LLC v. Samsung Elecs. Co.</i> , 802 F.3d 1283 (Fed. Cir. 2015).....	2, 5

TomTom, Inc. v. Adolph,
790 F.3d 1315 (Fed. Cir. 2015).....5

Other Authorities

McGraw-Hill Dictionary of Scientific and Technical Terms17
Modern Dictionary of Electronics7
New Oxford American Dictionary.....2, 14

* Unless otherwise noted, internal citations and subsequent history are omitted, and emphasis is added.

The “Demaray Patents” are U.S. Patent Nos. 7,381,657 and 7,544,276 (“’657 patent” and “’276 patent,” respectively) (Exs. 1-2). All exhibits are attached to the Declaration of C. Maclain Wells (“Wells”) filed herewith. Also referenced is the Declaration of Dr. Alexander Glew (“Glew”) also filed herewith.

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.