

**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.

META PLATFORMS, INC. and  
FACEBOOK TECHNOLOGIES, LLC,

Defendants.

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

**JURY TRIAL DEMANDED**

**PLAINTIFFS' SUR-REPLY CLAIM CONSTRUCTION BRIEF**

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When the Patents-in-Suit are read in full, the meanings of the claim terms at issue are clear, and require no construction other than to correct one clear and obvious error on the face of the '068 patent. Meta nonetheless insists that over a dozen terms either must be redefined or abandoned entirely as indefinite. Its arguments ignore the context and guidance in the patents, disregard relevant (and contrary) legal authority, and mischaracterize Plaintiffs' brief and expert testimony. None of Meta's arguments justify departing from the plain and ordinary meaning of the terms, let alone carry Meta's burden to prove indefiniteness by clear and convincing evidence.

## I. FAMILY ONE PATENTS

### A. "sourceless orientation tracker" / "sourceless measurement"

Meta's argument that the term "sourceless" requires construction rests on the notion that the specification's description of one benefit of sourceless systems, not recited in any claim, constitutes lexicography. Reply 2. However, as Plaintiffs described—and Meta ignores—the standard for lexicography is "exacting," and requires that the specification "clearly express an intent to redefine the term." *Hill-Rom Servs., Inc. v. Stryker Corp.*, 755 F.3d 1367, 1371 (Fed. Cir. 2014); Pls.' Br. 4. The specification does not do so here. In full, the relevant passage reads:

*In one aspect, in general, the invention provides a new tracking technique that is essentially "sourceless" in that it can be used anywhere with no set-up of a source, yet it enables a wider range of virtual environment-style navigation and interaction techniques than does a simple head-orientation tracker, including manual interaction with virtual objects.*

'068 patent at 1:35-41 (emphasis added). Citing no precedent, Meta asserts that the phrase "in that" is lexicographic. But Meta's (new) dictionary definition confirms that "in that" does not *define*, but rather "explains or gives more specific information about what one has just said." Meta Ex. 14.<sup>1</sup> Giving "more specific information" is what specifications do; that does not rise to "clearly

<sup>1</sup> Meta also improperly cites (Reply 1 n.1) to Dr. LaViola's testimony, who did not address the meaning of "sourceless" in his declaration.

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