

EXHIBIT 24

COMPLAINANT'S REBUTTAL *MARKMAN* BRIEF

INV. NO. 337-TA-1215

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C.**

**Before The Honorable Dee Lord
Administrative Law Judge**

In the Matter of

**CERTAIN MOBILE ELECTRONIC DEVICES AND
LAPTOP COMPUTERS**

Investigation No. 337-TA-1215

**REBUTTAL EXPERT DECLARATION OF JACOB O. WOBBROCK, PH.D.
IN SUPPORT OF MAXELL LTD.'S PROPOSED CLAIM CONSTRUCTIONS**

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Therefore, Dr. Jones' broad exclusion of any and all information about a user's fingerprint in the "first information" and "second information" is not supported by the understanding of a POSITA and the written description of the '086 patent.

23. In addition, the '086 patent discloses a "finger" over one hundred times without once explicitly *excluding* fingerprints like Apple's construction does. A POSITA or any person would understand that fingers include fingerprints just like they include a knuckle and a nail. So when the '086 patent discloses fingers, it is not doing so at the exclusion of fingerprints.

24. For the above reasons, I do not agree with Dr. Jones' contention that "first information" and "second information" cannot include information about a user's fingerprint. There is nothing in the '086 specification that precludes fingerprint information from being part of the "first information" or "second information."

VI. THE "CONTROLLER" TERMS

25. I have provided my opinions with respect to the "first controller" and "second controller" terms corresponding to known structures, and I incorporate those opinions herein.

26. Further, in paragraph 51, Dr. Jones states that "[t]o a person of ordinary skill in the art, a 'controller' could be a nearly *infinite combination* of hardware, firmware, and/or software." (Ex. 26, p. 17, ¶51, emphasis added.) I disagree.

27. Dr. Jones himself states that: "I have been informed that to determine how a person of ordinary skill would understand a claim term, the claim term must be viewed 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." (Ex. 26, p. 4, ¶16.) Yet, he fails to follow his own legal standards when opining that the claimed first and second controllers could correspond to an infinite combination.

28. In contrast, in view of the context of the claims and the specification of the '086 patent, a POSITA would understand the claimed “first controller” and “second controller” do not correspond to infinite structures. For example, a POSITA would understand that the structure of the claimed first controller is limited because it is required “to control the information processing apparatus to operate into two operating modes: at least an identification mode and a registering mode,” as recited by claim 1. ('086 patent, claim 1.) Similarly, a POSITA would understand that the structure of the claimed second controller is limited because it is required “to execute a specified process when said first information and said second information are coincident within said registering mode.” ('086 patent, claim 1.) Further, a POSITA would also understand that the claimed first and second controllers correspond to structure for use in “information processing apparatuses for portable usage” in the context of controlling the apparatus to operate in different modes for identification of a user. ('086 patent, 1:31-33.)

29. Dr. Jones provides no opinions on how, in the context of the claims and specification, these terms could correspond to “infinite structure.” In contrast, a POSITA would understand that the claimed first controller and second controller are used consistently with their plain and ordinary meaning, as provided in the technical dictionary definitions included in my prior expert declaration.

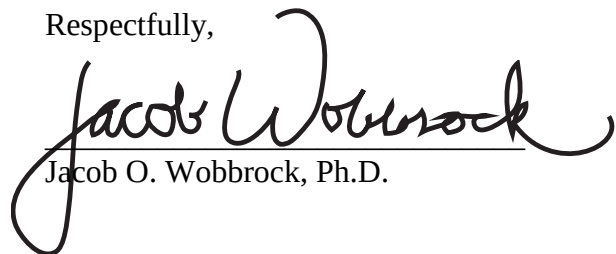
30. Given that the claim should be given its plain and ordinary meaning, I do not offer any opinions on the function and structure corresponding to the claimed terms if they were to be construed as means-plus-function terms, but I do disagree with Dr. Jones that “the disclosed ‘control unit 3’ may be the corresponding structure for either the claimed ‘first controller’ or the claimed ‘second controller,’ but not both.” (Ex. 26, p. 21, ¶54.) Once again, the specification of the '086 patent provides no disclosure that “control unit 3” is limited to a single component.

Instead, looking at the context of the specification, a POSITA would understand that “control unit 3” is just used as an example and such control units would correspond to known structures such as ARM’s Cortex-A7 SoC and/or Texas Instruments multi-core 1.8GHz OMAP4470, which would provide the controller with the ability to control the information processing terminal to operate in multiple modes. See, e.g., <https://developer.arm.com/documentation/ddi0464/f/functional-description/about-the-cortex-a7-mpcore-processor-functions> describing the ARM Cortex-A7 processor in 2011; see also <https://conniestamas.blogspot.com/2011/06/texas-instruments-announces-multi-core.html> describing TI’s OMAP 4470 with M3 cores.

31. Just like the specification does not limit the disclosed “capacitive sensors” to a sensor of a particular resolution, or “letters, figures, and symbols” to not be symbols corresponding to fingerprint information, the specification also does not limit “control unit 3” to correspond to a single component. All these are narrowing limitations that Dr. Jones is putting on the disclosure of the ’086 patent without any logical support.

32. Therefore, I disagree with Dr. Jones’ opinions with respect to the “information terms” and the “controller terms.”

Respectfully,

A handwritten signature in black ink, reading "Jacob O. Wobbrock". The signature is fluid and cursive, with a large loop at the end of the last name.

Jacob O. Wobbrock, Ph.D.

Dated: January 18, 2021