IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ICPillar LLC, Plaintiff, v. Arm Ltd. and Arm, Inc., Defendants.	Civil Action No. 1:23-cv-00282-ADA **JURY TRIAL DEMANDED**

Plaintiff ICPillar's Responsive Claim Construction Brief

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I. Introduction.

Plaintiff ICPillar LLC is a technology licensing company that is owned and controlled by inventor Daniel J. Seidner. Mr. Seidner is an innovator and entrepreneur with over 25 years of experience designing, developing, and optimizing software and hardware solutions for high-tech applications. He is the sole inventor of the asserted patents, U.S. Patent Nos. 8,924,899 and 9,367,657, both entitled "System and Method for Universal Control of Electronic Devices."

The Asserted Patents recite novel methods and systems that enable an efficient and unified design of integrated circuit hardware and software by allowing the designer to select from among various standardized components, as well as adding proprietary and specialized components, and to then output the entire design (including hardware and corresponding software). This is done without the need to rebuild or design every individual functional specification of the integrated circuit from the ground up, as prior systems and methods required.

Defendants Arm Ltd. and its U.S. subsidiary Arm, Inc. (collectively "Arm") infringe the asserted patents by making, using, and selling a collection of software tools and methods, and associated libraries of data, that meet all elements of the asserted claims. Arm uses the accused tools and methods to itself design integrated circuits and their associated software. Arm also licenses the accused tools to third parties that Arm induces to infringe in making their own integrated circuit designs.

In its opening brief, Arm attempts to narrow the scope of the asserted claims by importing limitations from the specification and misstating the plain and ordinary meaning of the claim language. This approach is improper. The disputed terms and phrases are entitled to the full breadth of their plain and ordinary meaning, which is accurately represented by each of ICPillar's proposed constructions.

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II. Disputed terms and phrases.

A. "categorized input and output characteristics…"

ICPillar	Arm
"categorized characteristics or qualities of inputs and outputs of an electronic device" ['899 claim 1] "categorized characteristics or qualities of inputs and outputs of a device" ['899 claim 8]	"input and output characteristics of [an/the] electronic device selected from a hierarchal classification database"

Claim 1 of the '899 patent recites a method that includes "receiving a selection of categorized input and output characteristics of an electronic device." '899 claim 1 at 18:41-42. Claim 8 of the '899 patent recites a system that is operable to "receive a selection of categorized input and output characteristics of a device." '899 claim 8 at 19:18-19.

There are two disputes between the parties, one minor and one that is more significant. The minor dispute is that Arm objects to ICPillar's inclusion of "or qualities" in its proposed construction. Arm at 4-5. Contrary to Arm's position, ICPillar's use of that word does not "expand" the scope of the claim, nor is it "entirely unclear." *Id.* at 5. The words "characteristics" and "qualities" are synonyms in most contexts, including this one.[1] ICPillar's inclusion of "qualities" does not change or expand the scope of the claim term, it simply provides the jury with an additional, interchangeable term that may aid its understanding.

The more significant dispute is that Arm takes the claim term "categorized," removes that word from its construction, and then attempts to replace it with a requirement that the input and

[1] https://www.merriam-webster.com/dictionary/characteristic ("characteristic: 1. a distinguishing trait, quality, or property"). (This definition has not changed over the applicable time period. The same definition is included in Merriam-Webster's Collegiate Dictionary, Eleventh Edition, published in 2014).

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output characteristics be "selected from a hierarchal classification database." Arm at 3-4. This attempt must be rejected.

There is no plausible argument that the plain and ordinary meaning of "categorized" means or requires that the objects that are categorized (in this case, the "input and output characteristics") be "selected from a hierarchal classification database." *Maxell, Ltd. v. Amperex Tech. Ltd.*, No. W-21-CV-00347-ADA, 2022 U.S. Dist. LEXIS 204753, at *4 (W.D. Tex. Nov. 10, 2022) ("The general rule is that claim terms are generally given their plain-and-ordinary meaning." (quoting *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005)). Arm asserts that the term "categorized" plainly refers to the organized collection of device characteristics or parameters maintained in and selected by a designer from a "hierarchal classification database." Arm at 3, citing '899 at 8:31-35 ("Utilizing the principles described herein in reference to the various embodiment [sic] of the invention, it is possible to define the blender with parameters included in a hierarchal database, and thus the principles of the invention apply to any device."). This passage does not even refer to "input and output characteristics," nor does it even use the term "categorized." Tellingly, Arm does not even attempt to argue that it (or any other passage) constitutes a definition or disclaimer requiring its limiting construction. Moreover, that the specification describes embodiments in which a hierarchical database is used does not justify Arm's attempt to import that limitation into the claims. *Maxell,* 2022 U.S. Dist. LEXIS 204753, at *14-15 ("One of the cardinal sins of patent law [is] reading a limitation from the written description into the claims." (quoting *Phillips*, 415 F.3d at 1320)).[2]

[2] No claim of the '899 patent recites the use of a "database" (of any type). In contrast, independent claim 1 of the '657 patent recites the use of a hierarchical database. '657 claim 1 at 18:52-61 (reciting that the various "values" are selected "from a/the hierarchical database"). Dependent claims 8 and 16 of the '657 patent also include "database" limitations. '657 claim 8 at 19:45-46; '657 claim 16 at 20:51-53.

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B. "a memory of a processor…"

ICPillar	Arm
"one or more instances of memory associated with one or more processors that are programmed by software commands to design a hardware integrated circuit and associated operating software"	no construction necessary; plain and ordinary meaning

1. Plaintiff's proposal is correct and represents the plain and ordinary meaning under binding precedent.

Claim 1 of the '899 patent recites in part: "A computer implemented method… comprising: receiving a selection of categorized input and output characteristics of an electronic device into a memory of a processor programmed by software commands to design a hardware integrated circuit and associated operating software for controlling the integrated circuit to control the electronic device." '899 claim 1 at 18:38-46 (emphasis added). Claim 1 of the '657 patent similarly recites in part: "A method for designing an integrated circuit…comprising… receiving the selected values for the control type, display type, input type and output type parameters into a memory of a processor programmed by software commands to design a hardware integrated circuit and associated operating software for controlling the hardware integrated circuit to control the electronic device." '657 Claim 1 at 18:49-67 (emphasis added).

The Federal Circuit has "explained that the indefinite article 'a' means 'one or more' in open-ended claims containing the transitional phrase 'comprising.'" *Salazar v. AT&T Mobility LLC*, 64 F.4th 1311, 1315 (Fed. Cir. 2023) (internal citations). Accordingly, the "a" in "a memory" and the "a" in "a processor" should be interpreted under this precedent to mean "one or more." ICPillar's proposed construction, reciting "one or more instances of memory associated with one or more processors," is therefore correct and should be adopted.

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2. Arm's counterarguments fail.

a. Arm's protest against "one or more" should be rejected.

Arm disputes that the "a" in "a memory" and "a processor" should be construed to mean one or more, as precedent requires. Arm at 7-8. The cases Arm cites do not support its position.

In *Salazar*, the Federal Circuit reaffirmed the general proposition that "the indefinite article 'a' means 'one or more' in open-ended claims containing the transitional phrase 'comprising.'" *Salazar*, 64 F.4th at 1315 (internal citation omitted). The court then affirmed Judge Gilstrap's construction that "a microprocessor…" meant "one or more processors." *Id.* at 1317. Thus, this case supports ICPillar's proposed "one or more" construction, not Arm's resistance to that construction.

The real issue in dispute in *Salazar* was not about whether "a microprocessor" meant "one or more microprocessors." Rather, the issue was whether (in an accused system that *did* include more than one microprocessor): (1) each of the microprocessors had to be capable of performing each of the functions of "said microprocessor" recited by the claim or (2) it was enough to show that "any one of the one or more" microprocessors was capable of performing those functions (as the plaintiff argued). *Id.* at 1318. The Federal Circuit affirmed Judge Gilstrap's finding that the second interpretation was the correct one. *Id.* at 1317 ("We agree with the district court that while the claim term 'a microprocessor' does not require there be only one microprocessor, the subsequent limitations referring back to 'said microprocessor' require that at least one microprocessor be capable of performing each of the claimed functions."). This ruling has no applicability to this case, where there is no dispute about whether the "analyzing by the processor" and "outputting by the processor" elements require that at least one processor be capable of performing each of the claimed functions.

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In *Convolve*, the ruling Arm cites concerned the use of the term "a processor" in the preamble of the claim, *before* the use of the word "comprising." *Convolve, Inc. v. Compaq Comput. Corp.*, 812 F.3d 1313, 1321 (Fed. Cir. 2016). This claim structure led to the court's ruling that Arm cites – i.e., "requiring 'a processor' and 'the processor' to 'perform all of the recited steps'" (Arm at 8):

> Here, unlike claims 9 and 15, the language and structure of claim 1 demonstrate a clear intent to tie the processor that "output[s] commands to the data storage device" to the "user interface.": Specifically, claim 1 recites "a processor" in the preamble ***before*** recitation of "comprising," and the claim body uses the definite article "the" to refer to the "processor." This reference to "the processor," referring back to the "a processor" recited in preamble, supports a conclusion that the recited user interface is "operatively working with" the same processor to perform all of the recited steps.

Convolve, 812 F.3d at 1317 (emphasis added). That is not the claim structure we have here in ICPillar's asserted claims, where the disputed "a" terms come after the preamble and its use of "comprising." Rather, the disputed terms here should be construed to include "one or more," just as the other claims in *Convolve* were construed. *Id.* at 1321 ("Claims 9 and 15…recite an apparatus comprising 'a processor' that executes certain process steps…[A]bsent a clear intent in the claims themselves, the specification, or the prosecution history, we interpret 'a processor' as 'one or more processors.' Here, we find no such evidence clearly limiting 'a processor' to a singular processor.").

Arm also contests ICPillar's "one or more" construction by observing that "[w]hile claim 1 in each of the Asserted Patents recites a single 'processor,' independent claim 8 of the '899 Patent and independent claim 9 of the '657 Patent each recite 'one or more processors.'" Arm at 8. First, claim 1 of the '899 and '657 patents recites "a processor" not "a single processor." Moreover, a patentee is entitled to "use different terms to define the exact same subject matter." *Curtiss-Wright Flow Control Corp. v. Velan, Inc.*, 438 F.3d 1374, 1380 (Fed. Cir. 2006). "Indeed [the Federal Circuit] has acknowledged that two claims with different terminology can

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define the exact same subject matter. It is not unusual that separate claims may define the invention using different terminology, especially where (as here) independent claims are involved." *Id.* at 1380-81.

Accordingly, the patentee's choice to recite "a processor" in the independent method claims and "one or more processors" in the independent system claims, does not give rise to a presumption that "a" is limited to just "one" and, absent compelling intrinsic evidence to the contrary, there is no basis for imposing such a restrictive interpretation of "a." *Convolve,* 812 F.3d at 1321 ("The exceptions to this rule are extremely limited: a patentee must evince [ ] a clear intent to limit 'a' or 'an' to 'one.' Thus, absent a clear intent in the claims themselves, the specification, or the prosecution history, we interpret 'a processor' as 'one or more processors.'" (internal citations omitted)). Arm does not purport to identify any such intent in the specification, and the prosecution history it cites fails to evince any such intent. Arm at 8 (citing 8/11/2014 Amendment). The cited prosecution statement and related amendment specified that it is the processor that does the outputting of both the "hardware integrated circuit design" and the "software programming commands." ECF No. 32-3 (8/11/2014 Amendment) at 5-6. This statement and amendment did not speak to the issue of how many processors were required or permitted by the claims. It merely specified that the processor was performing these actions, in contrast to the previously drafted claims, which did not identify the component that performed these actions. *Id.* at 2 (showing prior claim 1 reciting "providing an IC design…" and "providing software…" without identify the processor as performing these acts).

b. Arm's other complaints are also without merit.

Arm asserts a series of additional arguments. ICPillar rebuts each in turn.

Arm first asserts that there is no lexicography or disclaimer that applies to the disputed phrases. Arm at 5-6. ICPillar agrees and makes no argument to the contrary. ICPillar's

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construction does in fact represent the ordinary meaning of the disputed claim phrase, under controlling precedent concerning the use of "a" in a comprising claim. *Salazar*, 64 F.4th at 1315.

Arm contests ICPillar's use of "instances" in "instances of memory": "Not once do the Asserted Patents mention 'instances of memory' (or even the word 'instance') and thus it is entirely unclear what requirement Plaintiff is attempting to add into the relevant claims." Arm at 6. The word "instances" is used to clearly convey that the claim allows one or more (i.e., plural) *instances* of memory and is not limited to a single unit of memory. An "instance" of something in the computer context (and elsewhere) simply refers to a discrete item or unit of an object, and the plural "instances" conveys that there are more than one of those items. ICPillar's construction could have used "one or more *memories*" instead of "one or more instances of memory." That phrasing has the equivalent meaning to "one or more instances of memory," but "one or more memories" is awkward semantically and may be less clear to a jury.

Arm also contests the use of "instances of memory *associated with* one or more processors," arguing that this "runs counter to the plain language of the relevant claims requiring the memory to be 'of a processor.'" Arm at 7. Arm also presents a claim differentiation argument, noting that other independent claims use the "associated with" phrase. *Id.* An instance of "memory associated with a processor" is no broader than an instance of "memory of a processor," but the former phrase more clearly conveys that the memory need not be located *within* or *form part of* the processor. Rather, the memory is "of" the processor in that it is associated with and used by the processor. '899 Fig 11; *id.* at 16:47-17:3.

As for the claim differentiation argument, this argument also fails. In the *Innova/Pure* case Arm cites, the Federal Circuit was faced with a claim that used "operatively connected" and a claim that used "operatively associated." *Innova/Pure Water, Inc. v. Safari Water Filtration Sys.*, 381 F.3d 1111, 1119 (Fed. Cir. 2004). The Court rejected the Defendants' claim

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differentiation argument, noting that "this is simply a case where the patentee used different words to express similar concepts." *Id.* at 1120. That is what we have here with the terms "of" and "associated with." In Arm's second case (of two), *Southwest*, the court found that one claim term ("processing system") was not equivalent in meaning or scope to another claim term ("controller"). *Southwest Efuel Network, L.L.C. v. Transaction Tracking Techs., Inc.*, No. 2:07-cv-311-TJW, 2009 U.S. Dist. LEXIS 103395, at *35-36 (E.D. Tex. Oct. 23, 2009) ("The Court finds that the term 'controller' is not as broad as a 'data processing system'"). That was a case-specific ruling that is not surprising given the different usage of those terms in the art and in the patent that was at issue. *Id.* This ruling does not speak to the issue at hand here, in this case where the terms "associated with" and "of" are both broad and have significantly overlapping if not identical meaning in the context of the claims.[3]

C. "parameter" terms

Claim 1 of the '657 patent recites in part:

> A computer implemented method…comprising:
>
> selecting a value for a control type parameter associated with an electronic device from a hierarchal classification database;
>
> selecting a value for a display type parameter associated with the electronic device from the hierarchal classification database;
>
> selecting a value for an input type parameter for the electronic device from the hierarchal classification database;
>
> selecting a value for an output type parameter for the electronic device from the hierarchal classification database.

'657 claim 1 at 18:49-61 (emphasis added).

[3] To the extent the *Southwest* case has any relevance to the parties' dispute here, that relevance would be found in the court's ruling that "central processing *system*" and "central processing *station*" should be construed to have the same meaning, despite the variance in the actual claim language. *Id.*, 2009 U.S. Dist. LEXIS 103395, at *34.

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Claim 9 of the '657 patent recites in part:

> A system comprising…
>
> a design user interface provided by programming commands executed by the one or more processors, the design user interface allowing a user to characterize an electronic device by selecting a value for a control type parameter, a value for a display type parameter, a value for an input type parameter and a value for an output type parameter, all of which are associated with the operation and control of the electronic device.

'657 claim 9 at 19:47-56 (emphasis added).

For each of the "parameter" terms, Arm contends that no construction is necessary and that the plain and ordinary meaning applies. ICPillar agrees that the plain and ordinary meaning applies and, contrary to Arm's criticism, that is what is reflected by ICPillar's proposals.

1. "a control type parameter…"

ICPillar	Arm
"one or more parameters associated with an electronic device relating to the control of the electronic device"	no construction necessary; plain and ordinary meaning

For this "parameter" term and the other three in dispute, ICPillar construes the indefinite "a" as "one or more," because the '657 claims are open-ended comprising claims. *Salazar v. AT&T Mobility LLC*, 64 F.4th 1311, 1315 (Fed. Cir. 2023). Arm does not object to this (for any of the parameter terms). Arm at 9-14.

Arm objected to ICPillar's use of "control *or operation*" in its proposed construction. Arm at 10. To narrow the disputes, ICPillar has removed "or operation" from its proposal.[4]

[4] However, for the "parameter" terms that appear in '657 claim 9, the existing claim language expressly states that "all of [the recited parameters] are associated with the operation and control of the electronic device." '657 claim 9 at 19:55-56. That language remains untouched by either party.

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Arm's primary complaint is that ICPillar's proposal uses the phrase "relating to." Arm at 9. The phrase "relating to" is about as basic as the English language gets. It is not credible to assert that this phrase is "insolubly ambiguous" (Arm at 9). Moreover, Arm provides no analysis or support for its assertion that the plain and ordinary meaning of "control type parameter" is not accurately represented by "parameter… relating to the control." Arm at 9-11. Instead, Arm simply asserts *ipse dixit* that the "relating to" phrase "deviate[s]" from the "plain and ordinary meaning," which Arm does not even attempt to identify. *Id.* at 11.

Accordingly, there is no genuine dispute concerning the "control type parameter." ICPillar's proposal represents the plain and ordinary meaning of this phrase, and Arm's opposition is nominal and without substance.

2. "display type parameter…"

ICPillar	Arm
"one or more parameters associated with the electronic device relating to a display of the electronic device"	no construction necessary; plain and ordinary meaning

Arm again complains about the phrase "relating to": "there is no teaching in the intrinsic record that would indicate what does, and what does not, 'relate to' a display." Arm at 12. Just as a patentee need not "encumber the specification of a patent with all the knowledge of the past" to meet the enablement requirement, *Atmel Corp. v. Information Storage Devices, Inc.*, 198 F.3d 1374, 1382 (Fed. Cir. 1999), they need not to use the specification to teach the meaning of basic English words and phrases like "relating to." Moreover, Arm's brief itself quotes a passage from the '657 specification that provides clear guidance on the broad scope encompassed by a

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parameter relating to a display. Arm 11, citing '657 col. 14:53-58.[5]

Finally, Arm objected to ICPillar's use of "property" in its proposed construction. Arm at 11. To narrow the disputes, ICPillar has removed that word from its proposal.

3. "input type parameter…"

ICPillar	Arm
"one or more parameters for the electronic device relating to an input of the electronic device"	no construction necessary; plain and ordinary meaning

Arm again quibbles with the phrase "relating to." But this time, Arm actually reveals how narrowly it intends to interpret the supposed "plain and ordinary meaning." Arm at 12 ("[T]he Asserted Patents describe the 'input type parameter' consistent with its plain meaning—*the means through which a user interacts with the electronic device*." (emphasis added)). The claims say nothing about a "user" or their interaction with the electronic device. The specification does identify a blender "as an exemplary electronic device" (Arm at 12), and that is a device that a human user directly interacts with. But this provides no basis for limiting the ordinary meaning of "input type parameter" to inputs that result from a user interaction with the device. *Pisony v. Commando Constr., Inc.*, No. W-17-CV-00055-ADA, 2019 U.S. Dist. LEXIS 31524, at *10 (W.D. Tex. Jan. 23, 2019) ("Even when the specification describes only a single embodiment, the claims of the patent will not be read restrictively unless the patentee has demonstrated a clear intention to limit the claim scope using 'words or expressions of manifest exclusion or restriction." (quoting *Hill-Rom Services, Inc. v. Stryker Corp.*, 755 F.3d 1367, 1371 (Fed. Cir. 2014)).

[5] This passage and others demonstrate the breadth of "display type parameter" and would refute any attempt by Arm or its experts to limit "display" to one that is for viewing by a human end user customer of the electronic device.

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Arm also points to ICPillar's infringement contentions, which "aptly demonstrate the expansive nature of the construction Plaintiff's seek [sic]." Arm at 13, n. 4. ICPillar's proposal is no more expansive that the plain and ordinary meaning of the claim language itself. Moreover, Arm misstates ICPillar's infringement contentions. ICPillar does not identify "a 'memory'" as meeting the claimed "input type parameter," as Arm asserts. *Id.* Rather, the contentions state in part that the "configuration options and parameters for the integrated circuit's hardware components and operating software" include "an input type parameter (e.g., memory and other system inputs)." ECF No. 32-4 (Exhibit B to Infringement Contentions) at 2 (emphasis added). No reasonable party would read this allegation as identifying "a memory" as an input type parameter. They would instead understand that both the terms "memory" and "other system" qualify what follows: inputs. That is, the examples of "input type parameters" listed are "memory inputs" and "other system inputs," which is perfectly within the boundaries of the claim term's ordinary meaning.

Finally, Arm objects that ICPillar's proposal uses "associated with" instead of "for." Arm at 13. Plaintiff sees no meaningful difference between these terms, so to narrow the disputes, ICPillar now uses "for."

4. "output type parameter…"

ICPillar	Arm
"one or more parameters for the electronic device relating to an output of the electronic device"	no construction necessary; plain and ordinary meaning

Arm again objects to using "associated with" instead of "for." Arm at 14. To obviate this insignificant dispute, ICPillar now uses "for" in its proposal.

Arm asserts that the patents "describe the 'output type parameter' as 'what [the electronic device] is doing.'" Arm at 14 (brackets by Arm, citing '657 at 14:60-63). The plain and

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ordinary meaning of "output type parameter" is clearly not "what the device is doing." The cited portion of the specification refers to an "example" output of the blender embodiment that is shown on the display. '657 at 14:60-63. Again, illustrative embodiments do not define or limit the claims of a patent. *Hill-Rom*, 755 F.3d at 1371 (Fed. Cir. 2014).

Finally, Arm again complains about the "expansive nature" of Plaintiff's construction, with reference to the infringement contentions. Arm at 14, n.5 (The contentions "assert[] that the claimed 'output type parameter' is met by any form of unidentified 'system outputs'"). But Arm's real dispute is not with the breadth of ICPillar's proposed construction, it is with the breadth of the claim term "output," which is entitled to the full scope of territory that falls within that broad term. And if Arm had a problem with the referenced "system outputs" being "unidentified" in ICPillar's contentions, then it should have raised that dispute earlier and separately—not for the first time in a footnote to its *Markman* brief.

D. "fabless development kit"

ICPillar	Arm
"a collection of software applications or programs for creating an integrated circuit design and its software separate from the manufacture of the integrated circuit"	no construction necessary; plain and ordinary meaning

Claim 8 of the '657 patent recites: "The method of claim 1, wherein the hierarchal classification database is a component of a fabless development kit." '657 claim 8 at 19:45-46 (emphasis added). The patent uses the term "development kit" according to its ordinary meaning, i.e., to refer to a collection or set of software tools used to design or develop software and/or hardware.

> It will be apparent to those skilled in the art that in many ways, the FDK [fabless development kit] of the various embodiments described herein may function similarly to a so called software development kit or an IDE [integrated development environment]. A software development kit has similar functionality, that is, a software development kit is typically *a set of software development tools that allows*

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> *for the creation of applications for a certain software package, software frame work, hardware platform, computer system, video game console, operating system, or similar development platform*.

'657 at 10:26-34 (emphasis added). And the patent uses the term "fabless" according to its ordinary meaning, to refer to the absence of fabrication or manufacture. *Id.* at 10:10-14 ("In general, the term fabless design is applied to process where the design of the IC is accomplished separately from the manufacture of the device itself, rather than past methods which relied upon vertical integration of design and manufacture." (emphasis added)).

Accordingly, ICPillar's proposal correctly specifies that the "fabless development kit" is "a collection of software applications or programs for creating" (that's the "development kit" part) "an integrated circuit design and its software" (that's what's being developed, as the independent claims require) "separate from the manufacture of the integrated circuit" (that's the "fabless" part).

Arm spends a page and a half trying to show that the term "fabless development kit" was *not* coined by the patent and that the patent does not contain a special definition of this term constituting lexicography. Arm at 15-16. These arguments are untethered to any actual dispute. The patent *is* the first to use the specific phrase "fabless development kit." That is not disproved by stating that the concept of "fabless design" was "***well known in the art.***" Arm at 15 (emphasis by Arm). Moreover, ICPillar's proposal does not set forth a "***different meaning***" or a "***change from ordinary meaning***" from the claim language, nor does it purport to reflect a special "***definition***" from the specification. *Id.* (emphasis again by Arm). Rather, as ICPillar correctly pointed out to Arm during the meet and confer, the specific term "fabless development kit" is *not* well-known and, in fact, is unique to the asserted patents—so it makes sense to provide the jury with a construction of what that term means. Moreover, ICPillar's proposal provides a construction that does represent the ordinary meaning of the constituent terms of the

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phrase as they are used together.

Arm then contends that ICPillar's proposal is incorrect because the specification states that the fabless development kit "provides a database" and can be interacted with via a "user interface." Arm at 16. These criticisms also fail. Claim 8 already expressly states that "the hierarchal classification database is a component of a fabless development kit." It would be redundant to require the definition of "fabless development kit" to again recite that one of its components is a database. And the mere reference to a user interface among the embodiments in the specification does not justify importing a user interface requirement into claim 8's "fabless development kit." *Maxell,* 2022 U.S. Dist. LEXIS 204753, at *14-15 ("One of the cardinal sins of patent law [is] reading a limitation from the written description into the claims." (quoting *Phillips*, 415 F.3d at 1320)).

Finally, Arm notes that the fabless development kit is described as something that "can be 'embodied in software, or a ***combination of software and hardware***.'" Arm at 16, quoting '657 at 9:34-42 (emphasis by Arm). This is not a serious complaint. A "collection of software applications or programs for creating an integrated circuit design and its software separate from the manufacture of the integrated circuit" cannot be used to perform "A method of designing an integrated circuit" if that software is not installed and operating on a hardware platform (such as one with "a processor programmed by software commands," as required by base claim 1).

III. Conclusion.

For the reasons set forth above, the Court should adopt each of ICPillar's proposed constructions and reject Arm's attempt to narrow the claims.

Dated: January 12, 2024

Respectfully submitted

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I certify that all counsel of record are being served with a copy of this document via the Court's CM/ECF system on the above listed date.

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