IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

MAXELL LTD.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	
	§	NO. 5:23-CV-00092-RWS
SAMSUNG ELECTRONICS CO., LTD.,	§	
and SAMSUNG ELECTRONICS	§	
AMERICA, INC.,	§	
	§	
Defendants.	§	

ORDER

Maxell Ltd. alleges infringement by Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc., (together, "Samsung") of claims from U.S. Patent Nos. 8,037,161, 8,982,086, 10,129,590, 10,176,848, 11,017,815, 11,223,757, and 11,445,241. Docket No. 1. Before the Court are 12 claim construction disputes about the: '161, '086, '590, '815, '757, and '241 Patents. Docket Nos. 73, 76.

Three of the relevant patents concern wireless networking. The related '590 and '241 Patents share the same specification[1] and are directed to "establish[ing] connections between a plurality of apparatuses and networks by radio." '590 Patent at 1:15–17; *see also* '241 Patent at 1:23–25 (same). The '161 Patent relates to a device and method "capable of judging whether a plurality of network-connected devices belong to the same home network." '161 Patent at 1:15–18.

The other three relevant patents relate to functionality often associated with personal

[1] *See* '241 Patent at [58].

electronic devices, such as smartphones. The '757 Patent "relates to a video recording device including a plurality of imaging units and a camera function control program." '757 Patent at 1:6–8. The '815 Patent concerns "a recording and reproducing device which records data onto a recording medium and reproduces data from the recording medium." '815 Patent at 1:35–37. The '086 Patent relates to matching identification information of a user with the stored reference identification information using a touch panel. '086 Patent at 1:40–64.

The parties present 12 disputes about the scope of claim terms from these patents. Having considered the parties' briefing, along with arguments of counsel at an August 7, 2024 hearing, the Court resolves those disputes below.

I. LEGAL STANDARDS

A. Generally

"[T]he claims of a patent define the invention to which the patentee is entitled the right to exclude." *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc). Accordingly, if the parties dispute the scope of the claims, a court must determine their meaning. *See, e.g.*, *Verizon Servs. Corp. v. Vonage Holdings Corp.*, 503 F.3d 1295, 1317 (Fed. Cir. 2007) (Gajarsa, J., concurring in part); *see also Markman v. Westview Instruments, Inc.*, 517 U.S. 370, 390 (1996), *aff'g*, 52 F.3d 967, 976 (Fed. Cir. 1995) (en banc).

Claim construction, however, "is not an obligatory exercise in redundancy." *U.S. Surgical Corp. v. Ethicon, Inc.*, 103 F.3d 1554, 1568 (Fed. Cir. 1997). Rather, "[c]laim construction is a matter of [resolving] disputed meanings and technical scope, to clarify and when necessary to explain what the patentee covered by the claims . . . ." *Id.* A court need not "repeat or restate every claim term in order to comply with the ruling that claim construction is for the court." *Id.*

When construing claims, "[t]here is a heavy presumption that claim terms are to be given

their ordinary and customary meaning." *Aventis Pharm. Inc. v. Amino Chems. Ltd.*, 715 F.3d 1363, 1373 (Fed. Cir. 2013) (citing *Phillips*, 415 F.3d at 1312–13). Courts must therefore "look to the words of the claims themselves . . . to define the scope of the patented invention." *Id.* (citations omitted). The "ordinary and customary meaning of a claim term is the meaning that the term would have to a person of ordinary skill in the art in question at the time of the invention, *i.e.*, as of the effective filing date of the patent application." *Phillips*, 415 F.3d at 1313. This "person of ordinary skill in the art is deemed to read the claim term not only in the context of the particular claim in which the disputed term appears, but in the context of the entire patent, including the specification." *Id.*

Intrinsic evidence is the primary resource for claim construction. *See Power-One, Inc. v. Artesyn Techs., Inc.*, 599 F.3d 1343, 1348 (Fed. Cir. 2010) (citing *Phillips*, 415 F.3d at 1312). For certain claim terms, "the ordinary meaning of claim language as understood by a person of skill in the art may be readily apparent even to lay judges, and claim construction in such cases involves little more than the application of the widely accepted meaning of commonly understood words." *Phillips*, 415 F.3d at 1314; *see also Medrad, Inc. v. MRI Devices Corp.*, 401 F.3d 1313, 1319 (Fed. Cir. 2005) ("We cannot look at the ordinary meaning of the term . . . in a vacuum. Rather, we must look at the ordinary meaning in the context of the written description and the prosecution history."). But for claim terms with less-apparent meanings, courts consider "those sources available to the public that show what a person of skill in the art would have understood disputed claim language to mean . . . [including] the words of the claims themselves, the remainder of the specification, the prosecution history, and extrinsic evidence concerning relevant scientific principles, the meaning of technical terms, and the state of the art." *Phillips*, 415 F.3d at 1314.

B. Means-Plus-Function Claiming

A patent claim may be expressed using functional language. *See* 35 U.S.C. § 112 ¶ 6 (pre-AIA); *Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1347–49 & n.3 (Fed. Cir. 2015) (en banc in relevant portion). Under 35 U.S.C. § 112 ¶ 6, a structure may be claimed as a "means . . . for performing a specified function," and an act may be claimed as a "step for performing a specified function." *Masco Corp. v. United States*, 303 F.3d 1316, 1326 (Fed. Cir. 2002). When it applies, § 112 ¶ 6 limits the scope of the functional term "to only the structure, materials, or acts described in the specification as corresponding to the claimed function and equivalents thereof." *Williamson*, 792 F.3d at 1347.

"[S]tructure can be recited in various ways, including [by using] 'a claim term with a structural definition that is either provided in the specification or generally known in the art,' or a description of the claim limitation's operation and 'how the function is achieved in the context of the invention.'" *Dyfan, LLC v. Target Corp.*, 28 F.4th 1360, 1366 (Fed. Cir. 2022) (quoting *Apple, Inc. v. Motorola, Inc.*, 757 F.3d 1286, 1299 (Fed. Cir. 2005)). For § 112, ¶ 6 limitations implemented by a programmed general-purpose computer or microprocessor, the corresponding structure described in the patent specification must usually include an algorithm for performing the function. *WMS Gaming Inc. v. Int'l Game Tech.*, 184 F.3d 1339, 1349 (Fed. Cir. 1999). In that case, the corresponding structure is not a general-purpose computer but rather the special-purpose computer programmed to perform the disclosed algorithm. *Aristocrat Techs. Austl. Pty Ltd. v. Int'l Game Tech.*, 521 F.3d 1328, 1333 (Fed. Cir. 2008).

C. Indefiniteness

"[A] patent is invalid for indefiniteness if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those

skilled in the art about the scope of the invention." *Nautilus, Inc. v. Biosig Instruments, Inc*., 572 U.S. 898, 901 (2014). The claims "must be precise enough to afford clear notice of what is claimed" while recognizing that "[s]ome modicum of uncertainty" is inherent due to the limitations of language. *Id.* at 908.

"Indefiniteness must be proven by clear and convincing evidence." *Sonix Tech. Co. v. Publ'ns Int'l, Ltd.*, 844 F.3d 1370, 1377 (Fed. Cir. 2017). And in the context of § 112 ¶ 6, "[t]he party alleging that the specification fails to disclose sufficient corresponding structure must make that showing by clear and convincing evidence." *TecSec, Inc. v. IBM*, 731 F.3d 1336, 1349 (Fed. Cir. 2013) (quoting *Budde v. Harley-Davidson, Inc*., 250 F.3d 1369, 1380–81 (Fed. Cir. 2001)).

II. THE LEVEL OF ORDINARY SKILL IN THE ART

The level of ordinary skill in the art is the skill level of a hypothetical person who is presumed to have known the relevant art at the time of the invention. *In re GPAC*, 57 F.3d 1573, 1579 (Fed. Cir. 1995). In resolving the appropriate level of ordinary skill, courts consider the types of and solutions to problems encountered in the art, the speed of innovation, the sophistication of the technology, and the education of workers active in the field. *Id.* Importantly, "[a] person of ordinary skill in the art is also a person of ordinary creativity, not an automaton." *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 421 (2007).

Here, Maxell proposes a different level of ordinary skill for each of the patents. *See* Docket No. 73 at 11, 22, 25, 34, 39. Of these proposed levels of skill, Samsung agrees with all of them except for Maxell's proposed level of skill for the '757 Patent. Docket No. 76 at 9. For the '757 Patent, the parties generally agree on the scope of the sole disputed term, *see* Part III.G. *infra*, so the Court need not resolve the differences.

III. THE DISPUTED TERMS

A. "the processor generates a group of video information based on user preferences determined by the user selections of the video information" ('815 Patent, Claim 2)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	Plain and ordinary meaning, which is: "generating a group of video information that includes (i) only video information that has previously been selected by a user, (ii) only video information that has not previously been selected by a user, and (iii) a mix of video information including video information that has been previously selected by a user and video information not previously selected by a user"

The '815 Patent "relates to a recording and reproducing device which records data onto a recording medium and reproduces data from the recording medium." '815 Patent at 1:35–37. The patent explains that, in the prior art, the user cannot alter the display sequence for his device. *Id.* at 2:32–34. Moreover, different users can make their own favorite playlist information. As such the patent teaches a method of allowing the user to manipulate the display sequence on his device, and select and manage arbitrary playlists. *Id.* at 2:40–47.

Figures 4–7 show the result of implementing the patent's teachings. Figure 4 shows a TV set (315), a tab[2] of a virtual folder for displaying all programs (401), and three thumbnails representing program information (402–404). '815 Patent at 5:61–67. The user can move a cursor to a desired thumbnail and select the thumbnail to play the AV data. *Id.* at 5:67–6:4. Figure 5 shows a tab (501) for displaying all playlists, which "contains" two playlists (502, 503). *Id.* at 6:5–18.

[2] The patent calls this a "tag," but the figures suggest something like the "tab" of a folder. This may be a translation error given the patent is based on an earlier-filed Japanese application. For purposes of this description, the Court will refer to it as a "tab."

Figure 6 shows a tab (601) for a user ("Mother") and thumbnails indicating one program (402) and one playlist (502), each of which was shown in another tab. "Mother" can use the tab as her own folder, "and freely register and delete data to be reproduced" to the TV set. *Id.* at 6:19–28. Figure 7 is analogous for "Father," showing the playlists (502, 503) previously described with reference to Figure 5. Like Mother, Father can "freely register and delete data to be reproduced" to the TV set. *Id.* at 6:28–40.

The parties dispute the scope of six terms from Claims 1, 2, and 21. Claim 1 recites:

> 1. An information processing apparatus comprising:
>
> a network interface;
>
> a recording medium on which is stored a plurality of video information including first video information received wirelessly by the network interface over a network from another information processing apparatus, wherein at least some of the plurality of video information is associated with a user profile;
>
> a display; and
>
> a processor for controlling the display to display:
>
> a first area including a first character associated with a first group of video information for a first classification and a second character associated with a second group of video information for a second classification different from the first classification, the first group of video information being configured to allow a user to edit, wherein the first group of video information and the second group of video information are part of the plurality of stored video information, and
>
> a second area displaying thumbnails corresponding to at least a portion of the plurality of stored video information,
>
> wherein user selection of the first character enables the display of a first group of thumbnails corresponding to the first group of video information in the second area,

> wherein user selection of the second character enables the display of a second group of thumbnails corresponding to the second group of video information in the second area,
>
> wherein, upon one video information stored on the recording medium included in both the first group of video information and the second group of video information being deleted from the first group of video information, the one video information continues to be included in the second group of video information and the processor controls the display to display a thumbnail corresponding to the one video information as one of the second group of thumbnails when the second character is selected.

'815 Patent 8:49–9:20. Claim 21 includes similar limitations. *Id.* at 13:5–14:7.

The parties' first dispute concerns the ordinary meaning of language from Claim 2, which adds the disputed phrase to the limitations of Claim 1: "wherein the processor generates a group of video information based on user preferences determined by the user selections of the video information." '815 Patent 9:23–25. Maxell says no construction is needed because the claim language would be readily understood by a skilled artisan. Docket No. 73 at 11. It also notes the ordinary meaning of Samsung's construction would require *all three* types of information. Docket No. 78 at 6. Samsung, however, asserts its construction "aligns with the meaning that Maxell employed in its infringement contentions," and notes Maxell never argues any of the groups is incorrect. Docket No. 76 at 9.

The dispute crystallized at the hearing. Samsung noted it never intended for its proposed construction to require all three types of information enumerated in its construction. To remedy that, it suggested changing "*and* (iii)" to "*or* (iii)." Docket No. 88 at 7:8–20; *see also* Docket No. 80 at 7. Samsung also justified the need for construction given "these are the only three things that could happen." Docket No. 88 at 7:22–25. Maxell countered that changing "and" to "or" doesn't

solve the problem, because the recited group can also include "an audio file or descriptive information." *Id.* at 9:5–7. It also criticizes Samsung's construction as wrong "because it is based on infringement contentions." *Id.* at 9:8–24 (citing *SRI Int'l v. Matsushita Elec. Corp. of Am.*, 775 F.2d 1107 (Fed. Cir. 1985), and stressing Samsung "did not rely on the patent specification or prosecution history for its proposed construction").

The Court agrees with Samsung. There's nothing wrong with Samsung pointing to Maxell's infringement contentions in its briefing. Doing so often highlights the need for claim construction, such as when one party argues no construction is necessary but the contentions clearly show that party is interpreting the claim language otherwise. Instead, Samsung simply says its construction aligns with how Maxell interpreted the clause in its contentions, thus suggesting there should be no dispute from Maxell on whether its construction is proper. Nothing in the briefing, however, suggests Samsung "based its construction" on those contentions.

The bigger issue is simply that Maxell has not shown why Samsung's construction is wrong. At best, it argues it does not contemplate the inclusion of audio files or descriptive information. Regardless, Samsung denies its construction excludes such content. *See* Docket No. 88 at 10:10–13 ("Our construction doesn't exclude the possibility that audio files are included. This only addresses what the claim addresses, which is video.").

Although it doesn't seem like much daylight separates the parties, they clearly dispute the scope of the term. Given Maxell has not shown why Samsung's construction—with the "or" instead of the "and"—is substantively incorrect, and in light of Samsung's agreement its construction has no exclusionary effect as to audio, the Court adopts Samsung's construction as set forth in the Joint Claim Construction Chart.

B. "character" ('815 Patent, Claims 1, 21)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	"a letter, number, punctuation mark, or other symbol or control code that is represented to a computer by one unit of information"

Claim 1 requires "a first area including a *first character* associated with a first group of video information . . . and a *second character* associated with a second group of video information." '815 Patent at 8:59–63 (emphasis added). "[U]ser selection of *the first character* enables the display of a first group of thumbnails corresponding to the first group of video information . . . [, and] user selection of *the second character* enables the display of a second group of thumbnails corresponding to the second group of video information. . . ." *Id.* at 9:7–10 (emphasis added).

The parties dispute the plain and ordinary meaning of "character," which appears only once in the written description. In its briefing, Maxell accuses Samsung's construction of narrowing the claim scope with the phrase "one unit of information" and "control code." Docket No. 73 at 14–15. Samsung responds that its construction reflects the term's specialized meaning in the computer field. Docket No. 76 at 10.

The Court agrees with Samsung. The parties dispute whether a "character" is some kind of image or graphical object or whether a more technical term applies. Maxell argues for the former and stresses the patent says nothing about "control code" or "one unit of information." Docket. No. 88 at 13:23–14:17. But it does not matter whether those terms appear in the patent if a skilled artisan would understand "character" to require them as part of the term's plain meaning.

Here, the extrinsic evidence reflects that it does. Samsung's expert, for example, describes a "text character" as:

> a basic unit of information in computing and digital communications. It is often times represented by an ASCII code or Unicode, which is a standard that assigns a unique identifier to each character used in written languages, allowing these characters to be represented consistently across different digital platforms. For instance, an asterisk ("*") or a pound sign ("#") are considered characters because they can be represented by a simple code in a computer system.

Docket No. 76-3 ¶ 53. Maxell's proffered dictionary definitions are consistent with this interpretation. *See character*, NEWTON'S TELECOM DICTIONARY (2005) ("A letter, number or symbol. A character is sometimes described by the digit represented by the bit pattern that makes up the character. i.e., the letter A is ASCII code 65, or carriage return is ASCII code 13."). Accordingly, the Court construes this term as "a letter, number, punctuation mark, or other symbol or control code that is represented to a computer by one unit of information."

C. "receiving . . . first video information . . . including second video information that is encrypted" ('815 Patent, Claim 21)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	Plain and ordinary meaning, which is: "the second video information is in encrypted form at the time it is received"

Claim 21 recites an "information processing apparatus" that includes "a network interface receiving first video information wirelessly from a device external to the information processing apparatus, the first video information being received including second video information *that is encrypted.*" '815 Patent at 13:6–10 (emphasis added). The parties dispute whether this limitation requires that the "second video information" already be encrypted when received, as Samsung urges, or whether the claim refers to encrypting the "second video information" at some later time, which is Maxell's position. According to Maxell, Samsung's construction improperly (1)

rearranges the claim terms; and (2) includes a temporal limitation of "at the time." Docket No. 73 at 15.

The Court agrees with Samsung. For one, the structure of the claim as a whole supports Samsung's construction. The more natural reading of the claim language is "that is encrypted" describes a present characteristic of the "second video information." In fact, the limitation more precisely relates to receiving "the first video information" at the time it is received. If the claim were to cover first receiving and then later encrypting the second video information, a skilled artisan would have expected the "receiving" and "encrypting" to be recited as separate "steps."

At the hearing, Maxell pointed to Figure 3 of the patent as support for its position the encryption could happen later. Specifically, Maxell traced the flow of a received signal through the antenna input (301), demodulator (302), to an encryption circuit (331). *See* Docket No. 88 at 28:10–25. But none of that trumps the clear meaning of the claim language, which concerns a "network interface," a term that only appears in the claims. Maxell fails to show why the encryption circuit (331) should be considered part of a "network interface" or what in Figure 3 is the "network interface." Accordingly, the Court adopts Samsung's construction for this term.

D. "being deleted from the first group of video information" ('815 Patent, Claim 1)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	"reversing a registration (i.e., unregistering) of video information from the first group"

This dispute relates to the ordinary meaning of the claim language. Maxell agrees that, according to the disputed phrase, "when one video information is deleted from the first group of video information, it continues to be included in the second group of information." Docket No. 73 at 17. But Maxell attacks Samsung's construction as using language found nowhere in the patent.

Pointing to reasoning from a PTAB decision for a related patent, Samsung says the PTAB "correctly concluded . . . 'the deletion may relate to group membership, rather than to the underlying data themselves.'" Docket No. 76 at 14–15 (quoting Docket No. 76-11 at 4). It urges the Court to reject what it calls Maxell's "multiple copy theory" in which "an identical copy of the same video is stored in each group of which the video is a member." *Id.*

The Court reaches the same conclusion as the PTAB. "Delete" only appears in the specification when describing Figures 6 and 7. Specifically, the patent explains the owner of a digital folder can "freely register and delete data to be reproduced" to the TV set. *See* '815 Patent at 6:27–28, 6:39–40. From this, a skilled artisan would understand "registering" and "deleting" data as adding or deleting thumbnails pointing to the A/V data to be played. Thus, to the extent Maxell advances a "multiple copy theory" that an identical copy of the same video is stored in each group, the Court rejects that interpretation and construes this term as "being removed from the first group of video information."[3]

E. "the first group of video information being configured to allow a user to edit" ('815 Patent, Claim 1)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	Indefinite

Samsung makes two arguments in its challenge to the validity of this limitation. First, a skilled artisan would not understand whether (1) the group of video information, (2) the video information itself, or (3) both are to be edited. Docket No. 76 at 16. Second, a skilled artisan would not know what it means for digital information to "be configured to edit," and the specification

[3] The parties agreed to this construction at the hearing.

provides no explanation. *Id.* (citing Docket No. 76-3 ¶ 75). According to Maxell, "this term 'simply denotes providing an apparatus that has the capability to allow a user to edit a group of video information, such as, adding or deleting information from a group of a playlist.'" Docket No. 73 at 18 (quoting Docket No. 73-1 ¶ 50).

At the hearing, Samsung's argument focused on its second argument—the unclear meaning of digital information "configured to edit." Samsung asked, for example, what "being configured to allow a user to edit" means? Docket No. 88 at 34:20–22. But it acknowledges "everybody in the field knows what it would mean if you said configure software to edit some information or configure some hardware to be able to edit the information. But that's not what's claimed here." *Id.* at 34:24–35:3.

The Court disagrees. The claim expressly recites a recording medium, a display, and "a processor for controlling the display." '815 Patent at 8:51–58. The recited first and second "areas" are the result of the processor controlling the display, and the rest of the claim contemplates user input and selection. *See id.* at 8:58–9:10. So does the specification, which describes the use of cursors positioned over the various tabs for selection of groups of information, *id.* at 5:67–6:4, and the ability of the users to "freely register and delete data to be reproduced," *id.* at 6:27–28, 6:39–40. A skilled artisan would recognize the hardware and associated software run by the processor as displaying the first group of video information so that it can be selected and edited. No doubt the phrase in question is awkwardly worded, but its meaning is nonetheless clear from the specification to a skilled artisan as the parties have defined one.

This comports with the purpose of the invention. The patent explains the invention's improvement over the prior art is the ability of "a user to select and manage arbitrary play lists." '815 Patent at [57]; *see also id.* at 2:33–34 (describing the problem of the prior art is that "it is impossible

on the user's interface to alter the display sequence"), 2:49–51 (noting the invention aims "to provide a recording and reproducing device in which the user can select and manage arbitrary playlists"). Accordingly, the Court holds this term is not indefinite and construes the phrase as "the composition of the first group of video information being editable by a user."

F. "user profile" ('815 Patent, Claims 1, 21, 23)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	Indefinite

The first limitation of Claim 1 recites "a recording medium on which is stored a plurality of video information including first video information received wirelessly by the network interface over a network from another information processing apparatus, wherein at least some of the plurality of video information is associated with a *user profile*." '815 Patent at 8:51–56 (emphasis added). Similarly, Claim 21 recites

> a display displaying a first user interface for a user to select a *user profile* from among a plurality of *user profiles* including a first *user profile* associated with a first character and a second *user profile* associated with a second character, the plurality of *user profiles* being associated with video information and the first user interface including an option for a user to select the first *user profile* from the plurality of *user profiles* by selecting the first character.

Id. at 13:11–19 (emphasis added).

Samsung challenges "user profile" as indefinite because the '815 Patent, in its view, fails "to disclose anything other than items that are already separately claimed." Docket No. 76 at 19. Or, says Samsung, "if the 'user profile' term is broad enough to include other terms not recited in the claims and not disclosed in the written description, then the term lacks written description because neither that term nor any other item of a user profile is disclosed in the patent." *Id.* at 20.

Maxell replies that the limitations to which Samsung points concern content displayed as

a graphical user interface. Docket No. 78 at 8. Maxell also points to dictionary definitions cited by Samsung in the parties' Joint Claim Construction Statement. Docket No. 73 at 20.

This term has a well-known ordinary meaning. *See* Docket No. 66 at 22–23 (*profile*, AM. HERITAGE DICTIONARY (4th ed. 2000) ("A formal summary of analysis of data, often in the form of a graph of table, representing distinctive features or characteristics."); *user profile*, MICROSOFT COMPUT. DICTIONARY (5th ed. 2002) ("A computer-based record maintained about an authorized user of a multiuser computer system. A user profile is needed for security and other reasons; it can contain information such as the person's access restrictions, mailbox location, type of terminal, and so on."); *user profile*, WILEY ELEC. & ELECS. ENG'G DICTIONARY (2004) ("A set of preferences, settings, authorizations, email addresses, and the like, which is stored for each user of a multi-user system.")). That "user profile" is not mentioned in the written description is of no relevance to the term's meaning to a skilled artisan. And to the extent amendment to include "user profile" in the claims might cause a written-description problem, that's a question for a different day. Based on the extrinsic evidence, the Court construes "user profile" as "a collection of settings and information associated with a user."

G. "second camera arranged on an opposite side of the touch display" ('757 Patent, Claim 1)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning, which means: "an arrangement of two cameras such that one camera is on the same side as the touch display and the second camera is opposite to the touch display."	Plain and ordinary meaning, which is: "the second camera is located on a side of the touch display that is opposite a side of the touch display on which the first camera is located"

The '757 Patent "relates to a video recording device including a plurality of imaging units and a camera function control program." '757 Patent at 1:6–8. The parties' sole dispute from this

patent relates to the physical relationship of a recited "second camera" to a recited "first camera." Specifically, Claim 1 recites:

> 1. An image recording device configured to execute a plurality of different photographing processes, comprising:
>
> . . .
>
> a touch display arranged on a first surface of the image recording device and configured to display an image signal and receive a touch operation instruction;
>
> a first camera arranged on a same side of the touch display and configured to photograph an object and acquire a first image signal;
>
> a second camera arranged on an opposite side of the touch display and configured to photograph an object and acquire a second image signal;
>
> a recorder configured to record at least one of the first image signal or the second image signal on a storage; and
>
> a controller . . . .

Id. at 16:8–24. According to Samsung, the dispute is whether the recited arrangement contemplates the first and second cameras being located together on the same side of the recording device. Docket No. 76 at 21–22.

Maxell seems to agree. When advancing its construction, Maxell points to Figures 4(a) and 4(b) (below), which it says "show[] a first camera 123 arranged on a same side of touch display 141 and second camera arranged on an opposite side of touch display 141." Docket No. 73 at 22.

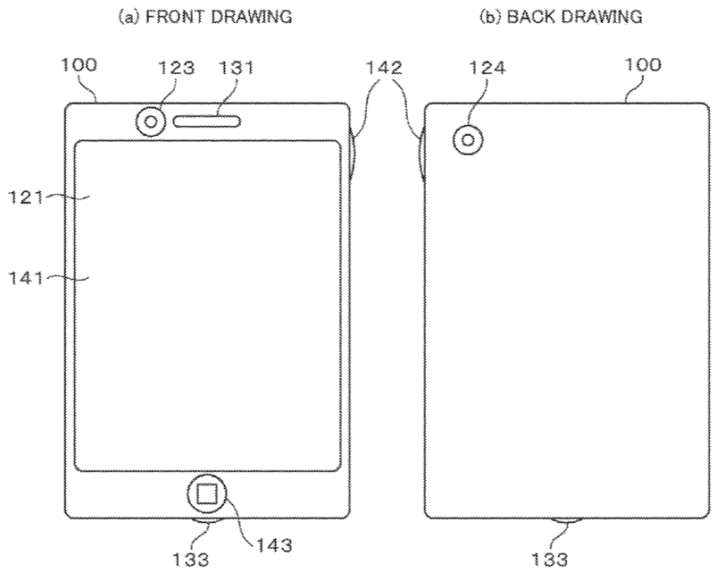

FIG. 4 of the '757 Patent

Thus, Maxell treats "same side of touch display" as "same side of *the image recording device as* the touch display." This is consistent with the specification's description that, in Figure 4, "[t]he first imaging unit (camera unit) 123 is arranged on a same face (front face) as that of the display unit 121, and the second imaging unit (camera unit) 124 is arranged on a face (rear face) opposite to the display unit 121." '757 Patent at 7:56–60. This is also consistent with Samsung's construction, which the Court adopts: "the second camera is located on a side of the touch display that is opposite a side of the touch display on which the first camera is located."

H. Allegedly Mixed Apparatus-Method Claims:

"when an indication from the user indicates to transmit video information using the first radio communication circuit" ('590 Patent, Claims 1, 5, 24; '241 Patent, Claims 1, 25)

"the second or third radio communication circuits receive a signal from the internet indicating that an update for an operating system of the video processing is available" ('590 Patent, Claims 1, 5, 24; '241 Patent, Claims 1, 25)

"apparatus executes an update process" ('590 Patent, Claims 1, 5, 24; '241 Patent, Claims 1, 25)

Maxell's Construction	Samsung's Construction
Not indefinite	Indefinite for being directed to mixed "apparatus-method claims"

Citing *IPXL Holdings, LLC v. Amazon.com, Inc.*, 430 F.3d 1377, 1384 (Fed. Cir. 2005), Samsung challenges these claims as "impermissibly reciting mixed apparatus-method claims so that it is unclear when infringement occurs." Docket No. 76 at 23. For example, Samsung says Claim 1 of the '590 Patent requires the user to perform the act of "indicating." The prosecution history, it says, supports that conclusion because Maxell distinguished a cited reference as not disclosing a user action. Docket No. 76 at 25 (citing Dokcet No. 76-13). Moreover, in Claim 1 of the '590 Patent, the claim language distinguishes what the device is "capable of" from what it must do. *Id.* at 27.

This dispute reduces to whether the Federal Circuit's reasoning in *Mastermine Software, Inc. v. Microsoft Corp.*, 874 F.3d 1307 (Fed. Cir. 2017), applies here. In *Mastermine*, the court considered the validity a dependent claim that recited:

> wherein the reporting module installed within the CRM software application *presents* a set of user-selectable database fields as a function of the selected report template, *receives from the user a selection* of one or more of the user-selectable database fields, and *generates* a database query as a function of the user selected database fields[.]

Mastermine, 874 F.3d at 1315. Distinguishing the language from the language at issue in other cases where a claim was held invalid as a mixed-class claim—namely *IPXL Holdings* and *Katz*—the court reasoned:

> While these claims make reference to user selection, they do not explicitly claim the user's act of selection, but rather, claim the system's capability to receive and respond to user selection. The limitations at issue here ("receiv[ing] from the user a selection" and "generat[ing] a database query as a function of the user selected database fields") focus on the capabilities of the system, whereas the claims in *IPXL Holdings* ("the user uses the input means") and *Katz* ("said individual callers digitally enter data") focus on specific actions performed by the user. Moreover, unlike the claims in *Rembrandt*, the functional language here does not appear in isolation, but rather, is specifically tied to structure: the reporting module installed within the CRM software application.
>
> As noted above, this Court in *IPXL Holdings* was concerned that claiming both an apparatus and a method of using the apparatus within a single claim can make it "unclear whether infringement . . . occurs when one creates a[n infringing] system, or whether infringement occurs when the user actually uses [the system in an infringing manner]." *UltimatePointer, 816 F.3d at 826* (alteration in original) (quoting *IPXL Holdings, 430 F.3d at 1384*). The claims at issue here do not pose this problem. Because the claims merely use permissible functional language to describe the capabilities of the claimed system, it is clear that infringement occurs when one makes, uses, offers to sell, or sells the claimed system.

Mastermine, 874 F.3d at 1316.

Samsung argues *Mastermine* does not apply for two reasons. First, unlike the facts in *Mastermine*, Maxell argued during prosecution that the claim limitation requires user action. Second, the claim at issue in *Mastermine* did not include the "capable of" language found elsewhere in the claims.

The Court, however, is not persuaded by either argument. Regarding Maxell's argument about the prosecution, the Court does not read the prosecution in the same way Samsung does. In distinguishing Tee during prosecution, Maxell wrote:

> In Tee, there is no indication from a user that directs the controller to control assignment of connection for any of Tee's transceivers 202 or 203. And, Tee would not have been modified to have the controller control assignment of connection for transceivers 202 or 203 in response to receiving an indication from a user, in view of a PHOSITA's knowledge.

> Tee's initiation of a video download (step 305 in Fig. 3) *involves no indication from the user to use a particular one of the available transceivers*, much less any control that assigns a connection on the basis of such a user indication.

Docket No. 76-13 at 22 (emphasis added). Samsung says this means the claim requires a user action, but the better understanding is that it simply requires "receiving" the user indication. In other words, Maxell argued that because Tee does not require a user to indicate *anything*, there was nothing for the device to receive. The best reading of this language is not that it requires a user to do something, but that it limits the content of the received information—much like the limitation at issue in *Mastermine*.

Regarding the claim's use of "capable of," the Court does not see that distinction as requiring the characterization of any other language as necessarily being performed by a user. Samsung has the burden of showing indefiniteness, and a claim differentiation argument is not enough to overcome that burden on this record.

I. "wherein . . . when an indication from [the/a] user indicates to transmit video information using the first radio communication circuit, the controller assigns a connection to the first radio communication circuit for transmitting the video" ('590 Patent, Claims 1, 5, 9, 23; '241 Patent, 1, 17, 25)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	Plain and ordinary meaning, which requires the user, not the controller, to select the particular radio for assignment

According to Samsung, the limitation requires the user to select the first radio communication circuit. In its briefing, Samsung bases its position not only on the claim language itself, but on the prosecution history, which it says shows "clear and unmistakable disavowal" of Maxell's reading of the claim. Docket No. 76 at 20–30 (citing Docket No. 76-13 at 16, 25, 27, 28 n.2).

Maxell, on the other hand, calls Samsung's construction a "negative limitation [that] directly contradicts the claim language requiring that the 'controller assigns a connection.'" Docket No. 78 at 10. The file history, it says, "is consistent with the claim language." *Id.*

The dispute became much clearer at the hearing. Samsung emphasized the Court need not even reach the question of the prosecution-history disclaimer because the ordinary meaning of the phrase is clear. *See, e.g.*, Docket No. 88 at 72:11–14 ("The Court need not look at the file history, it need not look at the specification. The claim resolves the issue."); *id.* at 74:7–8 (arguing "the plain language of the claim is enough"). Explaining why construction is necessary, Samsung cited Maxell's infringement contentions, in which Maxell points to a "software switch" as meeting the "user indication" requirement. Samsung then argued that switch "does not satisfy the plain language of the claim," because, *inter alia*, "it does not include the user indicating the radio" to be used. *Id.* at 73:23–24.

In response, Maxell agreed the claim language is clear and, given that, questioned why construction was necessary. *Id.* at 78:9–13. Notably, however, Maxell consistently stopped short of mentioning the requirement that the user's "indication" also indicates transmission "using the first radio communication circuit." For example, Maxell explained, "The claim language says what it says. When an indication from a user indicates to transmit video information, the controller assigns a connection." *Id.* at 78:15–17. Similarly, "[t]he claim requires there to be a user indication which then the controller uses to assign a connection." *Id.* at 79:13–14. But Maxell omits any mention of the indication requiring use of the "first radio communication circuit" for the transmission. So, while Maxell proclaims to not be "walking away from the claim language," *id.* at 78 at 14:15, it appears to at least be ignoring the phrase "using the first radio communication circuit."

The Court agrees with Samsung's interpretation of the claim language. That language plainly requires the user to indicate two things: (1) to transmit video information, and (2) to use the first radio communication circuit in making that transmission. Not only is this required by the claim language, Maxell underscored the second requirement during prosecution. *See* Docket No. 76-13 at 16 ("the user indication of Tee does not identify *a particular transceiver* for assignment"), 24 ("Tee[] . . . involves no indication from the user to use *a particular one* of the available transceivers"), 25 (arguing Tee "has nothing to do with a user indicating *a particular radio communication circuit* to be used"), 27 ("Tee is completely silent about the user indicating *whether to use transceiver 201, 202, or 203*."), 28 n.2 (noting Tee's display select program "has nothing to do with a user indicating *a particular radio communication circuit* to be used"). And tellingly, Maxell never expressly suggests a contrary interpretation of the language at issue.

The file history simply reinforces the plain meaning of the claim language, and the Court gives this term a "plain and ordinary meaning" construction. Whether the "software switch" referenced by Samsung during the hearing satisfies the claim limitation is an infringement issue that has not been fully briefed and will be addressed in due course.

J. "first information necessary for an identification of the user" and "second information relating to the identification of the user" ('086 Patent, Claim 1)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	"information sufficient for the identification of the user, but not including information about a user's fingerprint"

The '086 Patent concerns "an information processing apparatus" that includes a touch panel that detects contact of the panel with a user's finger. '086 Patent at [57]. When the panel detects contact, a "detection unit" specifies identification information of one or more of the multiple pieces of identification information displayed on the touch panel, indicated by a position at

which the contact in question occurred. *Id.* The detection unit also detects an area of part of the panel where the contact occurred. "A storage unit stores reference identification information and a reference area range." *Id.* "A control unit performs particular processing up n matching of the detected identification information with the stored reference identification information and the area of the contact detected by the detection unit falling within the stored reference area range." *Id.*

The parties' sole dispute comes from Claim 1, which recites:

> 1. An information processing apparatus comprising:
>
> a touch panel configured to detect a contact of a finger of a user;
>
> a detector configured to detect *first information necessary for an identification of the user* when the contact is detected between the touch panel and the finger of the user;
>
> a first controller configured to control the information processing apparatus to operate into two operating modes: at least an identification mode and a registering mode, as the operating mode thereof;
>
> memory that is configured to store *second information relating to the identification of the user*, which is stored in advance; and
>
> a second controller configured to execute a specified process when said first information and said second information are coincident within said registering mode, wherein:
>
> in said registering mode, there are provided a first registering mode for inputting input information by a pad of the finger, and a second registering mode for inputting input information by an end of the finger, and said second information relating to the identification of the user is produced upon basis of the input information, which is inputted at least in the first or second mode.

'086 Patent at 8:36–60 (disputed terms emphasized).

Samsung argues Maxell is attempting to recapture claim scope it conceded during

prosecution of the parent application. According to Samsung's timeline, during prosecution of the application that issued as RE48,830, the proposed claims required storing information "corresponding to a fingerprint of the user." Docket No. 76 at 32. The examiner then rejected those claims based on lack of written description. *Id.*; *see also* Docket No. 76-20 at 7 ("Claims 8 and 21 both recite storing first information corresponding to a fingerprint of the user. There is no support for storing information related to a fingerprint, as the specification discloses storing information as to the fingertip or finger pad.")). Maxell cancelled the claims reciting "corresponding to a fingerprint of the user," but amended Claim 1 to include only some of the subject matter of the cancelled claim—excluding the "fingerprint" phrase. Docket No. 76 at 32–33. Citing *Schriber-Schroth Co. v. Cleveland Trust Co.*, 311 U.S. 211 (1940), *Reckitt Benckiser Inc. v. Watson Labs., Inc.*, 430 F. App'x 871 (Fed. Cir. 2011), and *Laryngeal Mask Co. v. Ambu A/S*, 618 F.3d 1367 (Fed. Cir. 2010), Samsung says this sequence of events amounts to disclaimer.

"Prosecution disclaimer 'preclud[es] patentees from recapturing through claim interpretation specific meanings disclaimed during prosecution." *Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1359 (Fed. Cir. 2017) (quoting *Omega Eng'g, Inc. v. Raytek Corp.*, 334 F.3d 1314, 1323 (Fed. Cir. 2003)). "[F]or prosecution disclaimer to attach, our precedent requires that the alleged disavowing actions or statements made during prosecution be both clear and unmistakable." *Omega Eng'g, Inc.*, 334 F.3d at 1325–26. "Thus, when the patentee unequivocally and unambiguously disavows a certain meaning to obtain a patent, the doctrine of prosecution history disclaimer narrows the meaning of the claim consistent with the scope of the claim surrendered." *Biogen Idec, Inc. v. GlaxoSmithKline LLC*, 713 F.3d 1090, 1095 (Fed. Cir. 2013). Such disclaimer can occur through amendment or argument. *See Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985).

Here, the Court does not see how Maxell "unequivocally and unambiguously" "disavowed a certain *meaning* to obtain a patent." At most, Maxell conceded the patent did not meet the written-description requirement. But Maxell did not argue the meaning of any claim language should change to overcome the rejection, either expressly or implicitly. Thus, the Court does not see "clear and unmistakable disavowal" affecting the ordinary meaning of any claim language.

Each of the cases to which Samsung points is distinguishable. *Schriber-Schroth* concerned the doctrine-of-equivalents:

> It is a rule of patent construction consistently observed that a claim in a patent as allowed must be read and interpreted with reference to claims that have been cancelled or rejected, and the claims allowed cannot by construction be read to cover what was thus eliminated from the patent. The patentee may not, by resort to the *doctrine of equivalents*, give to an allowed claim a scope which it might have had without the amendments, the cancellation of which amounts to a disclaimer. The injurious consequences to the public and to inventors and patent applicants if patentees were thus permitted to revive cancelled or rejected claims and restore them to their patents are manifest. True, the rule is most frequently invoked when the original and cancelled claim is broader than that allowed, but the rule and the reason for it are the same if the cancelled or rejected claim be narrower.

Schriber-Schroth, 311 U.S. at 220–21 (internal citations omitted; emphasis added). In *Reckitt Benckiser Inc.,* the applicants expressly stated they were relinquishing claims to the subject matter at issue. *Reckitt Benckiser Inc.*, 430 F. App'x at 876 ("The applicants disavowed claim coverage of sustained released tablets by cancelling original claims 1–11 and remarking to the examiner that 'original claims 1–11 were directed to a sustained release formulation . . . . [T]he sustained release claims have been cancelled to facilitate prosecution.'"). In *Laryngeal Mask*, the district court improperly read "tube joint" into the term "backplate," but this case is distinguishable because it did not involve amending the claim to add a new, broader limitation. Ultimately, Samsung has not shown authority for the proposition that disclaimer applies to limit the ordinary meaning of the

claim language.

K. "peripheral device information collation unit" ('161 Patent, Claims 1, 3)

Maxell's Construction	Samsung's Construction
Governed by 35 U.S.C. § 112 ¶ 6 **Function:** "collates the home network information received from the other network device through the peripheral device information reception unit with the home network information stored in the peripheral device information storage unit and judges whether other network device belong to the same network as the local network device"	
Structure: CPU 20 operating in conjunction with ROM 22 and/or RAM 21 included within or external to the network device for executing one of the comparison and judging algorithms disclosed at '161 Patent at 5:62–6:29.	**Structure:** Indefinite because an algorithm is not adequately described

The parties agree this is a means-plus-function term. They also agree on the recited function. But they disagree on the corresponding structure, with Samsung arguing the specification fails to disclose an algorithm as required by Federal Circuit precedent. Docket No. 76 at 40 (citing *Typhoon Touch Techs. v. Dell, Inc.*, 659 F.3d 1376, 1385 (Fed. Cir. 2011)).

Maxell argues "the '161 Patent unambiguously discloses in detail three algorithms that perform a comparison between two datasets in prose and flowchart (Fig. 7)." Docket No. 78 at 15. Those three algorithms are "[(1)] checking whether the collated sets of peripheral device information are identical with each other, [(2)] determining the degree of agreement between the collated sets of peripheral device information, or [(3)] by checking whether the collated sets of peripheral device information exhibit the same tendency." Docket. No. 73 at 40 (quoting '161 Patent at 5:67–6:7).

The Court agrees with Samsung that the patent does not disclose an algorithm for "checking whether the collated sets of peripheral device information exhibit the same tendency." Maxell

conceded as much at the hearing. *See* Docket No. 88 at 100:24–101:3 (noting "there might not be sufficient disclosure for the tendency-related [algorithm]").

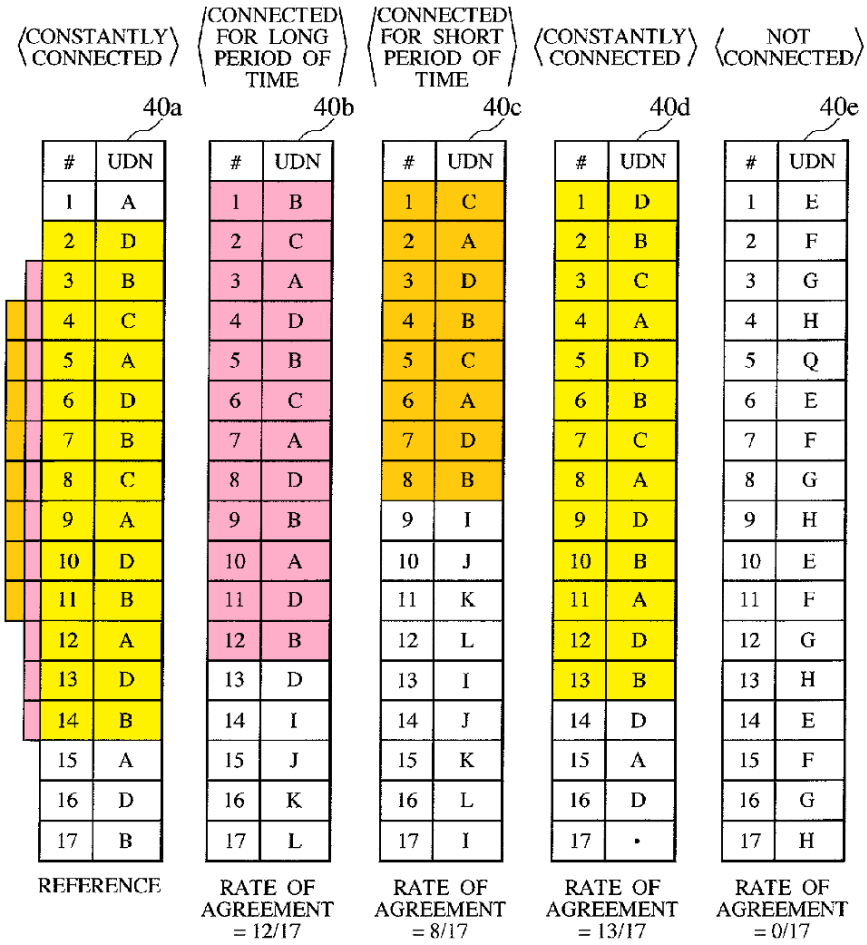

FIG. 5 of the '161 Patent

The patent does, however, disclose algorithms for "checking whether the collated sets of peripheral device information are identical with each other" and "determining the degree of agreement between the collated sets of peripheral device information," which are really the same thing.[4] Figure 5 (above) and the related text disclose the algorithm:

[4] To determine whether the collated sets are identical requires determining the degree of agreement.

> The home network information shown in FIG. 5 will now be used to describe in detail an operation that is performed to judge whether two devices belong to the same home network. Basically, the degree of agreement between the UDN columns of the home network information about the devices is calculated to make a judgment. In such an instance, the entire home network information stored in the devices may be referenced. Practically, however, only the information collected during an appropriate period (e.g., during the last one-month period) should be referenced. Two extracted UDN columns are then compared. While the UDN columns are shifted in chronological direction, the rate of agreement is determined when the number of matching UDNs is maximized. When the rate of agreement is equal to or larger than a predetermined value (e.g., 50%), it is judged that the two devices belong to the same home network.

'161 Patent at 7:8–23. Figure 5 shows the results of various comparisons of a reference to devices connected for a long period of time, devices connected for a short period of time, devices constantly connected, and devices not connected at all. Thus, the Court concludes the patent discloses the following algorithm as structure for the "peripheral device information collation unit": "a general purpose processor programmed to

(1) assemble the home network information in the peripheral device information storage unit of the local network device for a given period and the home network information of the other network device in the peripheral device information reception unit for the same period into comparable sets of information;

(2) determine the maximum number of consecutive list entries in the home network information of the other device that matches all or portion of the list items of the home network information of the local network device;

(3) divide the maximum number of consecutive list entries in the home network information of the other device by the total number of list entries to calculate a percent rate of agreement;

(4) compare the percent rate of agreement to a predetermined percentage value; and

(5) if the percentage rate of agreement is equal to or larger than the predetermined percentage value, indicating to other software or hardware on the local network device that the other network device belongs to the same network as the local network device; otherwise, indicating to other software or hardware on the local network

device that the other network device does not belong to the same network as the local network device."

L. "chronological list of network devices connected to the network" ('161 Patent, Claims 1, 3, 6)

Maxell's Construction	Samsung's Construction
Plain and ordinary meaning	Indefinite. Alternatively, "home network information" must "include, for each device that is a member of a local area network, a list with an entry for each time any device joins the local area network, transmits a message on the local area network, or leaves the local area network"

Samsung questions whether the recited chronological list is (1) a list "of device names in a particular order" or (2) a "chronologically ordered list of events corresponding to network devices." And if it is the latter, "what events must be included on the chronological list"? Docket No. 76 at 37. Samsung seems to suggest (2) is the more reasonable interpretation, and the Court agrees. *Id.* at 38 (noting "Figure 4 lists each device multiple times, and the specification describes Fig. 4 . . . as a list of events . . . rather than as a list of device names"). Maxell also seems to agree. *See* Docket No. 78 at 13 (noting Samsung's response and the specification "make clear" the phrase refers to "a listing of network devices in a particular order based on events"). That leaves Samsung's question, "What events must be included on the chronological list?"

The specification provides an answer. With reference to Figure 5, the patent explains "[t]he information to be collected includes . . . the information indicating the participation of the peripheral devices in the LAN 2 and the departure of the peripheral devices from the LAN 2." '161 Patent at 5:18–24. This makes sense in light of the purpose of the invention, which compares information from other devices connected to a network to "judge" whether other network devices belong to the same network. Accordingly, the Court construes this phrase as "a list of network devices ordered

chronologically according to corresponding events indicating the participation or non-participation of the devices in the network."

IV. CONCLUSION

Disputed Term	The Court's Construction
"the processor generates a group of video information based a first module including a plurality of instruction sets" ('815 Patent, Claim 2)	"generating a group of video information that includes (i) only video information that has previously been selected by a user, (ii) only video information that has not previously been selected by a user, or (iii) a mix of video information including video information that has been previously selected by a user and video information not previously selected by a user"
"character" ('815 Patent, Claims 1, 21)	"a letter, number, punctuation mark, or other symbol or control code that is represented to a computer by one unit of information"
"receiving . . . first video information . . . including second video information that is encrypted" ('815 Patent, Claim 21)	"the second video information is in encrypted form at the time it is received"
"being deleted from the first group of video information" ('815 Patent, Claim 1)	"being removed from the first group of video information"
"the first group of user information being configured to allow a user to edit" ('815 Patent, Claim 1)	the composition of the first group of video information being editable by a user.
"user profile" ('815 Patent, Claims 1, 21, 23)	"a collection of settings and information associated with a user"
"second camera arranged on an opposite side of the touch display" ('757 Patent, Claim 1)	"the second camera is located on a side of the touch display that is opposite a side of the touch display on which the first camera is located"

Allegedly Mixed Apparatus-Method Claims: "when an indication from the user indicates to transmit video information using the first radio communication circuit" ('590 Patent, Claims 1, 5, 24; '241 Patent, Claims 1, 25) "the second or third radio communication circuits receive a signal from the internet indicating that an update for an operating system of the video processing is available" ('590 Patent, Claims 1, 5, 24; '241 Patent, Claims 1, 25) "apparatus executes an update process" ('590 Patent, Claims 1, 5, 24; '241 Patent, Claims 1, 25)	Plain and ordinary meaning
"wherein . . . when an indication from [the/a] user indicates to transmit video information using the first radio communication circuit, the controller assigns a connection to the first radio communication circuit for transmitting the video" ('590 Patent, Claims 1, 5, 9, 23; '241 Patent, 1, 17, 25)	Plain and ordinary meaning
"first information necessary for an identification of the user" and "second information relating to the identification of the user" ('086 Patent, Claim 1)	Plain and ordinary meaning

"peripheral device information collation unit" ('161 Patent, Claims 1, 3)	Governed by 35 U.S.C. § 112 ¶ 6 **Function:** "collates the home network information received from the other network device through the peripheral device information reception unit with the home network information stored in the peripheral device information storage unit and judges whether other network device belong to the same network as the local network device" **Structure:** "a general purpose processor programmed to: (1) assemble the home network information in the peripheral device information storage unit of the local network device for a given period and the home network information of the other network device in the peripheral device information reception unit for the same period into comparable sets of information; (2) determine the maximum number of consecutive list entries in the home network information of the other device that matches all or portion of the list items of the home network information of the local network device; (3) divide the maximum number of consecutive list entries in the home network information of the other device by the total number of list entries to calculate a percent rate of agreement; (4) compare the percent rate of agreement to a predetermined percentage value; and (5) if the percentage rate of agreement is equal to or larger than the predetermined percentage value, indicating to other software or hardware on the local network device that the other network device belongs to the same network as the local network device; otherwise, indicating to other software or hardware on the local network device that the other network device does not belong to the same network as the local network device."

"chronological list of network devices connected to the network" ('161 Patent, Claims 1, 3, 6)	"a list of network devices ordered chronologically according to corresponding events indicating the participation or non-participation of the devices in the network"

The Court **ORDERS** each party not to refer, directly or indirectly, to its own or any other party's claim-construction positions in the presence of the jury. Likewise, the Court **ORDERS** the parties to refrain from mentioning any part of this opinion, other than the actual positions adopted by the Court, in the presence of the jury. Neither party may take a position before the jury that contradicts the Court's reasoning in this opinion. Any reference to claim construction proceedings is limited to informing the jury of the positions adopted by the Court.

So ORDERED and SIGNED this 5th day of November, 2024.

ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE