

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

DODOTS LICENSING SOLUTIONS LLC,

Plaintiff,

v.

**APPLE INC., BEST BUY STORES, L.P.,
BESTBUY.COM, LLC, AND
BEST BUY TEXAS.COM, LLC,**

Defendants.

Case No. 6:22-cv-00533-ADA-DTG

DODOTS LICENSING SOLUTIONS LLC,

Plaintiff,

v.

**SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA,
INC., BEST BUY STORES,
L.P., BESTBUY.COM, LLC, AND
BEST BUY TEXAS.COM, LLC,**

Defendants.

Case No. 6:22-cv-00535-ADA-DTG

DEFENDANTS' REPLY CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

DoDots’ brief makes clear that its claim construction proposals are intended to broaden the scope of the asserted claims to encompass technology that it did not invent. For example, in its Responsive Brief, DoDots now claims to have invented mobile apps. Case 6:22-cv-00533-ADA, Dkt. No. 88; 6:22-cv-00535-ADA, Dkt. No. 73 (Resp. Br.) at 1 (“In the late 1990s . . . the inventors . . . developed ‘dot’ technology – which today is known as the mobile app.”); *id.* at 2 (“[T]he Kembels coined the terms ‘dot’ or ‘Networked Information Monitor (NIM)’ – which today are colloquially referred to as an app.”). However, the asserted patents are not directed to mobile technology at all, much less apps for mobile devices. Indeed, in defending the same patents before the PTAB, DoDots expressly distinguished its purported inventions from downloaded executable programs; namely, the apps:

By contrast, the references relied upon by the Petitioners for this limitation all involve *downloading executable programs, and are precisely what was distinguished by the inventors. This is not a nitpicky argument, this is the heart of the invention*, and the inventors expressly distinguished their approach from “custom client software.”

Ex. 1 (Patent Owner Response to IPR 2019-01278 (’083 Patent)) at 5 (emphasis added). And its expert confirmed that the ’545 patent, for example, “further emphasizes that a NIM [synonymous with a “Dot”] is distinct from an application.” Ex. 2 (Declaration of Dr. Earl Sacerdoti to Patent Owner Response to IPR2019-00988) at 2.

Because the functionality accused in Defendants’ products is precisely what DoDots distinguished during prosecution, DoDots has resorted to claim construction positions that would impermissibly broaden the scope of the claims beyond any semblance of the actual purported inventions and ignore issues in certain asserted claims that render them indefinite. Defendants’

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