

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

GENTEX CORPORATION and INDIGO
TECHNOLOGIES, LLC,

Plaintiffs,

THALES VISIONIX, INC.,

Involuntary Plaintiff,

v.

FACEBOOK, INC. and FACEBOOK
TECHNOLOGIES, LLC,

Defendants.

Case No. 6:21-cv-00755-ADA

JURY TRIAL DEMANDED

DEFENDANTS' REPLY TO
PLAINTIFFS' OPENING CLAIM CONSTRUCTION BRIEF

TABLE OF CONTENTS

I. Introduction..... 1

II. Argument..... 1

 A. Family One Patents 1

 1. “sourceless orientation tracker” / “sourceless measurement” 1

 2. “track a position of a first localized feature” 3

 3. “redisplaying the first object at a second position . . .” 4

 4. “system” 5

 5. “a body stabilized information cockpit” 6

 B. Family Two Patents 7

 1. “expected” and “highest expected” terms 7

 2. “characterizes” / “characterizing” terms 8

 3. Means-Plus-Function Terms 10

 a. “estimation module” 10

 b. “estimation subsystem” 11

 c. “sensor module(s)” 12

 d. “sensor subsystem” 12

 e. “data processing module” 13

 C. Family Three Patent 14

 1. Claim 1 Preamble 14

 2. “obtain candidate values for the azimuth of the object” 15

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Bascom Glob. Internet Servs., Inc. v. AT&T Corp.</i> , No. 3:14-CV-3942, 2017 WL 5905698 (N.D. Tex. Sept. 20, 2017)	10
<i>Bos. Sci. Corp. v. Cook Inc.</i> , 187 F. Supp. 3d 249 (D. Mass. 2016)	9
<i>Bose Corp. v. JBL, Inc.</i> , 274 F.3d 1354 (Fed. Cir. 2001).....	15
<i>CBT Flint Partners, LLC v. Return Path, Inc.</i> , 654 F.3d 1353 (Fed. Cir. 2011).....	5
<i>Diebold Nixdorf, Inc. v. Int’l Trade Comm’n</i> , 899 F.3d 1291 (Fed. Cir. 2018).....	10, 11, 12
<i>Enzo Biochem, Inc. v. Applera Corp.</i> , 599 F.3d 1325 (Fed. Cir. 2010).....	7
<i>FastVDO LLC v. AT&T Mobility LLC</i> , No. 3:16-cv-00385, 2016 WL 9410803 (S.D. Cal. Oct. 17, 2016).....	5
<i>Finjan, Inc. v. Cisco Sys., Inc.</i> , No. 17-cv-00072, 2019 WL 452038 (N.D. Cal. Feb. 5, 2019).....	5, 6
<i>Geneva Pharms., Inc. v. GlaxoSmithKline PLC</i> , 349 F.3d 1373 (Fed. Cir. 2003).....	4
<i>Halliburton Energy Servs., Inc. v. M-I LLC</i> , 514 F.3d 1244 (Fed. Cir. 2008).....	3
<i>Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.</i> , 381 F.3d 1111 (Fed. Cir. 2004).....	3
<i>Intellectual Ventures I LLC v. T-Mobile USA, Inc.</i> , 902 F.3d 1372 (Fed. Cir. 2018).....	8
<i>Intellectual Ventures II LLC v. FedEx Corp.</i> , No. 2:16-CV-00980, 2017 WL 5896180 (E.D. Tex. Nov. 29, 2017).....	10
<i>Microprocessor Enhancement Corp. v. Tex. Instruments Inc.</i> , 520 F.3d 1367 (Fed. Cir. 2008).....	8

Sinorgchem Co., Shandong v. Int'l Trade Com'n,
511 F.3d 1132 (Fed. Cir. 2007).....2

Sonix Tech. Co. v. Publ'ns Int'l, Ltd.,
844 F.3d 1370 (Fed. Cir. 2017).....8

I. INTRODUCTION

Plaintiffs' brief fails to justify its proposed constructions. For the terms that the patents expressly define, Plaintiffs reject those definitions and point to other, non-definitional language that departs from the patentee's intentions. For terms that Defendants identified as indefinite, Plaintiffs' explanations fail to resolve the ambiguity in those terms, as Plaintiffs' own expert testimony demonstrates. Finally, for the terms Defendants contend are governed by § 112 ¶ 6, Plaintiffs repeatedly point to functional language reciting what the terms *do* because they are unable to identify structural language in the patents describing what the terms *are*. Defendants' constructions should be adopted.

II. ARGUMENT

A. Family One Patents

1. “sourceless orientation tracker” / “sourceless measurement”

Plaintiffs attempt to recast the patents' express definition of “sourceless” as one of many “benefits” provided by a sourceless tracking system. Plaintiffs' Responsive Brief (“Resp.”) 3-4. But the specification's repeated, clear definition of “sourceless” to mean “can be used anywhere with no set-up of a source” should control.¹ Br. Ex. 1 ('068 Patent), Abstract and 1:36-38.

The patent's repeated, express definition of “sourceless” does not merely describe a benefit provided by the claimed “sourceless orientation tracker”; instead, this statement defines what “sourceless” means, as denoted by the quotation marks around the word “sourceless” and the transitional phrase “in that.” See Opening Brief (“Br.”) 5. Plaintiffs argue in response that “the claimed sourceless tracking systems” include a number of benefits, but the “sourceless orientation

¹ Plaintiffs' own expert, Dr. LaViola, agrees with the patent's definition of “sourceless.” LaViola Dep. 28:23-24. (“there's no restriction on where you can go with [a sourceless tracker]”).

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.