

**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

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Court’s Scheduling Order, ECF No. 27 as amended by ECF No. 37, Plaintiffs Gentex Corporation and Indigo Technologies, LLC (collectively, “Plaintiffs”) and Defendants Meta Platforms, Inc. and Facebook Technologies, LLC¹ (collectively, “Defendants”) submit this Joint Claim Construction Statement. The claim terms identified below as being in dispute are found in United States Patent Nos. 6,757,068 (the “’068 patent”), 7,301,648 (the “’648 patent”), 8,224,024 (the “’024 patent”), 6,922,632 (the “’632 patent”), and 7,725,253 (the “’253 patent”). The patents fall into three families: the ’068 and ’648 Patents (“Family One”), the ’632 and ’253 Patents (“Family Two”), and the ’024 Patent (“Family Three”). There are no claim terms on which the parties agree as to construction.

¹ Effective March 18, 2022, Facebook Technologies, LLC is now known as Meta Platforms Technologies, LLC. An Unopposed Motion to Correct Docket was submitted on April 13, 2022. See ECF No. 50.

I. LIST OF DISPUTED CLAIM TERMS

A. Family One Patent Constructions

	Term (Proposed by Defendants unless otherwise indicated)	Patent and Claims	Defendants' Position
1	<u>Defendants</u> : “sourceless”	'068 Patent, claims 1, 11-13, 50, 54	“can be used anywhere with no set-up of a s
	<u>Plaintiffs</u> : “sourceless orientation tracker” / “sourceless measurement”	'648 Patent, claims 1, 16, 40, 41	
2	<u>Defendants</u> : “track a position of a first localized feature”	'068 Patent, claims 1, 54-55	Indefinite
	<u>Plaintiffs</u> : “track a position of a first localized feature associated with a limb of the user”	'648 Patent, claim 1	
3	“redisplaying the first object at a second position on the display device determined based on the change in the position of the first localized feature”	'068 Patent, claim 26	Indefinite
4	“system” Proposed by Plaintiffs	'068 Patent, claim 56	The word “system” should be given its plain ordinary meaning.

² Defendants object to Plaintiffs' inclusion of the construction for “sourceless measurement” as “a measurement construction in Plaintiffs' February 14, 2022 Identification of Revised Initial Terms and Constructions or March

³ Plaintiffs respond that their opening brief stated, “A ‘sourceless measurement’ is simply a measurement from a

	Term (Proposed by Defendants unless otherwise indicated)	Patent and Claims	Defendants' Position
			The claim is indefinite, including at least as a method and apparatus claim.
5	“a body stabilized information cockpit”	’648 Patent, claim 20	“a display at a fixed location on an information surround, which is a kind of cylindrical or spherical bubble of information that follows the user’s position around”

B. Family Two Patent Constructions

	Term (All Proposed by Defendants)	Patent and Claims	Defendants
6	<p><u>Plaintiffs:</u> “expected sensor measurement” (’632 patent, claims 3, 11-12, 30, 32) “expected measurement” (’632 patent, claim 14) “expected utility of a measurement” (’632 patent, claims 21, 33-34)⁴ “highest expected utility of a measurement” (’253 patent, claim 7)</p> <p><u>Defendants:</u> “expected” / “highest expected”</p>	’632 patent, claims 3, 11-12, 14, 21, 30, 32-34 ’253 patent, claim 7	Indefinite
7	<p><u>Plaintiffs:</u> “state estimate characterizes an estimate of a location of the object” (’632 patent, claim 5) “state estimate characterizes configuration information for one or more sensing elements fixed to the object” (’632 patent, claim 6) “information characterizing a relative location of said sensing elements” (’632 patent, claim 13) “mapping . . . characterizes a linear mapping”(’632 patent, claim 17) “information characterizing [an/the] uncertainty in the actual measurement”(’632 patent, claims 18-19) “information characterizing a type of a sensor” (’632 patent, claim 59) “information characterizing a position or an orientation of a sensor” (’632 patent, claim 60) “information characterizing one or more calibration parameters of a sensor” (’632 patent, claim 61)</p> <p><u>Defendants:</u> “characterizes” / “characterizing”</p>	’632 patent, claims 5-6, 13, 17-19, 59-61	Indefinite

⁴ This includes the disputed term “generating a sequence of candidates of pairs of sensing elements selected from *utility* of a measurement associated with said elements to the estimation subsystem” as used in ’632 patent, claim

8	Term (All Proposed by Defendants)	Patent and Claims	Defendants' Position	
	"estimation module"	'632 patent, claims 47-52, 62-65, 68-69	<p>Means-plus-function under § 112, ¶ 6.</p> <hr/> <p>'632 patent, claims 47-52—Function: "maintaining estimates of tracking parameters in the estimation module, including repeatedly passing data based on the estimates of the tracking parameters from the estimation module to one or more of the sensor modules, receiving from said one or more sensor modules at the estimation module data based on measurements obtained from the associated sensors, and the data passed to the sensor modules, and combining the data received from said one or more sensor modules and the estimates of the tracking parameters in the estimation module to update the tracking parameters"</p> <p>Structure: Indefinite</p>	<p>Plain and ordinary meaning accepts sensor configuration using some or all of that i</p> <hr/> <p>Alternatively, if 35 U.S.C.</p> <p>'632 patent, claims 47-52</p> <p>Structure: "accepting co regarding the characterist the estimation module usi (a) passing data based on sensor modules, (b) receiv measurements obtained fr modules, and (c) combini the estimates of the tracki claims 48-52 provide add</p> <p>If additional structure is specific to updating the st elements and updates the be a stochastic model, suc any of the other algorithm equivalents. <i>See, e.g., '63</i> The structure associated v the portions of the specifi to the sensor modules, or 13:47-64, 15:61-16:5, 17:</p>

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