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

FUTURE LINK SYSTEMS, LLC	§ § §	
Plaintiff,	§ §	Civil Action No. 6:21-cv-00263-ADA
v.	§ §	
APPLE INC.,	§ § §	**JURY TRIAL DEMANDED**
Defendant.	§ §	

APPLE'S OPENING CLAIM CONSTRUCTION BRIEF
(U.S. PATENT NO. 6,622,108)

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Page(s)

Cases

INTRODUCTION

Apple Inc. ("Apple") submits this opening claim construction brief pursuant to the

Court's Scheduling Order to construe terms of U.S. Patent No. 6,622,108 (the "'108 patent").

See Dkt. No. 29 (Scheduling Order), at 3.

I.   APPLICABLE LEGAL PRINCIPALS

The Court is intimately familiar with the legal principles of claim construction. *See, e.g.*,

eCeipt, LLC v. Victoria's Secret Stores, LLC, No. 6:20-CV-747-ADA, 2021 WL 4037599, at *1

(W.D. Tex. Sept. 3, 2021); *Dyfan, LLC v. Target Corp.*, No. W-19-CV-00179-ADA, 2020 WL

8617821, at *2 (W.D. Tex. Nov. 24, 2020). Apple identifies additional relevant legal authority

below.

II.   AGREED CONSTRUCTION

A. "A method of testing interconnects between a first electronic circuit and a second electronic circuit, the first electronic circuit comprising a main unit implementing a normal mode function of the first electronic circuit, and a test unit for testing the interconnects, the method comprising the steps of…" '108 Patent, Claim 11 Preamble

Apple's Proposed Construction	Future Link's Proposed Construction
Preamble is limiting	Preamble is limiting

III.   DISPUTED CONSTRUCTION

A. "low complexity memory"

Apple's Proposed Construction	Future Link's Proposed Construction
"memory that does not have to be put through a complex initialization process before it can be accessed and that has simple access protocols without dynamic restrictions"	"memory with less complex initialization processes or access protocols than the main unit"

Apple's proposed construction for "low complexity memory" is the same construction

this Court ordered less than two weeks ago in Future Link's litigation against AMD, is a direct

definition from the '108 patent specification, and is the same construction to which Future Link

agreed in previous litigation against Intel. For those reasons, the Court should adopted Apple's

proposed construction.

1. Apple's Proposed Construction Is the Same Construction the Court Ordered in the *AMD* Case

In Future Link's earlier-filed litigation against AMD in the Western District of Texas, it

is also asserting the '108 patent. *See Future Link Sys. v. Advanced Micro Devices, Inc.,* Case No.

6:20-cv-1176-ADA (W.D. Tex. 2020). In that case, the Court held a *Markman* hearing on

October 14, 2021. *See id.,* Dkt. No. 58. This same "low complexity memory" term was disputed

at that *Markman* hearing, and the Court ordered a construction not pursued by either Future Link

or AMD:

Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Final Construction
"the test unit is operable as a low complexity memory" / "operating the first electronic circuit as a low complexity memory" U.S. Patent No. 6,622,108, Claims 1, 11	"the test unit is operable as a memory that has less complex initialization processes or access protocols than the main unit" / "operating the first electronic circuit as a memory that has less complex initialization processes or access protocols than the main unit"	Indefinite	Not indefinite. Plain-and-ordinary meaning wherein "low complexity memories are those that do not have to be put through a complex initialization process before they can be accessed, and that have simple access protocols without dynamic restrictions.

Ex. A (*Id.,* Dkt. No. 61 (Claim Construction Order), at 2). Apple's proposed construction is the

same construction adopted by the Court.[1]

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[1] Although the Court explicitly found the term "low complexity memory" to be not indefinite in the *AMD* case, Apple notes that Future Link's proposed construction of "memory with less complex initialization processes or access protocols than the main unit" has indefiniteness issues that Apple may address in the future should Future Link later challenge the Court's construction. To the extent that Future Link later argues that its proposed construction "memory with less complex initialization processes or access protocols than the main unit" is not indefinite, Apple reserves the right to argue indefiniteness, including putting forward the same evidence and argument advanced by AMD. To be clear, Apple is not taking the position that the term "low

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