

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

AIRE TECHNOLOGY LTD.,

Plaintiff,

v.

APPLE INC.,

Defendant.

Case No. 6:21-cv-01101-ADA

JURY TRIAL DEMANDED

PLAINTIFF AIRE TECHNOLOGY LTD.'S SUR-REPLY
CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Plaintiff Aire Technology Ltd. (“Aire”) submits this sur-reply claim construction brief in response to Apple’s Reply Claim Construction Brief (Dkt. No. 42, “Reply”).

II. DISPUTED TERMS

A. U.S. Patent No. 8,174,360 (“the ’360 Patent”)

i. “a measuring device...”

Each of Apple’s quibbles with Aire’s arguments is meritless. Apple cannot meet its burden to overcome the presumption that 112(6) does not apply in light of the claims, specification, prosecution history, and extrinsic evidence.

1. The claim confirms the term has structural meaning

Apple does not dispute that the claim recites three structural components that interact with each other: (1) “transmission oscillator,” (2) “communication element,” and (3) “switching apparatus.” In light of the interaction of the structural components recited in the claim, Apple is wrong that the claim does not describe how the measuring device interacts with other components in a way that informs the structural character of the measuring device. Reply at 4. Specifically, the claim recites (1) that the “measuring device” monitors the frequency or impedance of the “transmission oscillator,” (2) that the “measuring device” outputs a control signal to the “switching apparatus,” and (3) that the “switching apparatus” is connected to the “measuring device.” Thus, the claim recites the measuring device’s input, output, and connections. *See Sonrai Memory Ltd. v. Oracle Corp.*, No. 1:22-CV-94-LY, 2022 WL 800730, at *9 (W.D. Tex. Mar. 16, 2022) (“Structure may also be provided by describing the claim limitation’s operation, such as its input, output, or connections.”) (citation omitted).

Moreover, the claim recites how the “measuring device” operates to achieve its objectives:

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