

MAXELL, LTD.
v.
SAMSUNG ELECTRONICS CO., LTD., and
SAMSUNG ELECTRONICS AMERICA, INC.

Samsung's Claim Construction Presentation

Markman Hearing | August 7, 2024

Civil No. 5:23-cv-00092-RWS

“receiving, via a network, 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 – Claim 21

“receiving, via a network, 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 – Claim 21

Samsung's Proposed Construction

Plain and ordinary meaning, which is that the second video information is in encrypted form at the time it is received

Maxell's Proposed Construction

Plain and ordinary meaning

Is the second video information in encrypted form when it is received?

Yes.

The Unambiguous Claim Language Controls

US011017815B2

(12) **United States Patent**
Yoshida et al.

(10) **Patent No.:** US 11,017,815 B2
(45) **Date of Patent:** May 25, 2021

(54) **EDITING METHOD AND RECORDING AND REPRODUCING DEVICE**

(71) **Applicant:** Matsui, Ltd., Kyoto (JP)

(72) **Inventors:** Susumu Yoshida, Kawasaki (JP); Junji Shiohara, Chigasaki (JP); Hiroo Ohmura, Yokohama (JP)

(73) **Assignee:** Matsui, Ltd., Kyoto (JP)

(*) **Notice:** Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) **Appl. No.:** 16/883,124

(22) **Filed:** May 26, 2020

(65) **Prior Publication Data**
US 2020/026524 A1 Sep. 10, 2020

Related U.S. Application Data

(63) **Continuation of application No. 16/221,908, filed on Dec. 17, 2019, now Pat. No. 10,679,674, which is a (Continued)**

(30) **Foreign Application Priority Data**
Dec. 2, 2004 (JP) 2004-349264
Dec. 28, 2004 (JP) 2004-378767
Dec. 28, 2004 (JP) 2004-378768

(51) **Int. Cl.**
H04N 5/88 (2006.01)
G11B 27/00 (2006.01)
(Continued)

(52) **U.S. Cl.**
CPC: **G11B 27/02** (2013.01); **G06F 9/482** (2013.01); **G11B 27/01** (2013.01);
(Continued)

(58) **Field of Classification Search**
USPC: 380/230, 240, 278, 280, 281, 282, 326, 386/333
See application file for complete search history.

(56) **References Cited**
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4,090,619 A 4/1978 Miyake et al.
4,970,663 A 11/1990 Isidori et al.
(Continued)

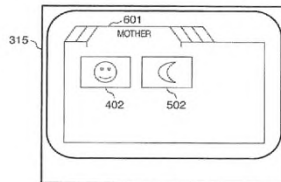
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CN 1243596 A 2/2000
(Continued)

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Fandango Media, LLC's SFR, 25 Invalidity Contentions which were filed Mar. 26, 2019 in the following litigation: *Matsui, Ltd. v. Fandango Media, LLC*, Civil Action No. 2:17-cv-07334 Ag-SSS (C.D. Cal.), filed Oct. 13, 2017.
(Continued)

Primary Examiner: Daquan Zhao
(74) **Attorney, Agent, or Firm:** Mattingly & Malur, PC

(57) **ABSTRACT**
In order to provide a recording and reproducing device that allows a user to select and manage arbitrary play lists, a unit of management for managing all registered play list information and an upper management hierarchical level are added. The unit of management is adapted to be handled on the same level with unified information that indicates a reproduction range of all AV data. User-defined unified information is adapted to be handled on the added management hierarchical level. The user-defined unified information is formal to allow arbitrary reproduction ranges contained on a lower hierarchical level to be registered.

27 Claims, 9 Drawing Sheets



21. An information processing apparatus comprising:
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 Cover, Claim 21

Uncontested Expert Testimony

- Samsung's expert, Dr. Bederson, confirms Samsung's plain meaning construction is correct. (Ex. C at ¶¶ 26-32)
- Although Maxell submitted expert declarations for other claim terms, it did not do so for this claim term.

The Claim Language Itself Includes A Temporal Requirement

US011017815B2

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Yoshida et al.

(10) **Patent No.:** US 11,017,815 B2
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(65) **Prior Publication Data**
US 2020/0286524 A1 Sep. 10, 2020

Related U.S. Application Data

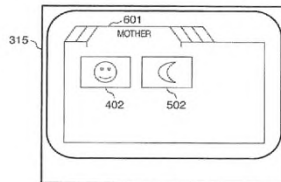
(63) **Continuation of application No. 16/221,908, filed on Dec. 17, 2018, now Pat. No. 10,679,674, which is a (Continued)**

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(51) **Int. Cl.**
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(Continued)

(52) **U.S. Cl.**
CPG — **G11B 27/02** (2013.01); **G06F 9/00** (2013.01); **G11B 27/01** (2013.01);
(Continued)

27 Claims, 9 Drawing Sheets



21. An information processing apparatus comprising:
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 Cover, Claim 21

“character”

'815 Patent – Claims 1, 21

“character”

'815 Patent – Claims 1, 21

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

Should this term’s specialized plain and ordinary meaning in the computer field control here?

Yes.

“Character” Has A Specific Meaning In This Field

- It is undisputed that “character” has a specialized plain and ordinary meaning in the computer field
 - “The term ‘character’ is a term of art in the field of computer science, and is understood by a person of ordinary skill in the art to refer to a letter, number, punctuation mark, or other like symbol that is represented to a computer by one unit of information.”
- “I know firsthand that individuals with a degree in Computer Engineering would have been familiar with this term, particularly if those individuals had work experience in the field of rendering display.”

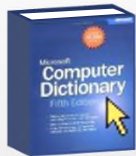
Bederson Declaration (Ex. C) at ¶ 43

Singh Declaration (Ex. 1) at ¶ 43

What does “character” mean to a POSITA?

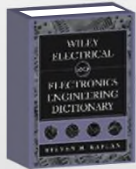
In Computing, A “Character” Is A Letter, Number, Punctuation Mark, Or Other Symbol Or Control Code That Is Represented To A Computer By One Unit Of Information

This understanding is explained in detail by Dr. Bederson (Ex. C at ¶¶ 43, 52-61) and is confirmed by technical dictionary definitions:



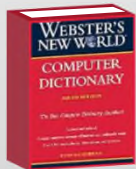
“A letter, number, punctuation mark, or other symbol or control code that is represented to a computer by **one unit –1 byte – of information.**”

Microsoft Computer Dictionary (Ex. D)



“A letter, number, punctuation mark, control code or other symbol that occupies **one byte of computer memory.** An example is an ASCII character.”

Wiley Electrical and Electronics Engineering Dictionary (Ex. E)



“Any letter, number, punctuation mark or symbol that one can produce on-screen by pressing a key on the keyboard, or (for certain little-used characters) a key combination. A character **uses 1 byte of memory.**”

Webster's Computer Dictionary (Ex. F)



“2. Computer Science. A symbol, such as a letter, number, or punctuation mark, that occupies **one byte of memory.** See more at ASCII.”

American Heritage Science Dictionary (Ex. G)

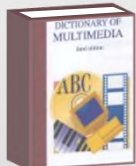
In Computing, A “Character” Is A Letter, Number, Punctuation Mark, Or Other Symbol Or Control Code That Is Represented To A Computer By One Unit Of Information

Maxell’s technical dictionary definitions are in accord:



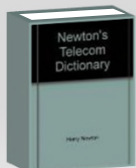
“[COMPUT SCI] 1. An elementary mark used to represent data, usually in the form of a graphic spatial arrangement of connected or adjacent strokes, such as a letter or a digit.”

McGraw-Hill Dictionary of Scientific and Technical Terms (Ex. 4)



“letter or number that is displayed or printed. The shape of each character is determined by the typeface and font that’s used: each font includes 256 different characters normally with letters a to z and A to Z together with foreign characters, symbols and punctuation marks.”

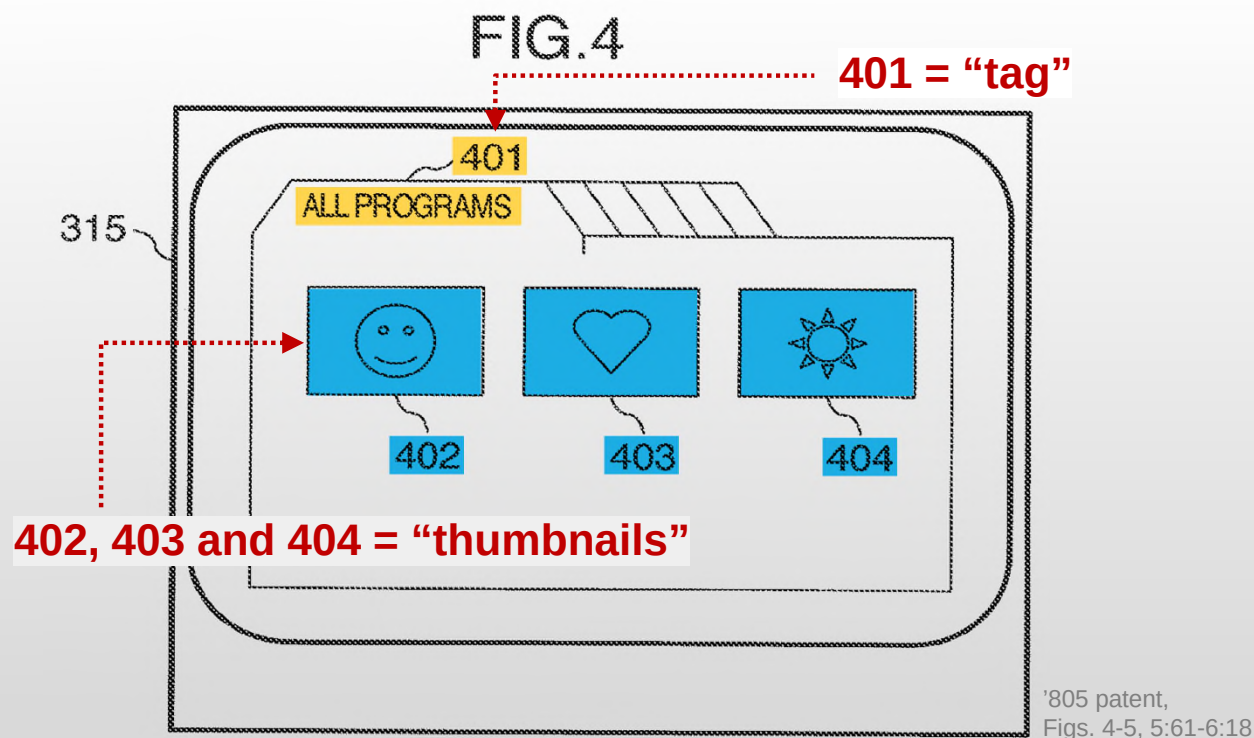
Dictionary of Multimedia (Ex. 5)



“A letter, a number or a 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, a carriage return is ASCII code 13.”

Newton's Telecom Dictionary (Ex. 6)

The Specification Does Not Deviate From This Specialized Meaning



The patent never calls either a tag or a thumbnail a character.
The only reference to "character" in the specification is to moving "the cursor in tag character positions," referring to the individual characters within the tag.

Id. at 6:15-18

Maxell's Reply Brief Assertions Are Incorrect

Incorrect

Maxell's reply brief asserts that Samsung is attempting to limit the meaning to the "ASCII" and "Unicode" standards.

There is a plain and ordinary meaning for this term in the field, and Samsung's citation to these two standards, as well as to the dictionary definitions and its expert's testimony, are simply evidence of how this term is understood in the field.

Maxell's Reply Brief Assertions Are Incorrect

Incorrect

Maxell's reply brief asserts nothing in the '815 patent precludes expanding the specialized meaning of "character" to cover complex graphics like a "Batman" image.

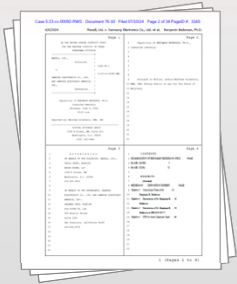
There is nothing—no embodiments, text or images—in the specification of the '815 patent that warrants expanding the specialized plain meaning of this term.

Maxell's Reply Brief Assertions Are Incorrect

**Partially
Incorrect**

Maxell's reply brief asserts Dr. Bederson testified "emojis" can be characters.

Dr. Bederson testified that an emoji represented by an index is a character.



Depo. Transcript of
Benjamin Bederson, Ph.D.

A. Well, as I said, I have not seen this document before. So I don't have an opinion about this document. But, generally, characters are effectively indexes to a letter, number, punctuation mark, or other symbol or control code that can be represented to a computer and then displayed. So to the extent an emoji is represented by one of these -- call it an index and it might be rendered by a font, then, yes, I think it's likely that it -- like other symbols would be considered by a POSITA to be a character.

Ex. J at 50:1-12; see also *id.* at 49:4-10

Samsung's Proposed Construction

"A letter, number, punctuation mark, or other **symbol** or control code that is represented to a computer **by one unit of information**"

“the first group of video information being configured to allow a user to edit”

'815 Patent – Claim 1

“the first group of video information being configured to allow a user to edit”

'815 Patent – Claim 1

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

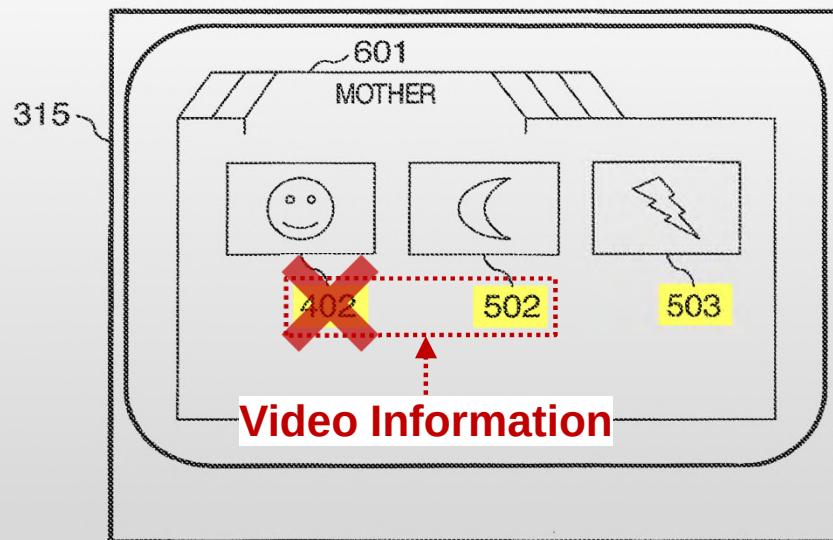
“the first group of video information being configured to allow a user to edit”

1. What is edited?
 - The group of video information
 - The video information itself
 - Both
2. “Configuring” “video information” to be edited has no meaning to a POSITA and the patent provides no meaning.

Issue # 1: What is Edited?

Option # 1 — Editing a Group of Video Information

FIG.6

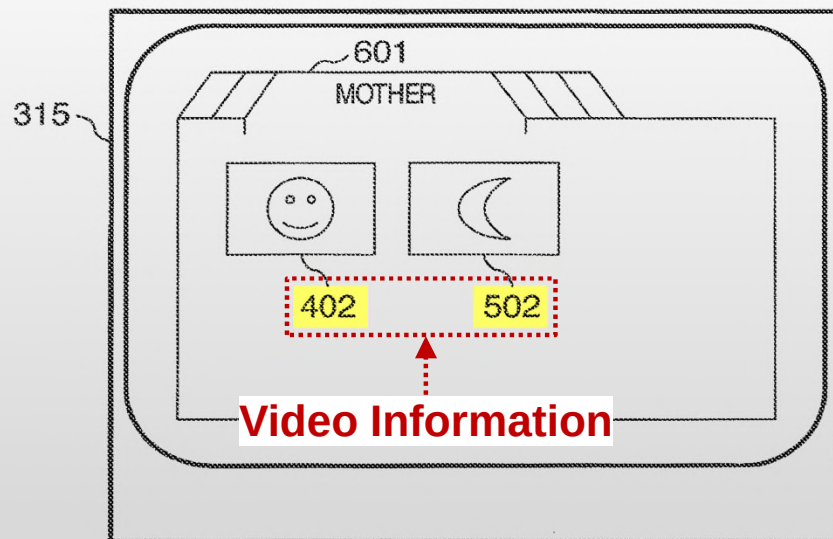


- Bederson Declaration (Ex. C) at ¶¶ 64, 66-68, 71 (citing col. 6:21-28 2:35-41)
- This is Maxell's interpretation (although not its construction)

Issue # 1: What is Edited?

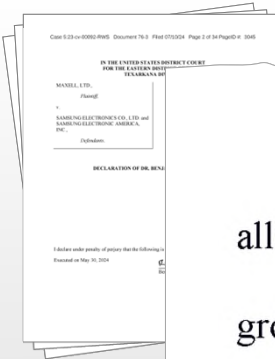
Option # 2 — Editing the Video Information

FIG.6



- Bederson Declaration (Ex. C) at ¶¶ 64-65, 68, 70 (citing col. 1:55-59)

Issue # 2: “Configuring” “video information” to be Edited has No Meaning to a POSITA and the Patent Provides No Meaning



75. Second, and perhaps more fundamentally, it is not clear what being “configured to allow a user to edit” means with respect to either an individual item of video information or a group of video information. The concept of video information being configured to edit is distinct from the concept of a user interface configured to allow a user to edit such video information. The latter would be readily understood by a POSITA, but the former would not. Simply put, this poorly written term has no plain and ordinary meaning, and nothing in the specification of the ’815 patent sheds any light on this question.

Bederson Declaration (Ex. C) at ¶ 75; see also *id.* at ¶¶ 76-78

Issue # 2: “Configuring” “video information” to be Edited has No Meaning to a POSITA and the Patent Provides No Meaning

Maxell attempts to avoid this problem by effectively rewriting the claim language by arguing that it:

“simply describes an information processing apparatus that has the capability to allow a user to edit first group of video information . . .”

Op. Br. at 11 (italics added)

However, the claim recites that it is the “video information” that is configured to be edited, not that some apparatus exists that can be configured to edit the information, as Maxell’s expert (Dr. Singh) admits:

Q. My question is: What is the thing that is being configured to allow a user to edit?
Is that an apparatus or is it a group of video information?

A. It is the group of video information on the apparatus.

(Ex. H, 79:17-21)

**“being deleted from the first
group of video information”**

'815 Patent – Claim 1

“being deleted from the first group of video information”

'815 Patent – Claim 1

Samsung's Proposed Construction	Maxell's Proposed Construction
Reversing a registration (<i>i.e.</i> , unregistering) of video information from the first group	Plain and ordinary meaning

Should the claim be narrowed to only the deletion of video **data**?

No, the claimed deletion also encompasses deletion of group membership.

The Claim Is Not Limited To Deleting Video Data

The '815 patent is a continuation of the '783 patent and the two share an identical specification. The claims of the two patents also include a “No Deletion Limitation” that is substantively identical:

wherein, [upon/even if] 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/is] deleted from the first group of video information, the one video information continue[s] to be included in the second group of video information

'815 patent, 9:11-16; Ex. L, 9:15-20

The Claim Is Not Limited To Deleting Video Data

- In the '783 IPR, the PTAB construed this limitation to mean “reversing a registration (*i.e.*, unregistering) of video information from the first group,” noting that “delet[ing]” video information from a group “does not necessarily require deleting underlying AV data.” Ex. K at 14-15
- In reaching its construction, the PTAB correctly noted that the claimed deletion is “from the first group of video information,” which the PTAB correctly concluded indicates “the deletion may relate to group membership, rather than to the underlying data themselves.” *Id.* at 14
- The PTAB also correctly noted this “interpretation is consistent with the only instances of the word ‘delete’ in the specification of the '783 patent.” *Id.* (citing Ex. L ('783 patent) Figs. 6, 7, 6:4-7, 6:16-18, 6:26-31, 9:16-21); see *also* '815 patent, 6:25-28

The Claim Is Not Limited To Deleting Video Data

- The PTAB's construction — which rests on the claim language and the specification — should be adopted because it is substantively correct and meets the *Phillips* standard for district court claim construction.
- Maxell also is collaterally estopped from challenging this construction here:
 1. The claim construction issue decided in the '738 IPR is identical to the issue here;
 2. The issue was fully litigated by Maxell in the '738 IPR;
 3. The determination of that issue was necessary to the outcome of the '738 IPR; and
 4. There are no special circumstances that would render estoppel inappropriate or unfair.

Ex. K at 13-15, 33. *State Farm Mut. Auto. Ins. Co. v. LogistiCare Solutions*, 751 F.3d 684, 689 (5th Cir. 2014) (collateral estoppel standard); *Papst Licensing GmbH & Co., KG v. Samsung Electronics America, Inc.*, 924 F.3d 1243, 1250-53 (Fed. Cir. 2019) (applying collateral estoppel to prior PTAB claim construction decision regarding different patent with “materially identical” claim limitation)

“user profile” / “user profiles”

'815 Patent – Claims 1, 21, 23

“user profile” / “user profiles”

'815 Patent – Claims 1, 21, 23

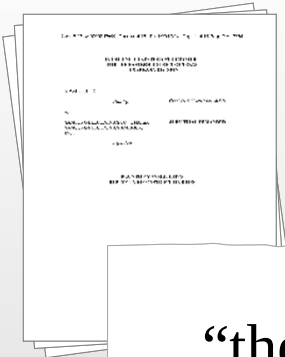
Samsung's Proposed Construction	Maxell's Proposed Construction
Indefinite	Plain and ordinary meaning

Can a POSITA discern with reasonable certainty whether a “user profile” — which is term that never is used in the specification — must include something more than the information already recited elsewhere in the claims?

No.

Maxell Fails To Identify A User Profile

Maxell's circular explanation in its reply brief:



“the **user profile** limitation is about what is being associated in memory with the **user profile**.”

Rep. Br. at 3

Maxell Fails To Identify A User Profile

Maxell argues:

“while the specification does not use the term ‘user profile,’ it discloses user ‘dedicated’ **folders** where each user can store its **playlists** according to his/her **preferences** . . . where **‘mother’ and ‘father’** are shown to have user dedicated folders supporting their profiles.”

Op. Br. at 12 (citing Col. 6:21-40, Figs. 1, 6-7)

But:

- **Folders:** The specification never suggests folders are the claimed “user profile” — they are instead where the claimed “video information” is registered. Col. 6:25-28, 37-40
 - The folders are the separately claimed “first area.” Claim 1, Col. 8:59-67
- **Playlists:** Playlists are forms of the separately claimed “video information.”
 - The claim makes clear the video information is not the user profile when it recites: “wherein at least some of the plurality of video information is associated with a user profile.” Claim 1, Col. 8:55-56
- **Preferences:** “user profile” (claim 1) and “user preferences” (dependent claim 2) are separately claimed.
- **“Mother” and “Father”:** Are “menu display tags.” Col. 6:25-28, 30-32

Maxell Fails To Identify A User Profile

Maxell alternatively argues:

“the '815 Patent also discloses . . . ‘user-defined unification information’ and ‘contents of user-defined information’ grouped to ‘meet respective users’ tastes by using one user-defined unified information [for] every user.’”

Op. Br. at 12 (citing Col. 4:35-39, Figs. 8-9)

But:

- Nothing in column 4 or Figs. 8-9 ties what is discussed or shown to the claimed “user profiles.”
- Maxell never explains what “user-defined unified information” is or what about that information somehow renders it a “user profile.”

“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

“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

Samsung's Proposed Construction

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, 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

Maxell's Proposed Construction

Plain and ordinary meaning

Does Samsung's construction accurately represent the full range of this term's plain and ordinary meaning?

Yes.

Samsung's Construction Is Accurate

Samsung's Proposed Construction

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 [Maxell infringement contentions (Ex. B) at 169],
- ii. only video information that has not previously been selected by a user [*id.* at 676], 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

Maxell's only complaint about this construction in its reply brief was that the construction required all three categories. However, that never was Samsung's intent and Samsung modified its construction in the Joint Claim Construction Chart by changing "and" to "or."

**“a chronological list of network devices
connected to the network”**

'161 Patent – Claims 1, 3 and 6

“a chronological list of network devices connected to the network”

’161 Patent – Claims 1, 3 and 6

Samsung’s Proposed Construction	Maxell’s Proposed Construction
Indefinite Alternatively — “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”	Plain and ordinary meaning

“peripheral device information collation unit”

’161 Patent – Claims 1, 3

Samsung’s Proposed Construction

Agreed 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

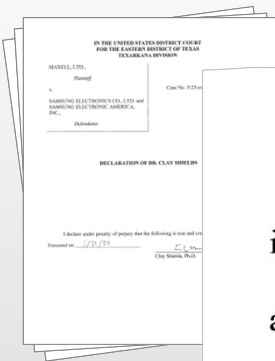
Proposed structure: indefinite for lack of corresponding structure because an algorithm that is performed by the central processing unit ... is not adequately described. See Dkt. No. 66 at 5-6 for complete proposal.

Maxell’s Proposed Construction

Proposed 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 algorithm as disclosed in ’161:5:62–6:29, or equivalent thereof

“chronological list” Term Has No Plain and Ordinary Meaning in the Art

Dr. Shields testified that the “chronological list” term has no plain meaning in the art



37. Asserted claims 1, 3 and 6 of the '161 patent recite that the “home network information” is “a chronological list of network devices connected to the network.” '161 patent at col. 11:52-53 (claim 1), 12:18-19 (claim 3), 12:58-60 (claim 6). This statement also has no recognized plain meaning in the art and therefore must be understood through reference to the specification. As explained below, while certain attributes of “home network information” are clear from the specification, the scope of term cannot reasonably be determined by a POSITA and this term is therefore indefinite.

Ex. 44 (Shields Decl.) at ¶ 37

“chronological list” Term Has No Plain and Ordinary Meaning in the Art



Jon Weissman, Ph.D.

Q. Does “a chronological list of network devices connected to the network” have a plain and ordinary meaning in the art separate and apart from whatever meaning one may glean from the '161 patent?

A. In isolation, if you slice that phrase out and asking broadly, I would say **it's not**. **There's not a standard meaning**, because if you take this out of context of the patent, my view would be a person of ordinary skill would be that chronologically **is not clear**.

Ex. V (Weissman Tr.) at 28:6-15

Under Maxell's Construction, Every List Is a Chronological List



consistent with its plain and ordinary meaning. In particular, as explained by Dr. Weissman, there is “nothing indefinite about the term ‘chronological list,’ as it simply denotes an ordering of items one after another on a list.” Ex. 43 ¶ 52. For example, numerous dictionaries confirm that

Op. Br. at ¶ 34

Even a list of devices picked out of a hat at random is a chronological list:

- The list is chronological because it represents the order in which the devices were picked out of the hat
- The list is chronological because it represents the order on which the devices were added to the list

The Meaning of “chronological list” Term Must Come From the Specification

***Irdeto Access Corp. v. EchoStar Satellite Corp.*, 383 F.3d 1295, 1300 (Fed. Cir. 2004)**



Moreover, if a disputed term has “no previous meaning to those of ordinary skill in the prior art[,] its meaning, then, must be found [elsewhere] in the patent. . . . As we held in *J.T. Eaton*, absent such an accepted meaning, we construe a claim term **only as broadly as provided for by the patent itself.**”

(emphasis added)

***Irdeto Access Corp. v. EchoStar Satellite Corp.*, 383 F.3d 1295, 1300 (Fed. Cir. 2004) (citing *Vanderlande Indus. Nederland BV v. Int’l Trade Comm’n*, 366 F.3d 1311, 1321 (Fed. Cir. 2004))**



“[A] general-usage dictionary cannot overcome credible art-specific evidence of the meaning or lack of meaning of a claim term.”

Id

Maxell Has Conceded That Its Plain Meaning Construction is Wrong

Maxell's Opening Brief (dated June 20, 2024)

consistent with its plain and ordinary meaning. In particular, as explained by Dr. Weissman, there is “nothing indefinite about the term ‘chronological list,’ as it simply denotes an ordering of items one after another on a list.” Ex. 43 ¶ 52. For example, numerous dictionaries confirm that

Op. Br. at ¶ 34

Maxell's Reply Brief (dated July 17, 2024)

separate and distinct alternatives for ordering. The particular order of devices in the “chronological list” is based on the order of occurrence of events for those particular devices. For example, one

Maxell Reply at 8

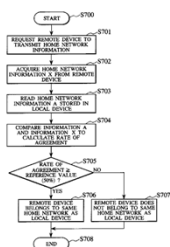
Nothing in the plain language of the claim denotes “based on the order of occurrence of events”

The Meaning of “chronological list” Term Must Come From the Specification

(12)	United States Patent	(10)	Patent No.:	US 8,037,161 B2
	Moribe et al.	(45)	Date of Patent:	Oct. 11, 2011
(54)	NETWORK SYSTEM, NETWORK DEVICE, AND NETWORK BELONGING JUDGMENT METHOD		FOREIGN PATENT DOCUMENTS	
			JP	2005-301633 10/2005
			OTHER PUBLICATIONS	
(75)	Inventors: Hirotsuka Moribe, Yokohama (JP); Nobuaki Kobinata, Yokohama (JP); Mika Mizutani, Tokyo (JP)		Jon Postel, Internet Protocol, RFC: 791; U.S. Information Sciences Institute, Sep. 1981; p. 1-45.	
(73)	Assignee: Hitachi, Ltd., Tokyo (JP)		* cited by examiner	
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 1197 days.				
(21)	Appl. No.:	11/688,616	Primary Examiner — Larry Doughue	
(22)	Filed:	Mar. 28, 2007	(74) Attorney, Agent, or Firm — Antonelli, Terry, Stout & Kraus, LLP.	
(65)	Prior Publication Data		(57) ABSTRACT	
	US 2007/0226529 A1 Sep. 27, 2007		The present invention improves user-friendliness and protect content with increased reliability when judging whether network devices belong to the same home network. While the connection to a network is established, each network device uses a peripheral device information collection unit to collect peripheral device information indicating which ones of devices are connected to the network, and store the collected information in a peripheral device information storage unit as home network information. When the belonging of a remote device is to be judged, the home network information stored in the remote device is received. A peripheral device information collation unit collates the received home network information with the home network information stored in the peripheral device information storage unit to judge whether the remote device belongs to the same network as the local device.	
	Foreign Application Priority Data			
	Mar. 23, 2006 (JP) 2006-080462			
	Int. Cl.			
	G06F 15/173	(2006.01)		
	U.S. Cl.	709/223		
	Field of Classification Search	709/223		
	See application file for complete search history.			
	References Cited			
	U.S. PATENT DOCUMENTS			
	7,765,603 B2 *	7/2010 Tanaka	726/28	
	7,778,927 B2 *	8/2010 Kawakami	705/59	
	7,788,271 B2 *	8/2010 Soma et al.	707/58	
	7,844,818 B2 *	11/2010 Park	713/168	

10 Claims, 6 Drawing Sheets

10 Claims, 6 Drawing Sheets



The peripheral device information collection unit **31** collects, through the LAN **2**, the device information about the other network devices (hereinafter referred to as the peripheral devices) and the information indicating, for instance, whether the peripheral devices have participated in or departed from the LAN **2**. These items of information are

'161 Patent at 4:65-5:3

cessed before being recorded. As mentioned earlier, the peripheral device information to be recorded includes the device information about the peripheral devices connected to the LAN **2** and the information indicating the participation of the peripheral devices in the LAN **2** and the departure of the peripheral devices from the LAN **2**. To collect and record the

'161 Patent at 5:29-34

Can a “chronological list of network devices” Include Only One Entry?

The specification does not disclose any list with just one device

Maxell says it can...

As an additional example, the chronological list may include information about **one** non-hub device in SmartThings cloud or in a hub device if there is only **one** non-hub device in the SmartThings network.

Maxell's 5/24/24 Supplemental Infringement Contentions, Appendix 1 at 220

...but Dr. Weissman says it cannot



Jon Weissman, Ph.D.

Q. So it's impossible for a single UPnP transmission to be a transmission of a chronological list of network devices connected to the network; is that correct, Dr. Weissman.

A. I believe the chronological order is a requirement. So I don't believe a single piece of information on the network qualifies as a chronological order.

Ex. V (Weissman Tr.) at 132:18-133:1

Can a “chronological list” Include Only One Entry/Type of Network Event For Each Device?

FIG.4

HOME NETWORK
INFORMATION 40

CHRONOLOGICAL ORDER #	UNIQUE DEVICE NAME (UDN)
1	uuid: JPN-CO-HI-DVDH1000W-200000001
2	uuid: JPN-CO-HI-DH73N-200000123
3	uuid: JPN-CO-HI-W32H- 400056329
4	uuid: JPN-CO-HI-DZGX25M-500001458
5	uuid: JPN-CO-HI-DVDH1000W-200000001
6	uuid: JAN-CO-HI-DH73N-200000123
7	uuid: JPN-CO-HI-W32H- 400056329
8	uuid: JPN-CO-HI-DZGX25M-500001458
9	uuid: JPN-CO-HI-DVDH1000W-200000001
10	uuid: JPN-CO-HI-DH73N-200000123
11	uuid: JPN-CO-HI-W32H- 400056329
12	uuid: JPN-CO-HI-DVDH1000W-200000001
13	uuid: JAN-CO-HI-DH73N-200000123
14	uuid: JPN-CO-HI-W32H- 400056329
15	uuid: JPN-CO-HI-DVDH1000W-200000001
16	uuid: JPN-CO-HI-DH73N-200000123
17	uuid: JAN-CO-HI-W32H- 400056329

'161 Patent, Fig. 4

(12) **United States Patent**
Moribe et al.

(10) Patent No.: US 8,037,161 B2
(45) Date of Patent: Oct. 11, 2011

(54) **NETWORK SYSTEM, NETWORK DEVICE,
AND NETWORK BELONGING JUDGMENT
METHOD**

FOREIGN PATENT DOCUMENTS
JP 2005-301633 10/2005

OTHER PUBLICATIONS

(75) Inventors: Hirotsuka Moribe, Yokohama (JP);
Nobuaki Kobinata, Yokohama (JP);
Mika Mizutani, Tokyo (JP)

Jon Postel, Internet Protocol, RFC: 791, USC-Information Sciences
Institute, Sep. 1981; p. 1-45.

(73) Assignee: Hitachi, Ltd., Tokyo (JP)

* cited by examiner

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 1197 days.

Primary Examiner — Larry Donoghue
(74) Attorney, Agent, or Firm — Antonelli, Terry, Stout &
Kraus, L.L.P.

(21) Appl. No.: 11/688,616

(22) Filed: Mar. 28, 2007

(65) **Prior Publication Data**

US 2007/0226529 A1 Sep. 27, 2007

(30) **Foreign Application Priority Data**

Mar. 23, 2006 (JP) 2006-080462

(51) Int. Cl.

G06F 15/173 (2006.01)

(52) U.S. Cl. 709/223

(58) **Field of Classification Search**

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

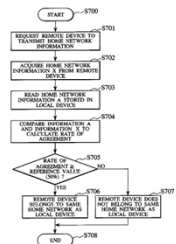
7,765,603 B2 * 7/2010 Tanaka 726/28

7,778,927 B2 * 8/2010 Kawakami 705/59

7,786,271 B2 * 8/2010 Soma et al. 707/58

7,844,818 B2 * 11/2010 Park 713/168

10 Claims, 6 Drawing Sheets



Can a “chronological list” Include Only One Entry/Type of Network Event For Each Device?

FIG.5

(12) **United States Patent**
Moribe et al.

(10) Patent No.: US 8,037,161 B2
(45) Date of Patent: Oct. 11, 2011

(54) **NETWORK SYSTEM, NETWORK DEVICE,
AND NETWORK BELONGING JUDGMENT
METHOD**

FOREIGN PATENT DOCUMENTS
JP 2005-301633 10/2005

(75) Inventors: Hirotsuka Moribe, Yokohama (JP);
Nobuaki Kobinata, Yokohama (JP);
Mika Mizutani, Tokyo (JP)

OTHER PUBLICATIONS

Jon Postel, Internet Protocol, RFC: 791, USC Information Sciences
Institute, Sep. 1981, p. 1-45.

(73) Assignee: Hitachi, Ltd., Tokyo (JP)

* cited by examiner

(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 1197 days.

Primary Examiner — Larry Donoghue

(74) Attorney, Agent, or Firm — Antonelli, Terry, Stout &
Kraus, LLP.

(21) Appl. No.: 11/688,616

(22) Filed: Mar. 28, 2007

(57) **ABSTRACT**

(65) **Prior Publication Data**
US 2007/0226529 A1 Sep. 27, 2007

(30) **Foreign Application Priority Data**
Mar. 23, 2006 (JP) 2006-080462

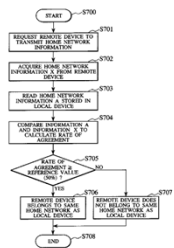
(51) Int. Cl. G06F 15/173 (2006.01) 709/223

(52) U.S. Cl. 709/223

(58) **Field of Classification Search**
See application file for complete search history.

(56) **References Cited**
U.S. PATENT DOCUMENTS
7,765,603 B2 * 7/2010 Tanaka 726/28
7,778,927 B2 * 8/2010 Kawakami 705/59
7,786,271 B2 * 8/2010 Soma et al. 707/58
7,844,818 B2 * 11/2010 Park 713/168

10 Claims, 6 Drawing Sheets



40a		40b		40c		40d		40e	
REFERENCE		RATE OF AGREEMENT = 12/17		RATE OF AGREEMENT = 8/17		RATE OF AGREEMENT = 13/17		RATE OF AGREEMENT = 0/17	
#	UDN	#	UDN	#	UDN	#	UDN	#	UDN
1	A	1	B	1	C	1	D	1	E
2	D	2	C	2	A	2	B	2	F
3	B	3	A	3	D	3	C	3	G
4	C	4	D	4	B	4	A	4	H
5	A	5	B	5	C	5	D	5	Q
6	D	6	C	6	A	6	B	6	E
7	B	7	A	7	D	7	C	7	F
8	C	8	D	8	B	8	A	8	G
9	A	9	B	9	I	9	D	9	H
10	D	10	A	10	J	10	B	10	E
11	B	11	D	11	K	11	A	11	F
12	A	12	B	12	L	12	D	12	G
13	D	13	D	13	I	13	B	13	H
14	B	14	I	14	J	14	D	14	E
15	A	15	J	15	K	15	A	15	F
16	D	16	K	16	L	16	D	16	G
17	B	17	L	17	I	17	.	17	H

'161 Patent, Fig. 5

Can a “chronological list” Include Only One Entry/Type of Network Event For Each Device?

This is the only alleged support for a list with one entry for each device identified by Maxell and Dr. Weissman

Using “or,” the ’161 Patent provides multiple examples of how the home network information includes an ordering of items one after another based on network devices “currently connected to the LAN 2” or “were found to be connected to the LAN 2.” For example, the home network information can include a chronological list by listing devices one after another as they are connected to the LAN. Another example of the home network information including a chronological list can be listing devices one after another as they send alive packets indicating that they are currently connected. *See* ’161 Patent, 6:43-53.

Ex. V (Weissman Decl.) at ¶ 59 (citing ’161 patent at 6:36-42)

’161 Patent,
Fig. 4

FIG.4

HOME NETWORK INFORMATION 40	
CHRONOLOGICAL ORDER # 41	UNIQUE DEVICE NAME (UDN) 42
1	uuid: JPN-CO-HI-DVDH1000W-200000001
2	uuid: JPN-CO-HI-DH73N-200000123
3	uuid: JPN-CO-HI-W32H- 400056329
4	uuid: JPN-CO-HI-DZGX25M-500001458
5	uuid: JPN-CO-HI-DVDH1000W-200000001
6	uuid: JAN-CO-HI-DH73N-200000123
7	uuid: JPN-CO-HI-W32H- 400056329
8	uuid: JPN-CO-HI-DZGX25M-500001458
9	uuid: JPN-CO-HI-DVDH1000W-200000001
10	uuid: JPN-CO-HI-DH73N-200000123
11	uuid: JPN-CO-HI-W32H- 400056329
12	uuid: JPN-CO-HI-DVDH1000W-200000001
13	uuid: JAN-CO-HI-DH73N-200000123
14	uuid: JPN-CO-HI-W32H- 400056329
15	uuid: JPN-CO-HI-DVDH1000W-200000001
16	uuid: JPN-CO-HI-DH73N-200000123
17	uuid: JAN-CO-HI-W32H- 400056329

Can a “chronological list” Include Only One Entry/Type of Network Event For Each Device?

and stores home network information 40. The home network information 40 is log information about a list of network devices that are currently connected to the LAN 2 or were found to be connected to the LAN 2. The list of network devices contains log information indicating that the local device is connected to the LAN 2.

'1161 Patent at 6:37-42

'161 Patent,
Fig. 4

FIG.4

HOME NETWORK INFORMATION 40	
CHRONO-LOGICAL ORDER #	UNIQUE DEVICE NAME (UDN)
1	uuid: JPN-CO-HI-DVDH1000W-200000001
2	uuid: JPN-CO-HI-DH73N-200000123
3	uuid: JPN-CO-HI-W32H- 400056329
4	uuid: JPN-CO-HI-DZGX25M-500001458
5	uuid: JPN-CO-HI-DVDH1000W-200000001
6	uuid: JAN-CO-HI-DH73N-200000123
7	uuid: JPN-CO-HI-W32H- 400056329
8	uuid: JPN-CO-HI-DZGX25M-500001458
9	uuid: JPN-CO-HI-DVDH1000W-200000001
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14	uuid: JPN-CO-HI-W32H- 400056329
15	uuid: JPN-CO-HI-DVDH1000W-200000001
16	uuid: JPN-CO-HI-DH73N-200000123
17	uuid: JAN-CO-HI-W32H- 400056329

Can a “chronological list” Include Only One Entry/Type of Network Event For Each Device?

But Dr. Weissman admitted that his understanding of this passage was wrong



Jon Weissman,
Ph.D.

Q. The only distinction I see between these two phrases is one is temporal: one is currently connected, one was found to be connected....

* * *

A. I don't necessarily discern a temporal difference in terms of the key distinction.

* * *

Q. That's your answer?

A. One second.

Q. Sure.

A. Okay. I'm going to agree because the list contains -- they contain earlier entries in time. At that moment you knew they were connected. As time progresses, they could have left the network. So all you can really know is, at a particular time frame, who you believe was connected, and you don't necessarily know if, you know, they have left the network yet. So I agree it could contain historical information as opposed to something you can say you heard about right now. I think that is what is meant there.

Ex. V (Weissman Tr.) at 63:3-64:18

Can “chronological list” Omit Entries for Device Itself?

(12) **United States Patent**
Moribe et al.

(10) **Patent No.:** US 8,037,161 B2
(45) **Date of Patent:** Oct. 11, 2011

(54) **NETWORK SYSTEM, NETWORK DEVICE,
AND NETWORK BELONGING JUDGMENT
METHOD**

FOREIGN PATENT DOCUMENTS
JP 2005-301633 10/2005

(75) **Inventors:** Hirotaka Moribe, Yokohama (JP);
Naoki Kohinata, Yokohama (JP);
Mika Mizutani, Tokyo (JP)

OTHER PUBLICATIONS
Jon Postel, Internet Protocol, RFC: 791, USC Information Sciences
Institute, Sep. 1981, p. 1-45.

(73) **Assignee:** Hitachi, Ltd., Tokyo (JP)

* cited by examiner

(*) **Notice:** Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 1197 days.

Primary Examiner—Larry Donaghy
(74) **Attorney, Agent, or Firm**—Antonelli, Terry, Stout &
Kross, LLP.

(21) **Appl. No.:** 11/688,616

(22) **Filed:** Mar. 28, 2007

(65) **Prior Publication Data**
US 2007/0226529 A1 Sep. 27, 2007

(30) **Foreign Application Priority Data**

Mar. 23, 2006 (JP) 2006-080462

(51) **Int. Cl.**

G06F 15/173 (2006.01)

(52) **U.S. Cl.**

709/223

(58) **Field of Classification Search**

See application file for complete search history.

(56) **References Cited**

U.S. PATENT DOCUMENTS

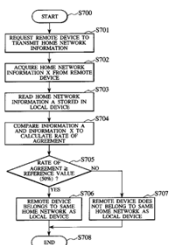
7,765,603 B2 * 7/2010 Tanaka

7,778,927 B2 * 8/2010 Kawasaki

7,782,271 B2 * 8/2010 Sano et al.

7,844,818 B2 * 11/2010 Park

10 Claims, 6 Drawing Sheets



or is being disconnected from the LAN 2. Although the peripheral device information can be collected by using various existing technologies, it is assumed that UPnP (Universal Plug and Play) is used. When UPnP is used, the devices connected to the LAN 2 can mutually transmit device information to and receive device information from each other at fixed time intervals. Further, since each device can receive the information about itself, the term “peripheral devices” includes the local device as well. The information to be col-

'161 Patent at 5:10-18

Can “chronological list” Omit Entries for Device Itself?

Omitting the device itself would not work in a two-device network

Device A

#	UDN
1	A
2	A
3	A
4	A
5	A
6	A
7	A
8	A

Device B

#	UDN
1	B
2	B
3	B
4	B
5	B
6	B
7	B
8	B

Can “chronological list” Omit Entries for Device Itself?

Omitting the device itself would not work for embodiments in the specification

Tables for Devices A and D from Fig. 5 of '161 Patent

40a		40d	
#	UDN	#	UDN
1	A	1	D
2	D	2	B
3	B	3	C
4	C	4	A
5	A	5	D
6	D	6	B
7	B	7	C
8	C	8	A
9	A	9	D
10	D	10	B
11	B	11	A
12	A	12	D
13	D	13	B
14	B	14	D
15	A	15	A
16	D	16	D
17	B	17	.

REFERENCE

RATE OF AGREEMENT = 13/17

'161 Patent, Fig. 5

Tables for Devices A and D from Fig. 5 of '161 Patent (modified to omit entries for device itself)

40a		40d	
#	UDN	#	UDN
1	A	1	D
2	D	2	B
3	B	3	C
4	C	4	A
5	A	5	D
6	D	6	B
7	B	7	C
8	C	8	A
9	A	9	D
10	D	10	B
11	B	11	A
12	A	12	D
13	D	13	B
14	B	14	D
15	A	15	A
16	D	16	D
17	B	17	.

REFERENCE

RATE OF AGREEMENT = 2/17

Alleged Third Algorithm: Checking Whether the Lists “exhibit the same tendency” (6:6-7)

This is not disclosure of an algorithm:

tion, or by checking whether the collated sets of peripheral device information exhibit the same tendency. When the two

'161 Patent at 6:6-7



Jon Weissman, Ph.D.

- Q. Okay. So where in Column 5, lines 62, through Column 6, line 29, does the '161 patent disclose a set of steps for checking whether the collated sets of peripheral device information exhibit the same tendency, which is algorithm c. in paragraph 85?
- A. So -- okay. You got me here. So we need to actually go to -- so two algorithms are disclosed there. For the tendency algorithm, we need to go to Column 8, I guess, 42 to I guess 52, where it describes, “Alternatively, however, the rate of agreement may be determined in a flexible matter when, for instance, nonconsecutive UDNs agree with each other while one or more intermediate UDNs disagree with each other.” I think that's the clearest disclosure of a tendency algorithm.

Ex. V (Weissman Tr.) at 108:17-109:6

There Is No Disclosure of a Third Algorithm

Neither is this:

Jon Weissman,
Ph.D.



In the above example, it is assumed that the two devices belong to the same home network when the rate of agreement is equal to or higher than 50%. However, it goes without saying that the required rate of agreement may be changed depending on the situation. Further, the above example determines the rate of agreement on condition that UDN columns consecutively agree with each other. Alternatively, however, the rate of agreement may be determined in a flexible manner when, for instance, nonconsecutive UDNs agree with each other while one or more intermediate UDNs disagree with each other.

'161 Patent at 8:42-52

Ex. V (Weissman Tr.) at 110:20-111:13

Q. What are the steps for achieving the result of checking whether the collated sets of peripheral device information exhibit the same tendency that are disclosed at Column 8, line 48 through 52?

A. **So I believe a person of ordinary skill in reading this patent and looking at examples, and also considering consideration of Column 8, would consider that they need to use string matching in a more flexible way because what you might have is some intermediate nodes that are to be discounted, and you're looking for sort of smaller sets of patterns but repeatedly.**

So I believe a person of ordinary skill would understand that, is what is -- that, essentially, the presence of intermediate nodes and dealing with those is a way to get at the tendency without having a more precise, you know, match, as the first two algorithms require more precision. So the different -- you're doing a different calculation there.

There Is No Disclosure of a Third Algorithm

Jon Weissman,
Ph.D.



Q. So, Dr. Weissman, what are these steps that are employed to perform string matching in a more flexible way? Where's the algorithm disclosed there in the '161 patent?

A. As I said, a person of ordinary skill in reading the patent and understanding that there's a requirement or an expression of an algorithm that determines tendency versus more precise long substring matches, would then see paragraph 8, and then believe that, okay, so the case that this applies to is when, for example, there's intermediate nodes that disagree.

So they have to apply, you know, substring matching. And the issue would be sort of how many times these subpatterns match, because you would discount -- you wouldn't be counting necessarily the full length of the match, but you would be counting, for example, how often you're getting matches between the intermediate UDNs. **So I believe a person of ordinary skill would understand how to write such an algorithm.**

Ex. V (Weissman Tr.) at 111:20-112:14

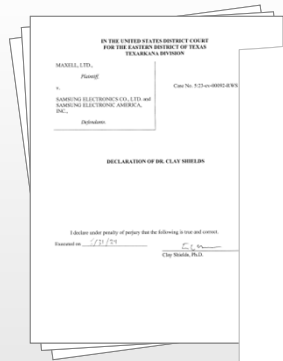
Alleged First Algorithm: Checking Whether the Lists are “identical with each other” (6:2-4)

Device A	
#	UDN
1	A

≠

Device B	
#	UDN
1	A
2	D
3	B
4	C
5	D
6	A
7	B
8	C

Alleged Second Algorithm: “determining the degree of agreement” Between the Lists (6:4-6)



69. The '161 patent describes, poorly and in little detail, the method by which the home network information is compared and scored in a process referred to as collation. The algorithmic description for the collation is ambiguous.

* * *

84. The '161 patent describes simple and limited examples, as discussed above. However, these examples do not cover the use case described where a mobile device moves in and out of a local network over time. These examples additionally have severe problems when adding new devices to the network. None of these problems are visible in these trivial examples.

Ex. 44 (Shields Decl.) at ¶¶ 69, 84

“first information necessary for an identification of the user” / “second information relating to the identification of the user”

'086 Patent – All Asserted Claims

“first information necessary for an identification of the user” / “second information relating to the identification of the user”

’086 Patent – All Asserted Claims

Samsung’s Proposed Construction	Maxell’s Proposed Construction
Information sufficient for the identification of the user, but not including information about a user’s fingerprint / Information related to the identification of a user, but not including information about a user’s fingerprint	Plain and ordinary meaning

Can the first/second information include information about a user’s fingerprint?

No.

The '086 Patent, Figs. 1A and 1B

FIG. 1A

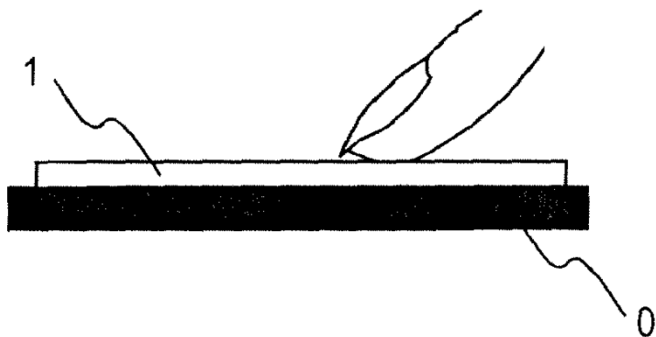
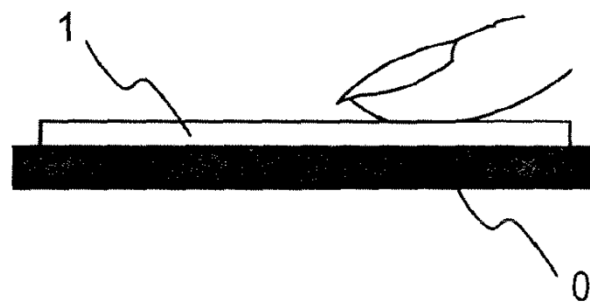


FIG. 1B



'086 Patent at Figs.1A-1B

The '086 Patent, Figs. 5A and 5B

FIG. 5A

FINGER TIP CALIBRATION

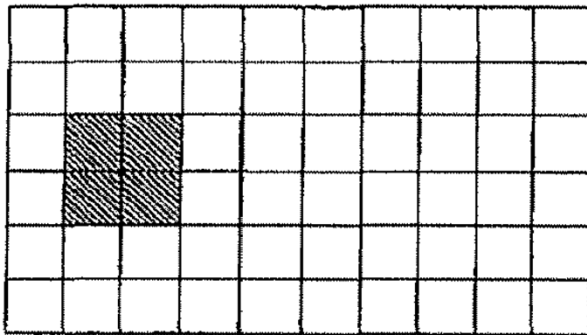
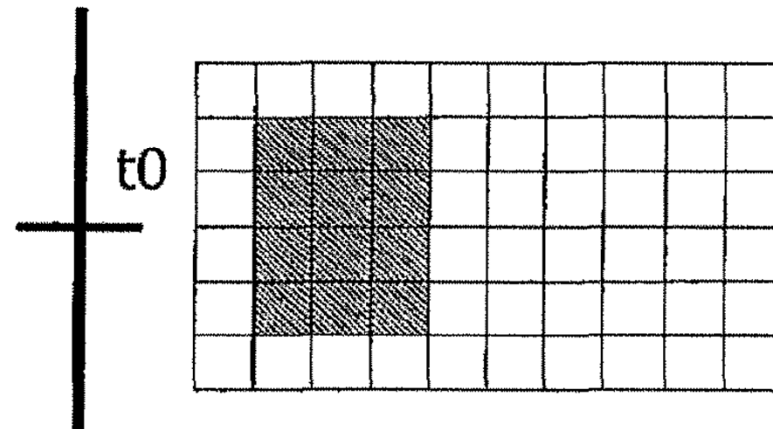


FIG. 5B

FINGER PAD CALIBRATION



'086 Patent at Figs.5A-5B

The '086 Patent, Figs. 11A and 12A

FIG. 11A

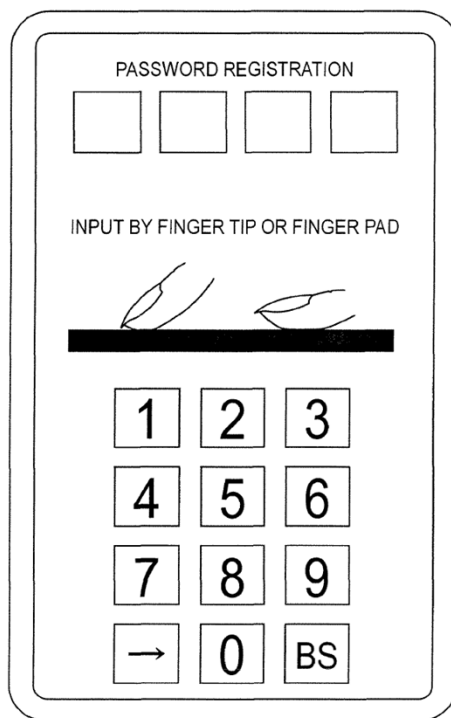


FIG. 12A

DIGIT	1	2	3	4
PASSWORD	0	5	2	8
INPUT METHOD	FINGER TIP	FINGER PAD	FINGER PAD	FINGER PAD

'086 Patent at Fig.11A,12A

The '086 Patent – No Reference To Fingerprints

- The '086 patent specification makes no mention of detecting a fingerprint.
- The '086 patent specification defines “finger tip input” and “finger pad input” only by reference to the “small” and “wider” contact areas of the fingers, not the fingerprints.
- Detecting touches from a user’s finger — such as using sensors to detect a finger contacting the screen — is fundamentally different from detecting the unique ridges, loops, and whorls of a fingerprint.

(12) **United States Patent**
Yamada

(10) **Patent No.:** **US 8,982,086 B2**
(45) **Date of Patent:** **Mar. 17, 2015**

(54) **INFORMATION PROCESSING APPARATUS**

(71) Applicant: **Hitachi Consumer Electronics Co., Ltd., Tokyo (JP)**

(72) Inventor: **Masaaki Yamada, Yokohama (JP)**

(73) Assignee: **Hitachi Maxell, Ltd., Osaka (JP)**

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: **14/154,993**

(22) Filed: **Jan. 14, 2014**

(65) **Prior Publication Data**
US 2014/0125621 A1 May 8, 2014

Related U.S. Application Data

(63) Continuation of application No. 13/366,983, filed on Feb. 6, 2012, now Pat. No. 8,654,093.

(30) **Foreign Application Priority Data**
Feb. 9, 2011 (JP) 2011-025576

(51) **Int. Cl.**
G06F 3/041 (2006.01)
G06F 3/10 (2006.01)
G06F 3/048 (2013.01)
G06F 1/16 (2006.01)
G06F 3/0488 (2013.01)
G06F 21/51 (2013.01)

(52) **U.S. Cl.**
CPC **G06F 3/0482** (2013.01); **G06F 1/1626** (2013.01); **G06F 3/0416** (2013.01); **G06F 3/0488** (2013.01); **G06F 21/51** (2013.01); **G06F 3/0412** (2013.01); **G06F 2221/2109** (2013.01); **G06F 2221/2117** (2013.01)
USPC **345/173; 345/691**

(58) **Field of Classification Search**
USPC 345/173, 175, 178, 650, 690
See application file for complete search history.

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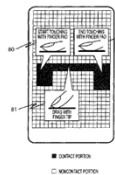
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Entire Prosecution of U.S. Appl. No. 13/366,983 to Yamada entitled “Information Processing Apparatus”, Filed Feb. 6, 2012.
Office Action Chinese Serial No. 201406270040410 dated Jul. 2, 2014.
* cited by examiner

Primary Examiner — Michael Forcigalla
(74) *Attorney, Agent, or Firm* — McDermott Will & Emery LLP

(57) **ABSTRACT**
An information processing apparatus includes a touch panel which displays pieces of identification information including letters, figures, and symbols and detects a contact of the panel with a finger of a user or other object. When the touch panel detects the contact of the panel, 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. 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. A control unit performs particular processing upon 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.

4 Claims, 17 Drawing Sheets



“first information necessary for an identification of the user” / “second information relating to the identification of the user”

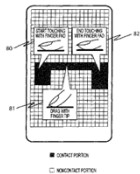
’086 Patent – All Asserted Claims

Samsung’s Proposed Construction	Maxell’s Proposed Construction
Information sufficient for the identification of the user, but not including information about a user’s fingerprint / Information related to the identification of a user, but not including information about a user’s fingerprint	Plain and ordinary meaning

The '086 Patent, Claim 1

(12) United States Patent Yamada		(10) Patent No.: US 8,982,086 B2
		(45) Date of Patent: Mar. 17, 2015
(54) INFORMATION PROCESSING APPARATUS	(56) References Cited	
(71) Applicant: Hitachi Consumer Electronics Co., Ltd., Tokyo (JP)	U.S. PATENT DOCUMENTS	
(72) Inventor: Masaaki Yamada, Yokohama (JP)	5,844,547 A 12/1998 Minkachi et al.	345,173
(73) Assignee: Hitachi Maxell, Ltd., Osaka (JP)	2005/0062407 A1* 7/2005 Sakata et al.	
(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.	2007/0250786 A1 10/2007 Jeon et al.	
(21) Appl. No.: 14/154,993	FOREIGN PATENT DOCUMENTS	
(22) Filed: Jan. 14, 2014	JP 5-100809 A 4/1993	
(65) Prior Publication Data	JP 2005-202527 A 7/2005	
US 2014/0125621 A1 May 8, 2014	TW 201101130 A1 1/2011	
Related U.S. Application Data	OTHER PUBLICATIONS	
(63) Continuation of application No. 13/366,983, filed on Feb. 6, 2012, now Pat. No. 8,654,093.	Entire Prosecution of U.S. Appl. No. 13/366,983 to Yamada entitled "Information Processing Apparatus", Filed Feb. 6, 2012.	
(30) Foreign Application Priority Data	Office Action Chinese Serial No. 2014062700404010 dated Jul. 2, 2014.	
Feb. 9, 2011 (JP) 2011-025576	* cited by examiner	
(51) Int. Cl.	ABSTRACT	
G06F 3/041 (2006.01)	An information processing apparatus includes a touch panel which displays pieces of identification information including letters, figures, and symbols and detects a contact of the panel with a finger of a user or other object. When the touch panel detects the contact of the panel, 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. 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. A control unit performs particular processing upon 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.	
G06F 3/10 (2006.01)		
G06F 3/048 (2013.01)		
G06F 1/16 (2006.01)		
G06F 3/0488 (2013.01)		
G06F 21/51 (2013.01)		
(52) U.S. Cl.		
CPC G06F 3/0482 (2013.01); G06F 1/1626 (2013.01); G06F 3/0416 (2013.01); G06F 3/0488 (2013.01); G06F 21/51 (2013.01); G06F 3/0412 (2013.01); G06F 2221/2109 (2013.01); G06F 2221/2117 (2013.01)		
USPC 345/173 ; 345/691		
(58) Field of Classification Search		
USPC 345/173 , 175 , 178 , 650 , 690		
See application file for complete search history.		

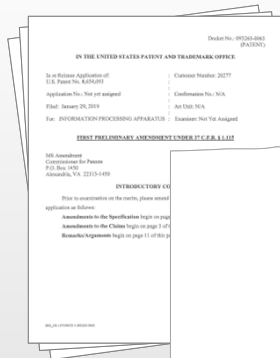
4 Claims, 17 Drawing Sheets



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,
Claim 1

January 29, 2019 Amendment Adding “Fingerprint” Claims



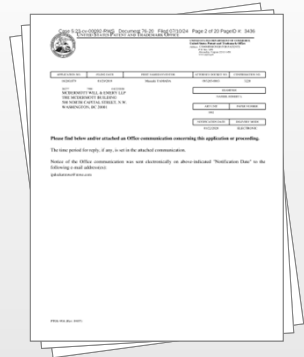
8. (New) An information processing apparatus comprising:
a touch panel configured to detect a contact of a finger of a user;
a controller configured to control the information processing apparatus to operate in two
operating modes: at least an identification mode and a registering mode;
a memory configured to store first information relating to identification of the user during
operation of the registering mode, the first information corresponding to a fingerprint of the user;

Ex. S (2019-01-29 Applicant's First Preliminary Amendment) at 5

Rejected Claim 8 And '086 Claim 1

Rejected Claim 8 (Reissue App.)	Allowed Claim 1 ('086 Patent)
An information processing apparatus comprising:	An information processing apparatus comprising:
a touch panel configured to detect a contact of a finger of a user;	a touch panel configured to detect a contact of a finger of a user;
a controller configured to control the information processing apparatus to operate in two operating modes: at least an identification mode and a registering mode;	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;
<u>a memory configured to store first information relating to identification of the user during operation of the registering mode, the first information corresponding to the fingerprint of the user;</u>	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;
a detector configured to detect second information necessary for an identification of the user when contact is detected between the touch panel and the finger of the user;	<u>memory that is configured to store second information relating to the identification of the user, which is stored in advance; and</u>
wherein the controller is configured to execute a specified process when the first information and the second information are coincident within the identification mode;	a second controller configured to execute a specified process when said first information and said second information are coincident within said identification mode, wherein:
wherein the registering mode includes a first registering mode for inputting first input information corresponding to a first portion of the finger and a second registering mode for inputting second input information corresponding to a second portion of the finger and said first information is generated and stored in memory based on both the first input information and the second input information, the first portion corresponding to a pad of the finger; and	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.
wherein generation of the second information in the identification mode is based on the first and second portions of the finger to determine whether the second information is coincident with the stored first information.	

January 22, 2020 Office Action Rejecting “Fingerprint” Claims

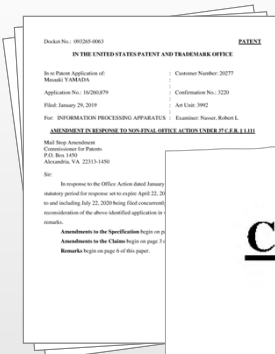


Claims 8, 9, 14, 21, 22, and 27 are **rejected** under 35 U.S.C. 112(a) or 35 U.S.C. 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor or a joint inventor, or for pre-AIA the inventor(s), at the time the application was filed, had possession of the claimed invention.

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.

Ex. T (2020-01-22 Non-Final Rejection) at 5

July 22, 2020 Applicant's Cancellation of "Fingerprint" Claims



Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 8, 9, 14, 21, 22, and 27 were rejected under 35 U.S.C. § 112 (pre-AIA), first paragraph, as failing to comply with the written description requirement.

Only to expedite prosecution of the present application, Applicant has canceled claims 8, 9, 14, 21, 22, and 27, obviating the basis for this rejection. Withdrawal of the rejection of the claims under 35 U.S.C. § 112 is respectfully solicited.

Ex. U (2020-07-22 Applicant's Amendment in Response to Non-Final Office Action) at 7

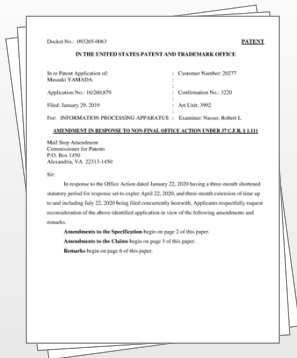
Boilerplate Language Cannot Avoid Disclaimer

***Raffel Sys., LLC v. Man Wah Holdings Ltd., Inc.*, No. 18-CV-1765, 2020 WL 3184026, at *8 (E.D. Wis. June 15, 2020)**



While Raffel points to the general language in its response that it was making its amendments “without prejudice to or disclaimer of subject matter therein” (Docket # 79-6 at 5), this language appears to be boilerplate and not tailored specifically to the scope of “flange.”

July 22, 2020 Applicant's Claim Amendments



a detection unit[,] which detects second information necessary to identify the user when the touch panel detects a contact with the finger of the user [object], wherein detecting the second information includes detecting which specifies (1) identification information indicated by a position at which the contact in question occurred, of the multiple pieces of identification information displayed on the panel, and which detects (2) an area of part where the contact occurred;

* * *

wherein the registering mode includes a first registering mode for inputting first input information corresponding to a first portion of the finger and a second registering mode for inputting second input information corresponding to a second portion of the finger,

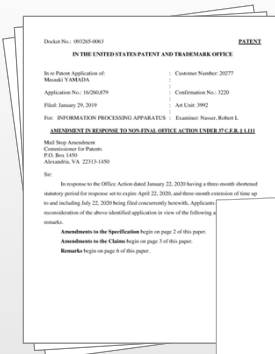
wherein the reference identification information is generated and stored in the storage unit based on both the first input information and the second input information, the first portion corresponding to a pad of the finger,

wherein the determination unit determines in the identification mode that the first information and the second information are coincident with each other based on the first and second portions of the finger, and

wherein the controller is configured to associate a numeral password with the first information, and the storage unit is configured to store the association between the numeral password and the first information.

Ex. U
(2020-07-22 Applicant's
Amendment in Response to
Non-Final Office Action) at 3,4

July 22, 2020 Applicant's Claim Amendments

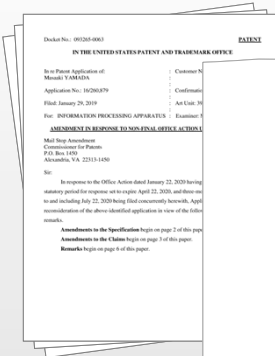


Support for Claim Changes

Claim 1 has been amended to include claim 20. Support for amendments to claim 1 can be found in, for example, Figs. 1A, 1B, 4A, 4B, 5A, 5B, 7A–7C, 9, 10A, 10B, 12A, 12B, 13, and 14, and relevant description thereof in the specification. Claim 2 has been amended only to rephrase the claimed wording. Care has been exercised to avoid the introduction of new matter.

Ex. U (2020-07-22 Applicant's Amendment in Response to Non-Final Office Action) at 6

October 8, 2021 Applicant After-The-Fact “Comments”



the original issue date. As Applicant stated in its previous responses, Applicant's cancellation of claims 8-34 and silence as to certain rejections should not be taken as an acquiesce to each of the rejections or . Indeed, Applicant asserts that new claims 8-34 were supported by the specification but Applicant did not specifically traverse these rejections under 35 USC § 112 because the cancellation of claims 8-34 to overcome the rejection under 35 USC § 251 rendered the remaining rejections moot. Further, Applicant canceled claims 8-34 to expedite allowance of claims 1-7 and to overcome the alleged impermissible broadening, not because Applicant agreed with the Examiner's rejections under 35 USC § 112 and not because Applicant agreed to disclaim claim scope of claims 8-34 during prosecution.

Ex. 42 (2021-10-08 Comments on Statement of Reasons For Allowance) at 2

Maxell's Reply Brief Assertions Are Incorrect

Incorrect

Maxell's reply brief asserts that Samsung claims that "the mere canceling of a claim — for any purpose — triggers disclaimer."

Samsung makes no such argument. Samsung's argument is that the **totality** of the prosecution of the RE'830 patent — the Examiner's rejection of claims 8 and 21, the applicant's subsequent claim cancellation, and the applicant's amendment of claim 1 to include certain matter covered by withdrawn claim 20 (but not fingerprint information) — is a clear and unmistakable disavowal of fingerprints from the scope of the claims at issue.

Maxell's Reply Brief Assertions Are Incorrect

Incorrect

Maxell's reply brief asserts that disclaimer from a parent application applies only where the entire limitation at issue during the prosecution of the parent application is the exact same as the entire limitation at issue in the later application.



***Omega Eng'g, Inc. v. Raytek Corp.*, 334 F.3d 1314, 1333 (Fed. Cir. 2003);
Augustine Med., Inc. v. Gaymar Indus., Inc., 181 F.3d 1291, 1300 (Fed.Cir.1999)**

The case law is clear that the relevance of disclaimer in the prosecution of a parent application is based on commonality of the subject matter or claim terms at issue, not that the limitations are identical.

Maxell's Reply Brief Assertions Are Incorrect

Incorrect

Maxell's reply brief suggests that the Examiner's claim rejections were based only on impermissible broadening of scope.

-
- The Examiner rejected the claims based on numerous grounds, including written description, **all of which** the applicant needed to overcome. Ex. T at 3-7, 9, 10
 - None of the limitations of claims 8-20 that the Examiner rejected as improperly broad under § 251(d) recited “fingerprint” information. Ex. T at 3-4
 - If the applicant had canceled claim 20 and amended claim 1 to overcome the Examiner's broadening rejection, there would have been no reason to omit the “fingerprint” limitation, because the “fingerprint” limitation was not part of the subject matter that the Examiner found to be the impermissibly broad.
-

Maxell's Reply Brief Assertions Are Incorrect

Incorrect

Maxell's reply brief claims that the applicant did not explicitly include fingerprint information in claim 1 because it knew that "information necessary for identification of / relating to a user" was broad enough to encompass fingerprint information.

Maxell's claim is belied by the fact that:

1. The applicant had explicitly included fingerprint information in claim 8; and
 2. Omitting fingerprint information when amending claim 1 with limitations from claim 20 (which depended from claim 8) was able to overcome the Examiner's written description rejection.
-

Maxell's Reply Brief Assertions Are Incorrect

Incorrect

Maxell's reply brief claims that Samsung did not dispute Dr. Wobbrock's opinions.

Samsung's responsive claim construction brief (pp. 28-29) explains why Dr. Wobbrock's opinions about the specification of the '086 patent have no bearing on whether the applicant disclaimed fingerprint information:

1. His opinions are inconsistent with the applicant's actions during prosecution of the RE'830 patent; and
 2. A disclosure in the specification cannot override prosecution disclaimer.
-

Mixed Apparatus Method Claims

'590 Patent – 1, 5, 11, 12, 16, 17, and 24

'241 Patent – 1, 5, 6, 10, 11, 26, and 27

Mixed Apparatus-Method Claims

'590 Patent – 1, 5, 11, 12, 16, 17, and 24, '241 Patent – 1, 5, 6, 10, 11, 26, and 27

Samsung's Proposed Construction	Maxell's Proposed Construction
Indefinite for being directed to mixed “apparatus-method claims”	Not indefinite. Apparatus claims

The Claims Are Indefinite Under *IPXL*

***IPXL Holdings, LLC v. Amazon.com, Inc.*, 430 F.3d 1377, 1384 (Fed. Cir. 2005)**



Claim 25 recites both the system of claim 2 and a method for using that system.... Thus, it is unclear whether infringement of claim 25 occurs when one creates a system that allows the user to change the predicted transaction information or accept the displayed transaction, or whether infringement occurs when the user actually uses the input means to accept a displayed transaction. Because claim 25 recites both a system and the method for using that system, it does not apprise a person of ordinary skill in the art of its scope, and it is invalid under section 112, paragraph 2.

The Claims Include Impermissible Method Steps

1. A video processing apparatus, comprising:

a first radio communication circuit implementing a first transmission scheme having a first modulation scheme and a first transmission frequency band, the first radio communication circuit capable of transmitting video information by radio or receiving information by radio using the first transmission frequency band;

a second radio communication circuit implementing a second transmission scheme having a second modulation scheme different from the first modulation scheme and a second transmission frequency band different from the first transmission frequency band, the second radio communication circuit capable of connecting by radio to an internet or a home network to transmit and receive information using the second transmission frequency band;

a third radio communication circuit capable of transmitting information and using a third transmission frequency band;

an imaging circuit capable of receiving video information and still picture information via an optical system;

a compression circuit compressing the still picture information using a first type of compression method and the video information using a second type of compression method;

an input device capable of receiving a user indication;

an accumulation circuit capable of accumulating video information received by the imaging circuit after the video information is compressed by the compression circuit; and

a controller controlling assignment of connection of each of the first, second, and third radio communication circuits,

wherein the first radio communication circuit can transmit video information accumulated in the accumulation circuit to an external device by radio,

wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user, and **such that when an indication from the 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 information.**

wherein the controller controls each of the first and second radio communication circuit **such that the first radio communication circuit transmits video information and the second radio communication circuit connects to the internet or the home network simultaneously, and**

wherein the second or third radio communication circuit **receives a signal from the internet indicating that an update for an operating system of the video processing apparatus is available, and the video processing apparatus executes an update process such that an updated operating system of the video processing apparatus is stored in the video processing apparatus after execution of the update process.**

an input device capable of receiving a user indication;

[1]

from a user; and] such that when an indication from the 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 information,

[2]

wherein 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 apparatus is available, and the video processing appa-

[3]

paratus is available, and the video processing apparatus executes an update process such that an updated operating system of the video processing apparatus is stored in the video processing apparatus after execution of the update process.

'590 Reexam Certificate, Claim 1

“[1] when an indication from the user indicates to transmit video information using the first radio communication circuit”

The Claims Are Indefinite Under *IPXL*

The '590 Patent

wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user[; and] *such that when an indication from the 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 information,*

'590 Patent Reexamination Certificate, Claim 1

IPXL Holdings, LLC v. Amazon.com, Inc., 430 F.3d 1377, 1384 (Fed. Cir. 2005)

25. The system of claim 2 wherein the predicted transaction information comprises both a transaction type and transaction parameters associated with that transaction type, and the user uses the input means to either change the predicted transaction information or accept the displayed transaction type and transaction parameters.

US Patent 6,149,055, Claim 1

The Claims Are Indefinite Under *IPXL*

The '590 Patent

wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user[; and] *such that when an indication from the 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 information,*

'590 Patent Reexamination Certificate, Claim 1

In re Katz, 639 F.3d 1303, 1318 (Fed. Cir. 2011)

(3) a plurality of live operator attended terminals, for a plurality of formats, said interface control system comprising:

call data means for receiving call data signals from said communication facility for a calling remote terminal indicative of calling number identification signals automatically provided by said communication facility and call data signals to indicate called data (DNIS) to select a specific format from said plurality of formats;

interface means for providing automated voice messages relating to said specific format to certain of said individual callers, wherein said certain of said individual callers digitally enter data, including at least caller information data, through said digital input means;

US Patent 5,917,893, Claim 1

The Claims Are Indefinite Under *IPXL*

The '590 Patent

wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user[; and] *such that when an indication from the 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 information,*

'590 Patent Reexamination Certificate, Claim 1

Visible Connections, LLC v. Zoho Corp., 418 F. Supp. 3d 155, 165 (W.D. Tex. 2019)

35. The system of claim 34, wherein the interface program automatically establishes at least a substantially real-time shared viewing of at least one document between at least one audience member and a host user, wherein the host user only selects the at least one document to be shared and the at least one audience member with whom to share the at least one document to initiate the substantially real-time shared viewing.

US Patent 7,284,203, Claim 35

The Claims Are Indefinite Under *IPXL*

The '590 Patent

wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user[; and] *such that when an indication from the 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 information,*

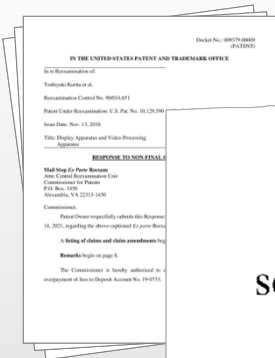
'590 Patent Reexamination Certificate, Claim 1

Lone Star Tech. Innovations, LLC v. Asutek Computer Inc., 6:19-CV-00059-RWS, 2020 WL 6811484 at *14 (E,D, Tex, July 31, 2020)

- (b) a master control device in operative electronic communication with and controlling said real time digital video image display device; and
- (c) a viewer of said real time digital video image display device operating said master control device for selecting to independently change the hue or the saturation of an individual color in the real time digital video input image, by selecting an independent color hue control delta value or an independent color saturation control delta value featured on said master control device, respectively, wherein said independent color hue control delta value represents an extent of change in the hue of said selected individual color and wherein said independent color saturation control delta value represents an extent of change in the saturation of said selected individual color, whereby said real time digital video image display device in said operative electronic communication with said master control device performs steps including:

US Patent 6,724,435, Claim 17

Maxell Explicitly Added User Action During Reexamination



wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user such that when an indication from the 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 information, [; and]

Ex. M (Ex Parte Reexamination, No. 90/014,651, Sept. 14, 2021, Response to Office Action) at 3

Maxell Argued The User Action As A Point of Distinction



More particularly, and as discussed during the interview, Tee alone or in view of the knowledge of a PHOSITA does not teach controlling assignment of connection for any communication circuit “in response to receiving an indication from a user.” 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.

Ex. M (Ex Parte Reexamination, No. 90/014,651, Sept. 14, 2021, Response to Office Action) at 21

Though the Office Action cites Tee’s disclosure for the teaching of controlling assignment of connection “in response to receiving an indication from a user” (Office Action at 30-32), Patent Owner respectfully disagrees. Indeed, Tee fails to teach the control processor 210 controlling assignment of connection to transceivers 202 or 203 in response to receiving an indication from a user when the indication from the user indicates to use the first radio communication circuit. See Williams Decl. at ¶¶ 67-72. 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.

Ex. M (Ex Parte Reexamination, No. 90/014,651, Sept. 14, 2021, Response to Office Action) at 23

Maxell Claimed “Capable Of” In Other Claim Limitations

SimpleAir, Inc. v. Sony Ericsson Mobile Communs. AB,
820 F.3d 419, 431 (Fed. Cir. 2016)

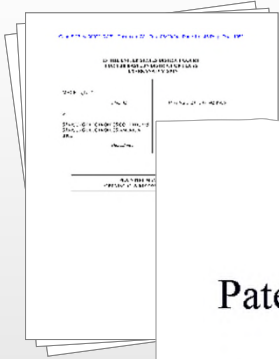


The choice to use “data channel” in claim 1 rather than “data feed,” notwithstanding use of the latter elsewhere in the patent, lends further support to our conclusion that “data feed” does not carry the same meaning as “data channel.” See *Bd. of Regents of the Univ. of Tex. Sys. v. BENQ Am. Corp.*, 533 F.3d 1362, 1371 (Fed.Cir.2008) (“Different claim terms are presumed to have different meanings.”(citation omitted)).

1. A video processing apparatus, comprising:
 a first radio communication circuit implementing a first transmission scheme having a first modulation scheme and a first transmission frequency band, the first radio communication circuit capable of transmitting video information by radio or receiving information by radio using the first transmission frequency band;
 a second radio communication circuit implementing a second transmission scheme having a second modulation scheme different from the first modulation scheme and a second transmission frequency band different from the first transmission frequency band, the second radio communication circuit capable of connecting by radio to an internet or a home network to transmit and receive information using the second transmission frequency band;
 a third radio communication circuit capable of transmitting information and using a third transmission frequency band;
 an imaging circuit capable of receiving video information and still picture information via an optical system;
 a compression circuit compressing the still picture information using a first type of compression method and the video information using a second type of compression method;
 an input device capable of receiving a user indication;
 an accumulation circuit capable of accumulating video information received by the imaging circuit after the video information is compressed by the compression circuit; and

'590 Reexam Certificate, Claim 1

Every Patent Found Invalid Had Previously Been Approved

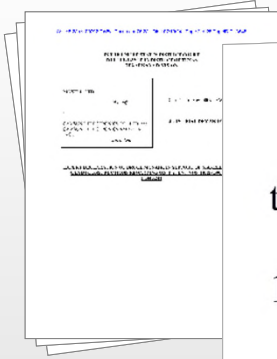


First, between the reexamination of the '590 Patent and the examination of the '241 Patent—four different USPTO Examiners have examined these claims and allowed them without issuing any indefiniteness rejection. *See Notice of Intent to Issue Ex Parte Reexamination*

Opening Brief at 19

- Every patent found indefinite by a court under *IPXL* had been previously approved by an examiner.

Maxell's Expert's Opinion Should Not Be Given Any Weight



52. I am not a legal expert, but reading the disputed claims plainly, it is my opinion that a POSITA would understand the claims 1, 5, 11-12, 15-20, 23-25 of the '590 Patent and claims 1, 5-6, 9-14, 25-27 of the '241 Patent to be directed to an apparatus that has different components and the claim recites the capabilities of these components under various conditions.

Ex. W (Mr. Bruce McNair's Claim Construction Declaration) at ¶ 52



Maxell Ltd. v. Huawei Device USA Inc., 297 F. Supp. 3d 668, 679 (E.D. Tex. 2018)

"[A]n expert's conclusory, unsupported assertions as to a term's definition are not useful."

Samsung's Own Patents Are Of No Consequence Here



Samsung Pat. No. & Ex. No.	Similar Claim language as the '590/'241 apparatus claims
9,445,001 (Ex. 29)	Claim 20: "an input unit receiving user input " and "a controller controlling processing of an image output when the request is received through the input unit." Ex. 22 ¶¶53-54 (citing Ex. 29 at claim 20).
9,436,753 (Ex. 30)	Claim 13: "a display that . . . displays, in response to user selecting one of the plurality of individual notice information" and "a processor that receives an input . . . , and controls the storage and the display to display"
10,594,797 (Ex. 31)	Claim 6: "wherein the electronic device receives user input while the user interface is being presented and transmits , to the server, data for controlling the at least one peripheral device in response to the user input , and the server controls the peripheral device based on the received data"
9,088,712 (Ex. 32)	Claim 19: "wherein, in response to a command being received from a user, the control unit makes the first and second GUIs disappear from the display screen and controls the OSD unit and the display unit to generate and display"

Op. Br. at 23-24

- Each patent's claims, specifications and file histories are different
- The issue here is whether the '590 and '241 patent claims are invalid.

Maxell's Reliance on *Cordis Corp* is Misplaced



***Cordis Corp. v. Boston Scientific Corp.*, 561 F.3d 1319, 1335 (Fed. Cir. 2009)**

Boston Scientific argues that this “such that” claim language cannot operate as a claim limitation to distinguish the '406 patent over the prior art. Contrary to Boston Scientific’s argument, **we have held that functional language can be a claim limitation.**

See Microprocessor Enhancement Corp. v. Tex. Instruments Inc.,
520 F.3d 1367, 1375 (Fed.Cir.2008)

MasterMine Does Not Apply Here

The '590 Patent

wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user[; and] *such that when an indication from the 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 information,*

'590 Patent Reexamination Certificate, Claim 1

The '850 Patent

8. A system comprising:

* * *

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,

US Patent 7,945,850, Claim 8

- no temporal cause-and-effect
- no “capable of” limitations
- no file history requiring user action

Maxell's Other Cited Cases Are Distinguishable

No claimed user action or response thereto; no “capable of” language; no file history requiring user action

***U.S. Well Sers., Inc. v. Halliburton Co.*, No. 6:21-CV-00367-ADA, 2022 WL 819548, at *9 (W.D. Tex. Jan. 17, 2022)**



a variable frequency drive connected to the electric motor to control the speed of the motor, wherein the variable frequency drive frequently performs electric motor diagnostics to prevent damage to the at least one electric motor.

US Patent 9,410,410, System Claim 1 (7:29-33)



at least one variable frequency drive connected to the electric motors to control the speed of the motors, the at least one variable frequency drive frequently performing electric motor diagnostics to prevent damage to the electric motors if they become grounded or shorted; and

US Patent 8,789,601, System Claim 1 (9:9-13)

***Microprocessor Enhancement Corp. v Texas Instruments Inc.*, 520 F.3d 1367, 1371-72, 1375 (Fed. Cir. 2008)**



the conditional execution decision logic pipeline stage performing a boolean algebraic evaluation of the condition code and said conditional execution specifier and producing an enable-write with at least two states, true and false;

US Patent 5,471,593, Apparatus Claim 7 (131:31-35)

***UltimatePointer, L.L.C. V. Nintendo Co., Ltd.*, 816 F.3d 816, 819, 827 (Fed. Cir. 2016)**



an image sensor, said image sensor generating data related to the distance between a first point and a second point, the first point having a predetermined relation to the computer generated image and the second point having a predetermined relation to a hand-held enclosure; and

US Patent 8,049,729, Apparatus Claim 1 (33:65-34:3)

***Motion Games LLC v Nintendo Co. Ltd.* Cause No. 6:12-cv-878-JDL, 2015 WL 11170167, at *4-5 (E.D. Tex. Jan 16, 2015)**



34. Apparatus according to claim 25, wherein said processing means controls a function related to said object based upon said created data base of said object.

US Patent 6,167,607, Apparatus Claim 34 (42: 6-8)

“[2] 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 apparatus is available”

The Claims Separately Recite a Capability and a Step

The '590 Patent

from the first transmission frequency band, the second radio communication circuit capable of connecting by radio to an internet or a home network to transmit and receive information using the second transmission frequency band;
a third radio communication circuit capable of transmitting information and using a third transmission frequency band;

* * *

wherein 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 apparatus is available, and the video processing appa-

'590 Reexam Certificate, Claim 1

The Step Claims the Content of the Information Received

(12) EX PARTE REEXAMINATION CERTIFICATE (11946th)
 United States Patent
 Kurita et al.

(10) Number: US 10,129,590 C1
 (45) Certificate Issued: Nov. 15, 2021

(54) DISPLAY APPARATUS AND VIDEO PROCESSING APPARATUS

(71) Applicant: MAXELL, LTD., Kyoto (JP)

(72) Inventors: Toshiyuki Kurita, Yokohama (JP);
 Hisaki Owashi, Yokohama (JP)

(73) Assignee: MAXELL, LTD., Kyoto (JP)

Reexamination Request:
 No. 90914.651, Jan. 12, 2021

Reexamination Certificate for:
 Patent No.: 10,129,590
 Issued: Nov. 15, 2018
 Appl. No.: 15/298,808
 Filed: Jul. 13, 2016

Related U.S. Application Data
 (63) Continuation of application No. 12/260,410, filed on
 Oct. 29, 2008, now Pat. No. 8,420,212.

(50) Foreign Application Priority Data
 Nov. 28, 2007 (JP) 2007-266750

(51) Int. Cl.
 H04N 5/41 (2011.01)
 H04N 21/4363 (2011.01)
 H04L 29/06 (2006.01)
 H04N 21/41 (2011.01)
 H04N 21/437 (2011.01)
 U.S. CL.
 CPC: H04N 21/4363 (2013.01); H04L 49/34 (2013.01); H04N 21/437 (2013.01); H04N 21/438 (2013.01)

21/4122 (2013.01); H04N 21/41407 (2013.01);
 H04N 21/4167 (2013.01)

(58) Field of Classification Search

None

See application file for complete search history.

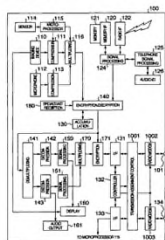
(56) References Cited

To view the complete listing of prior art documents cited during the proceeding for Reexamination Control Number 90914.651, please refer to the USPTO's public Patent Application Information Retrieval (PAIR) system under the Display References tab.

Primary Examiner — My Trng Ton

(57) ABSTRACT

While presenting on a display apparatus videos of high picture quality obtained from portable video processing apparatuses such as a camera and a cellular, it is possible to communicate with the Internet and/or a local network. A display apparatus includes a first radio communication unit capable of receiving video information by radio from an external video processing apparatus, a second radio communication unit capable of connecting by radio to a network, and a control unit for controlling assignment of connection by radio transmission for each of the first and second radio communication units. The control unit assigns connection of the first radio communication unit with higher priority and controls the assignment of the transmission rate such that the transmission rate between the first radio communication unit and the external video processing apparatus is more than that between the second radio communication unit and the network.

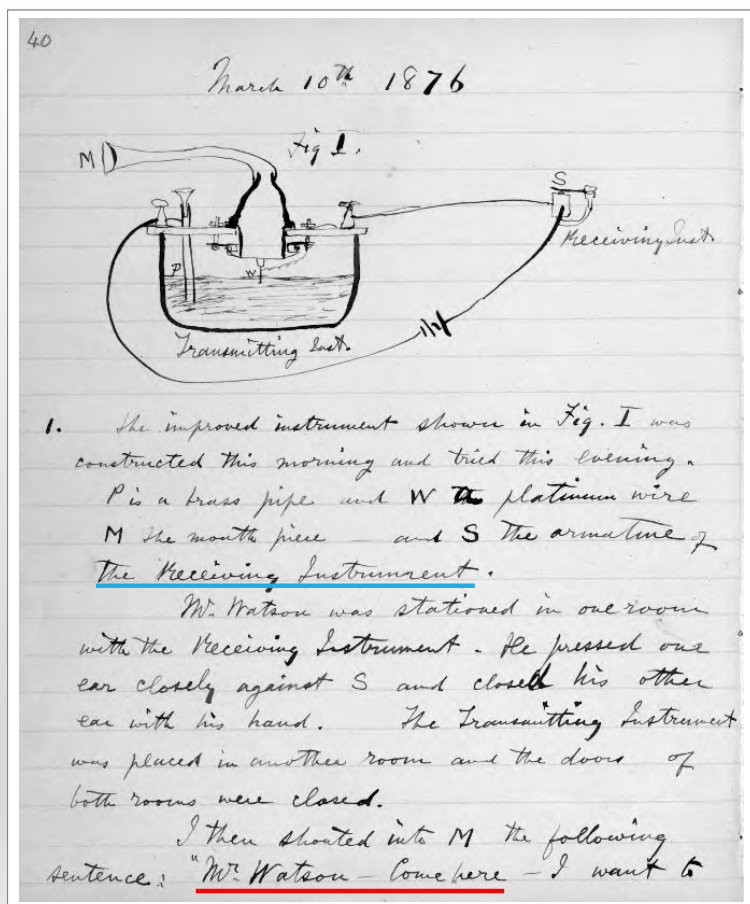


wherein the second or third radio communication circuits receive a signal from the internet indicating that an update for an operating system of the video processing apparatus is available, and the video processing appa-

'590 Reexam Certificate, Claim 1

'590 Reexam Certificate, Claim 1

Alexander Graham Bell – 1876



Analogous Claim to a Telephone

A receiving instrument comprising:

a circuit capable of receiving audio signals,
wherein the circuit receives audio signals
indicating "Mr. Watson come here."

<https://www.loc.gov/resource/magbell.25300201/?sp=22&st=image>

Asserted Claim v Analogous Claim

The '590 Patent

1. A video processing apparatus comprising:

the second radio communication circuit capable of connecting by radio to an internet or a home network to transmit and receive information using the second transmission frequency band

wherein 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 apparatus is available

'590 Patent Reexamination Certificate, Claim 1

Analogous Claim to a Telephone

1. A receiving instrument comprising:

a circuit capable of receiving audio signals,

wherein the circuit receives audio signals indicating "Mr. Watson come here."

The Claims Are Indefinite Under *IPXL*

The '590 Patent

Rembrandt Data Technologies, LP v. AOL, LLC,
641 F.3d 1331, 1339-1340 (Fed. Cir. 2011)

from the first transmission frequency band, the second radio communication circuit capable of connecting by radio to an internet or a home network to transmit and receive information using the second transmission frequency band;
a third radio communication circuit capable of transmitting information and using a third transmission frequency band;

* * *

wherein 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 apparatus is available, and the video processing appa-

'590 Reexam Certificate, Claim 1

3. A data transmitting device for transmitting signals corresponding to an incoming stream of bits, comprising:

* * *

trellis encoding means for trellis encoding the frames from said second buffer means; and transmitting the trellis encoded frames.

US Patent 5,251,236, Claim 3

Puff Corp. Does Not Apply Here

1. A portable electronic vaporizing device comprising:
 a base having a gas flow path conduit therein a housing for one or more components for electrically connecting to a power source and/or controlling the device, the gas flow path conduit comprising a conduit inlet and a conduit outlet;
 a mouthpiece that is removably attachable to the base, the mouthpiece comprising:
 a mouthpiece housing comprising one or more mouthpiece walls at least partly defining a mouthpiece internal flow path through the mouthpiece housing;
 an inhalation outlet formed in a region of the one or more mouthpiece walls; and
 at least one mouthpiece inlet capable of being placed in communication with the conduit outlet of the base upon attachment of the mouthpiece to the base, to receive a flow of gas into the mouthpiece from the base; and
 an atomizer that is removably attachable to the base, the atomizer comprising:
 an atomizer inlet configured to receive a flow of gas into the atomizer;
 an atomizer housing comprising one or more atomizer housing walls that at least partially define an atomizer internal flow path therein;
 a container within the atomizer housing that is capable of holding a vaporizable product;
 a heating element capable of heating the vaporizable product held in the container, the heating element being configured to be electrically connected to the one or more components for electrically connecting to the power source and/or controlling the device that are housed in the base;
 a first container inlet capable of introducing gas into the container to entrain vaporizable product;
 one or more second container outlets capable of flowing the gas having the vaporizable product entrained therein into atomizer internal flow path; and
 one or more atomizer outlets capable of receiving the flow of gas from the atomizer internal flow path, and providing the flow of gas to the conduit inlet of the base, wherein the flow of gas having the vaporizable product entrained therein flows from the atomizer internal flow path and through the gas flow conduit inlet of the base to the mouthpiece inlet, and along the mouthpiece internal flow path to the inhalation outlet.

Patent No. 10,517,334, Claim 1

one or more atomizer outlets capable of receiving the flow of gas from the atomizer internal flow path, and providing the flow of gas to the conduit inlet of the base,

wherein the flow of gas having the vaporizable product entrained therein flows from the atomizer internal flow path and through the gas flow conduit inlet of the base to the mouthpiece inlet, and along the mouthpiece internal flow path to the inhalation outlet.



Puff Corp. v. SHO Products, LLC, No. CV 22-2008-GW-KSx, 2023 WL 5505031 at *14 (C.D. Cal. Mar. 3, 2023)

"The previous limitation also mentioned a flow between the atomizer internal flow path and the conduit inlet of the basis. Thus, notwithstanding use of the definite article "the," the other language of claim 1 also confirms that the flow of gas described in the final limitation and the immediately previous limitation is the same flow of gas. As taught in the previous limitation, this flow of gas is a capability of the vaporization device."

HTC Corp. Does Not Apply Here

[1] A *mobile station* for use with a *network* including a first base station and a second base station *that* achieves a handover from the first base station to the second base station by:

[2] storing link data for a link in a first base station,

[3] holding in reserve for the link resources of the first base station, and

[4] when the link is to be handed over to the second base station:

[5] initially maintaining a storage of the link data in the first base station,

[6] initially causing the resources of the first base station to remain held in reserve, and

[7] at a later timepoint ... deleting the link data from the first base station and freeing up the resources of the first base station, *the mobile station comprising:*

[8] an *arrangement for reactivating* the link with the first base station if the handover is unsuccessful.



HTC Corp. v. IPCOM GmbH & Co., KG, 667 F.3d 1270, 1274-77 (Fed. Cir. 2012)

"If the mobile station implements the functions, the claims are indefinite because they recite both an apparatus-the mobile station-and method steps-the functions enumerated in paragraphs 2-7. If the network performs the functions, the claims are not indefinite because the claims merely describe the network environment in which the mobile station must be used."

* * *

"The claim language and the specification provide ample support for the conclusion that the six enumerated functions are part of the network environment and are not method steps."

HTC Corp. v IPCom GmbH And Co. KG 667 F.3d 1270, 1274 (Fed. Cir. 2012)

**“[3] the video processing apparatus
executes an update process”**

The Claims Affirmatively Require The Apparatus Execute An Update Process

Hewlett-Packard Co. v. Bausch & Lomb Inc.,
909 F.2d 1464, 1468 (Fed. Cir. 1990),
Cert. Denied, 493 U.S. 1076 (1990)



Secondly and more importantly, there is no requirement, as B & L implies, that HP show “operational differences” of the claimed device over the prior art. Claim 1 of LaBarre is an apparatus claim, and **apparatus claims cover what a device is, not what a device does.**

1. A video processing apparatus, comprising:

* * *

wherein 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 apparatus is available, and the video processing apparatus executes an update process such that an updated operating system of the video processing apparatus is stored in the video processing apparatus after execution of the update process.

'590 Reexamination Certificate, Claim 1

“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 and '241 Patents – all asserted claims

“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 and '241 Patents – all asserted claims

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

Must the controller assign the particular radio indicated by the user?

Yes

The Claim Language Itself Requires User Indication

(12) EX PARTE REEXAMINATION CERTIFICATE (11946th)
 United States Patent
 Kurita et al. (10) Number: US 10,129,590 C1
 (45) Certificate Issued: Nov. 15, 2021

(54) DISPLAY APPARATUS AND VIDEO PROCESSING APPARATUS

(71) Applicant: MAXELL, LTD., Kyoto (JP)

(72) Inventors: Toshiyuki Kurita, Yokohama (JP); Hisaki Owashi, Yokohama (JP)

(73) Assignee: MAXELL, LTD., Kyoto (JP)

Reexamination Request:

No. 90914.651, Jan. 12, 2021

Reexamination Certificate for:

Patent No.: 10,129,590

Issued: Nov. 15, 2018

Appl. No.: 15/298,808

Filed: Jul. 13, 2016

Related U.S. Application Data

(63) Continuation of application No. 12/260,410, filed on Oct. 29, 2008, now Pat. No. 8,420,212.

(50) Foreign Application Priority Data

Nov. 28, 2007 (JP) 2007-506750

(51) Int. Cl.

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

(52) U.S. Cl.

H04N 21/4367

CPC

H04N 21/4367

H04L 29/06

H04N 21/414

H04N 21/4363

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

H04N 5/41

H04N 21/4363

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H04N 21/4367

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

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H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367

H04N 5/41

H04N 21/4363

H04L 29/06

H04N 21/414

H04N 21/4367



US010129590C1

21/4122 (2013.01); H04N 21/4147 (2013.01); H04N 21/4167 (2013.01)

(58) Field of Classification Search

None

See application file for complete search history.

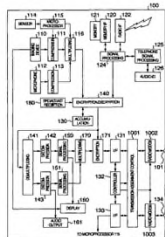
(56) References Cited

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Primary Examiner — My Trng Ton

(57) ABSTRACT

While presenting on a display apparatus videos of high picture quality obtained from portable video processing apparatuses such as a camera and a cellular, it is possible to communicate with the Internet and/or a local network. A display apparatus includes a first radio communication unit capable of receiving video information by radio from an external video processing apparatus, a second radio communication unit capable of connecting by radio to a network, and a control unit for controlling assignment of connection by radio transmission for each of the first and second radio communication units. The control unit assigns connection of the first radio communication unit with higher priority and controls the assignment of the transmission rate such that the transmission rate between the first radio communication unit and the external video processing apparatus is more than that between the second radio communication unit and the network.



wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user[; and] such that when an indication from the 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 information,

'590 Reexam Certificate at 1:59-67

The Specification is Consistent with the Claim Language

(12) EX PARTE REEXAMINATION CERTIFICATE (11946th)
 United States Patent
 Kurita et al. (10) Number: US 10,129,590 C1
 (45) Certificate Issued: Nov. 15, 2021

(54) DISPLAY APPARATUS AND VIDEO PROCESSING APPARATUS

(71) Applicant: MAXELL, LTD., Kyoto (JP)

(72) Inventors: Toshiyuki Kurita, Yokohama (JP); Hisaki Owashi, Yokohama (JP)

(73) Assignee: MAXELL, LTD., Kyoto (JP)

Reexamination Request:

No. 90914.651, Jan. 12, 2021

Reexamination Certificate for:

Patent No.: 10,129,590

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(51) Int. Cl.

H04N 5/41 (2011.01)

H04N 21/4363 (2011.01)

H04L 28/06 (2006.01)

H04N 21/414 (2011.01)

H04N 21/4367 (2011.01)

(52) U.S. Cl.

H04N 21/4367 (2013.01); H04L 49/74 (2013.01); H04N 5/44 (2013.01); H04N



US010129590C1

21/4122 (2013.01); H04N 21/4147 (2013.01); H04N 21/4367 (2013.01)

(58) Field of Classification Search

None

See application file for complete search history.

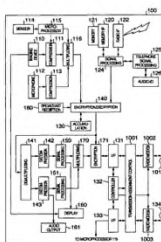
(56) References Cited

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Primary Examiner — My Trng Ton

(57) ABSTRACT

While presenting on a display apparatus videos of high picture quality obtained from portable video processing apparatuses such as a camera and a cellular, it is possible to communicate with the Internet and/or a local network. A display apparatus includes a first radio communication unit capable of receiving video information by radio from an external video processing apparatus, a second radio communication unit capable of connecting by radio to a network, and a control unit for controlling assignment of connection by radio transmission for each of the first and second radio communication units. The control unit assigns connection of the first radio communication unit with higher priority and controls the assignment of the transmission rate such that the transmission rate between the first radio communication unit and the external video processing apparatus is more than that between the second radio communication unit and the network.



The controller **132** and the transmission rate assignment controller **1001** may variably control the radio transmission assignment to the modems **1002** and **1003** in response to an indication from the user. For example, in a situation wherein the user issues an indication to transmit video information by radio via the modem **1002** to the display apparatus **200** while acquiring information from the Internet according to scheme **1** of FIG. **9** by use of the modem **1003**, the controller **132** outputs a control signal to the assignment controller **1001** such that the transmission scheme of the modem **1003** is changed from scheme **1** to scheme **2** of FIG. **9** and that of the modem **1002** is set to scheme **1** of FIG. **9** conduct communications. The transmission rate of the modem **1002**

'590 Reexam Certificate at 8:35-47

Maxell Seeks to Rewrite the Claim

Maxell argues:

“the controller will have to select the first communication circuit”

Op. Br. at 25

“wherein ... when an indication from the user indicates to transmit video information ~~using the first radio communication circuit~~, the controller selects a first radio communication circuit and assigns a connection to the first radio communication circuit for transmitting the video”

Maxell Seeks to Rewrite the Claim

Maxell argues:

“the controller will have to select the first communication circuit”

Op. Br. at 25

Maxell relies on the controller selecting the radio:

< Intelligent Wi-Fi

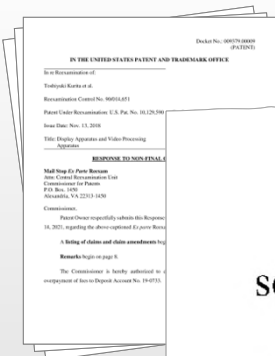
Switch to mobile data

Use mobile data whenever your Wi-Fi internet connection is slow or unstable.



Appx. 6 to Maxell's Infringement Contentions ('590 Patent) at 337

Maxell Disclaimed its “Controller Selects” Position During Reexamination



wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user such that when an indication from the 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 information, [; and]

Ex. M (Ex Parte Reexamination, No. 90/014,651, Sept. 14, 2021, Response to Office Action) at 3

Tee Disclosed the Original Limitation

“the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user”

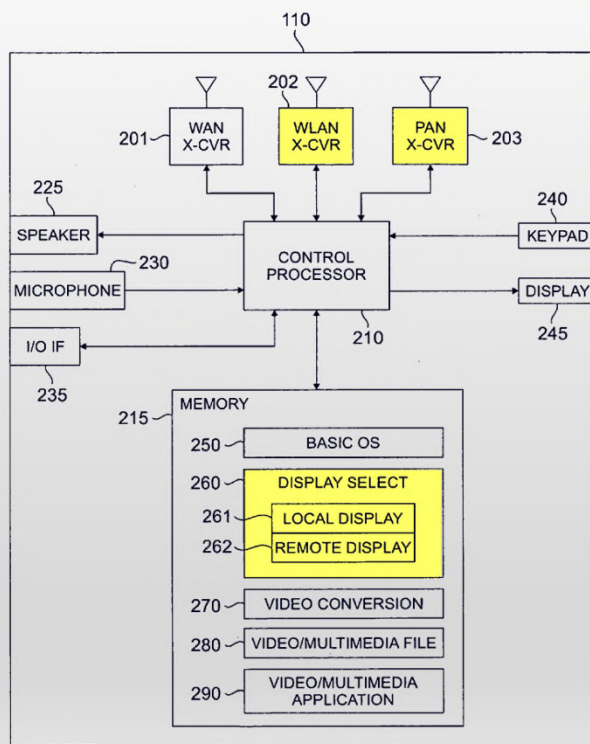


FIG. 2

'758 Patent, Fig. 2

- **User indication:** “manual inputs entered by the operator” to execute display select program or the user “turns on” the device
- **In response:** controller “execute[s] display select program 260” to automatically assign “appropriate one of transceivers 202 and 203”
- **User indication:** controller prompts the operator for permission to transmit video

Ex. Q (Tee) at [0034], [0036], Resp. Br. at 22

Maxell Disclaimed Selection by a Controller

Examiner in advance (copy attached to Examiners' Interview Summary). The Examiners provided additional guidance on how, in their view, Tee discloses a "user indication" when, for example, a user terminates a connection or turns on the mobile terminal of Tee. Patent Owner's representatives explained that the user indication of Tee does not identify a particular transceiver for assignment of connection.

Ex. M (Ex Parte Reexamination,
No. 90/014,651) at 15

connection to one of transceivers 202 and 203. (Tee, Fig. 3 and ¶ [0036].) Tee's disclosure at paragraph [0034] that "control processor 210 may execute display select program 260 in response to manual inputs entered by the operator of mobile terminal 110" has nothing to do with a user indicating a particular radio communication circuit to be used, but rather simply provides a mechanism for prompting execution of the display select program 260 (illustrated in Fig. 2)—which merely presents the user with the choice of whether or not to stream video to the (already identified) external/remote display.

Ex. M (Ex Parte Reexamination, No. 90/014,651) at 24

Maxell Disclaimed Selection by a Controller

communication circuit. *See Williams Decl.* at ¶¶ 67-72. 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.

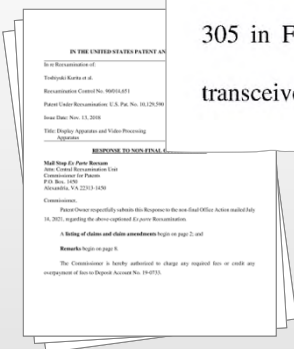
Ex. M (Ex Parte Reexamination, No. 90/014,651) at 23

a connection for transmitting video in accordance with the user indication. In fact, Tee is completely silent about the user indicating whether to use transceiver 201, 202, or 203. *See*

Ex. M (Ex Parte Reexamination, No. 90/014,651) at 26

² As previously noted, Tee's disclosure at paragraph [0034] that "control processor 210 may execute display select program 260 in response to manual inputs entered by the operator of mobile terminal 110" has nothing to do with a user indicating a particular radio communication circuit to be used, but rather simply provides a mechanism for prompting execution of the display select program 260 (illustrated in Fig. 2)—which merely presents the user with the choice of whether or not to stream video to the (already identified) external/remote display.

Ex. M (Ex Parte Reexamination, No. 90/014,651) at 27, note 2



Maxell Disclaimed Selection by a Controller

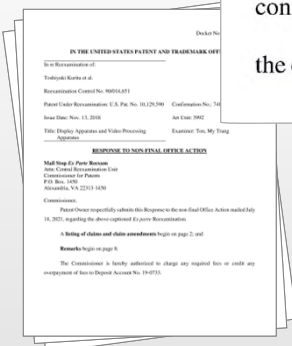
communication circuits. *Id.* For example, Tee discloses that control processor 210 assigns a connection to transceiver 202 or 203 **automatically** if control processor 210 selects the display of the external device as best suited to the video/multimedia application. *See Williams Decl.* at ¶¶ 70-

response to an indication from a user. *Williams Decl.* at ¶¶ 73-74. This would not have been obvious at least because, as explained, the controller in Tee assigns the connections to a selected one of the available transceivers **automatically**, without any user input going to selection of one transceiver over another for relaying video to an external display. *Tee is directed to a specific*

Aside from impermissible hindsight in view of the '590 Patent disclosure, there is no reason why a PHOSITA would replace Tee's solution of **automatically** assigning the connections with a system that assigns the connections in response to a user indication. *Williams Decl.* at ¶ 75.

In view of these teachings of Tee, it would not have been obvious to a PHOSITA to modify the design of Tee to include a **manual** step of **assigning connections to the transceivers 202 or 203 in response to an indication by a user.**² Specifically, this would require the user to spend

Ex. M (Ex Parte Reexamination, No. 90/014,651) at 23, 27, 28



Maxell Disclaimed its “Controller Selects” Position During Reexamination

wherein the controller controls assignment of connection for each of the first and second radio communication circuit in response to receiving an indication from a user such that when an indication from the 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 information, [; and]

Ex. M (Ex Parte Reexamination, No. 90/014,651, Sept. 14, 2021, Response to Office Action) at 3

Maxell Disclaimed Selection by a Controller



***Schriber-Schroth Co. v. Cleveland Trust Co.*, 311 U.S. 211, 220-21 (1940)**

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.



***Omega Eng'g, Inc. v. Raytek Corp.*, 334 F.3d 1314, 1323 (Fed. Cir. 2003)**

The doctrine of prosecution disclaimer is well established in Supreme Court precedent, precluding patentees from recapturing through claim interpretation specific meanings disclaimed during prosecution.

Maxell Disclaimed Through Amendment and Argument



***Aylus Networks, Inc. v. Apple Inc.*, 856 F.3d 1353, 1359-1360 (Fed. Cir. 2017)**

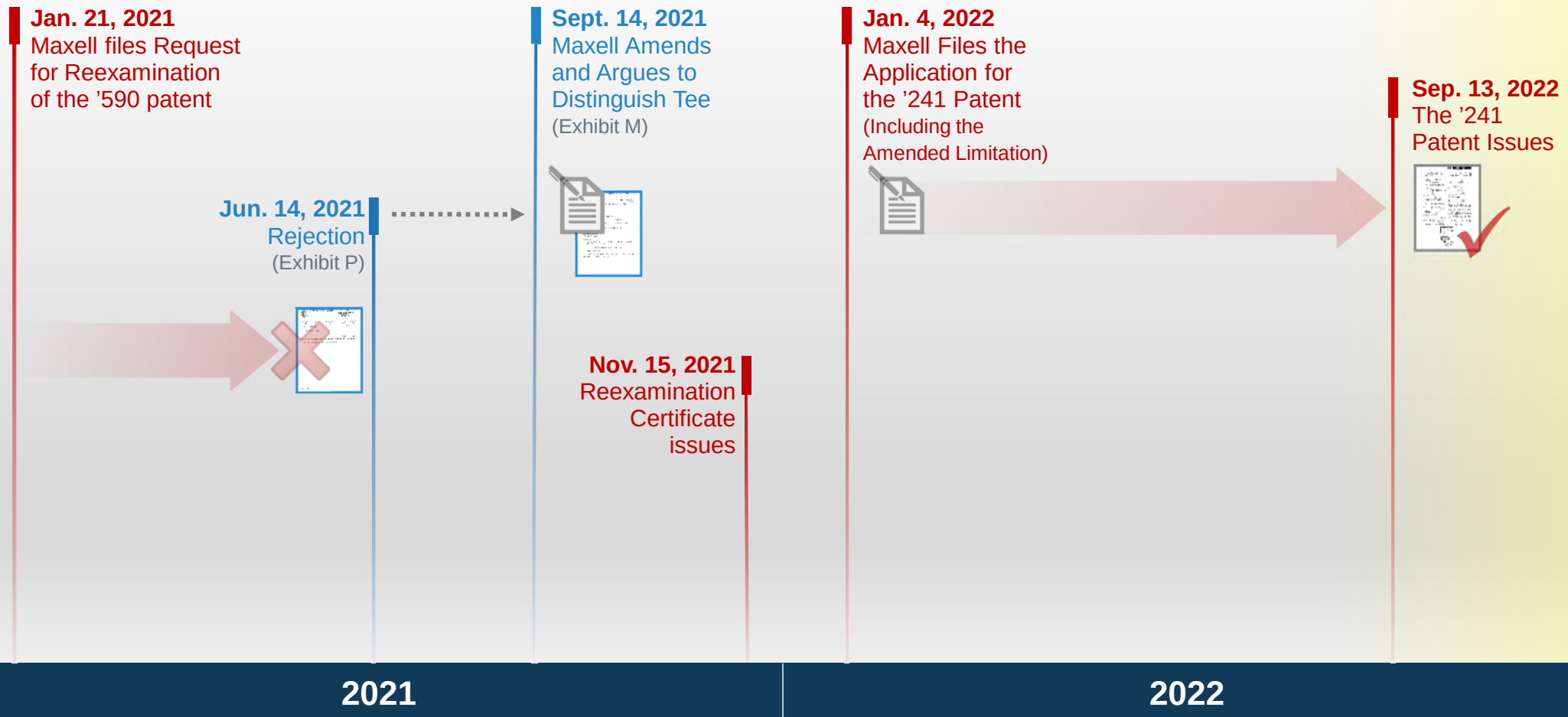
“Such disclaimer can occur through amendment or argument. *See Standard Oil Co. v. Am. Cyanamid Co.*, 774 F.2d 448, 452 (Fed. Cir. 1985) In *Standard Oil*, we explained, in the context of disclaimer, that the prosecution history “includes all express representations made by or on behalf of the applicant to the examiner to induce a patent grant ... includ[ing] amendments to the claims and arguments made to convince the examiner.” *Id.*



***Biogen Idec, Inc. v. GlaxoSmithKline LLC*, 713 F.3d 1090, 1095 (Fed. Cir. 2013)**

“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.”

Timeline of Maxell's Disclaimer



“second camera arranged on an opposite side of the touch display”

'757 Patent – Claim 1

“second camera arranged on an opposite side of the touch display”

’757 Patent – Claim 1

Samsung’s Proposed Construction

Plain and ordinary meaning,

i.e., “the first camera located on one side of the touch display, and with the second camera located on the other side of the touch display (with neither necessarily in contact with the touch display), such that the two cameras are located on opposite sides of the touch display.”

Maxell’s Proposed Construction

Plain and ordinary meaning

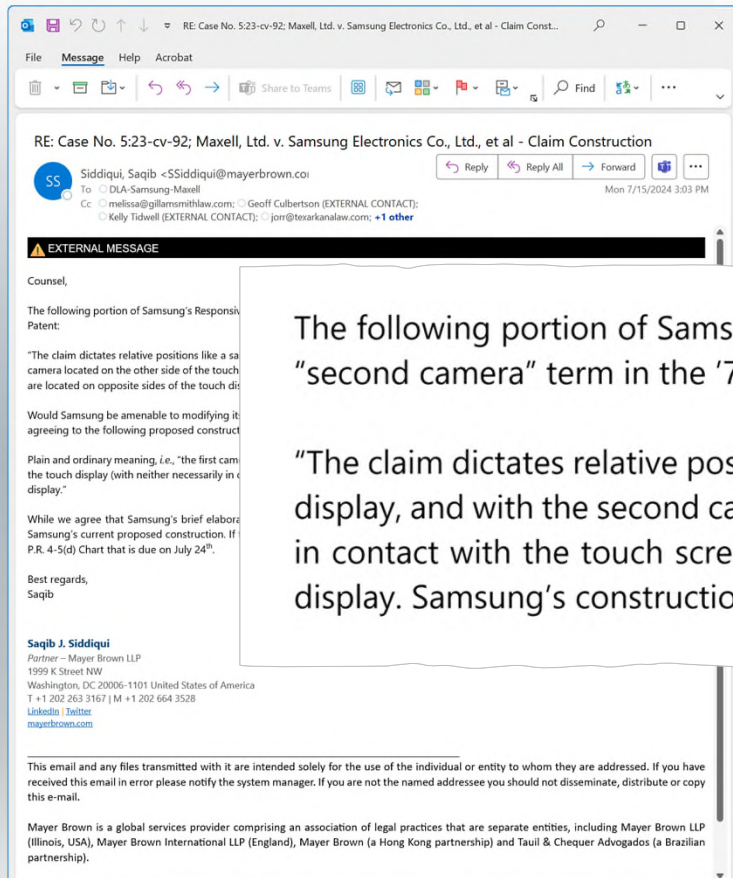
“the plain and ordinary meaning is an arrangement of two cameras such that one camera is on the same side as the touch display and the second camera is opposite to the touch display. No further construction is necessary”

Maxell’s Opening Brief at 15

“Located” Is in the Agreed Construction for the “first camera” Term

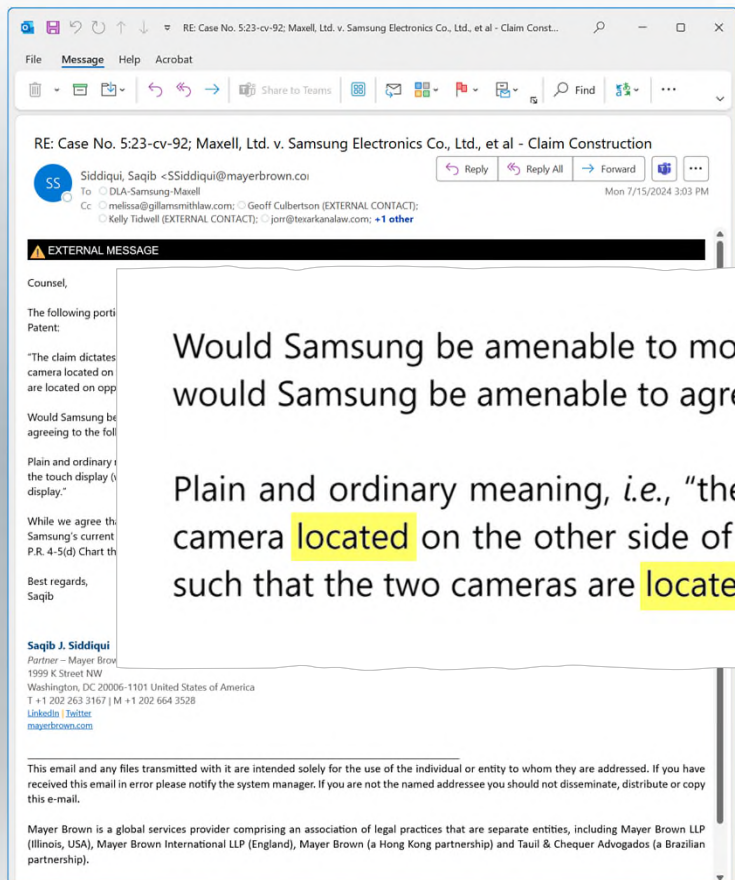
No.	Term/Patent/Claim(s)	Samsung’s Proposed Construction	Maxell’s Proposed Construction	Court’s Construction
7	“first camera arranged on a same side of the touch display” ’757 patent: claims 1	[AGREED]	[AGREED]	Plain and ordinary meaning, which is that the first camera is located on a same side of the touch display

Maxell Agreed to Samsung's Construction Including "Located"



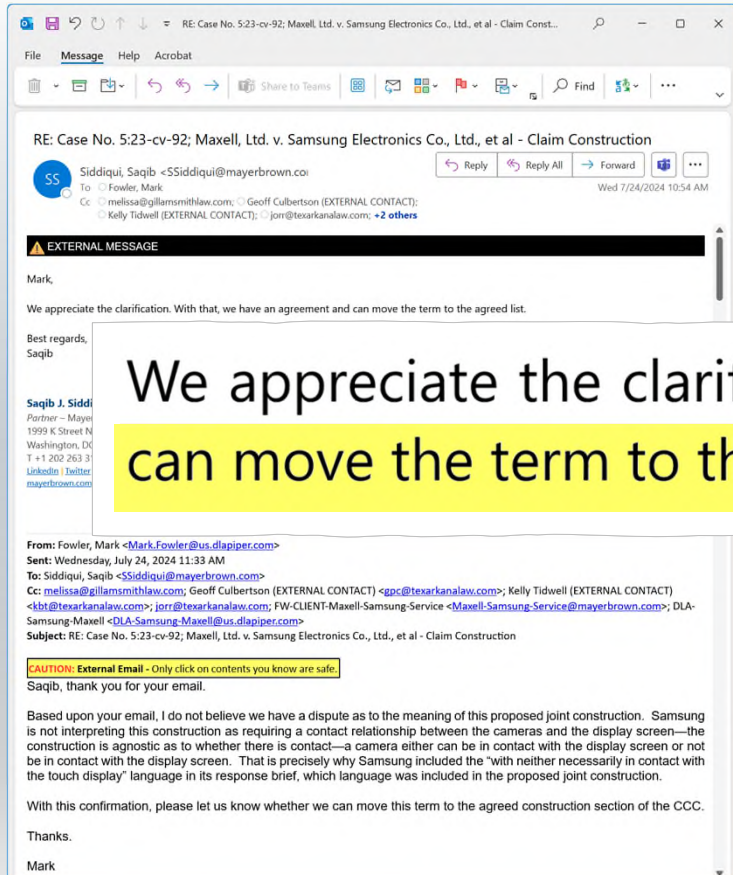
Mayer Brown 7/15/24 Email

Maxell Agreed to Samsung's Construction Including "Located"



Mayer Brown 7/15/24 Email

Maxell Agreed to Samsung's Construction a Second Time



Mayer Brown 7/24/24 Email

Maxell Is Asking the Court to Rewrite the Claim

(12) **United States Patent**
Yoshizawa et al.

(10) Patent No.: US 11,223,757 B2
(45) Date of Patent: *Jan. 11, 2022

(54) VIDEO RECORDING DEVICE AND CAMERA FUNCTION CONTROL PROGRAM

(71) Applicant: MAXELL, LTD, Kyoto (JP)

(72) Inventors: Kazuhiko Yoshizawa, Ibaraki (JP); Hirohito Kuriyama, Tokyo (JP)

(73) Assignee: MAXELL, LTD, Kyoto (JP)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

This patent is subject to a terminal disclaimer.

(21) Appl. No.: 16/686,467

(22) Filed: Nov. 18, 2019

(65) **Prior Publication Data**
US 2020/0084365 A1 Mar. 12, 2020

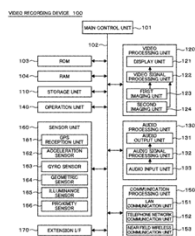
Related U.S. Application Data

(63) Continuation of application No. 15/678,265, filed on Aug. 16, 2017, now Pat. No. 10,511,757, which is a (Continued)

(51) Int. Cl. H04N 5/232 (2006.01); H04N 5/765 (2006.01)

(52) U.S. Cl. H04N 5/23283 (2013.01); G03B 17/38 (2013.01); H04N 5/2258 (2013.01); (Continued)

(58) Field of Classification Search CPC: H04N 5/23245; H04N 5/765; H04N



11 Claims, 12 Drawing Sheets

(57)

ABSTRACT

A video recording device includes: a first imaging unit (in camera) arranged on a same face as that of a display unit of a casing of the device; a second imaging unit (out camera) arranged on a face different from that of the display unit of the casing of the device; and an audio input unit that inputs

1. An image recording device configured to execute a plurality of different photographing processes, comprising: an audio input interface configured to receive a command voice; 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;

'757 Patent at Cover, Claim 1

The Court Cannot Rewrite the Claim

***Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1374 (Fed. Cir. 2004)**



“This court, however, repeatedly and consistently has recognized that courts may not redraft claims, whether to make them operable or to sustain their validity.”

(citations omitted)

Even “a nonsensical result does not require the court to redraft the claims of the [’290] patent. Rather, where as here, claims are susceptible to only one reasonable interpretation and that interpretation results in a nonsensical construction of the claim as a whole, the claim must be invalidated.”

Process Control Corp., 190 F.3d at 1357

The Court Cannot Rewrite the Claim

***Chef America, Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1374 (Fed. Cir. 2004)**



“The problem is that if the batter-coated dough is heated **to** a temperature range of 400° F. to 850° F., as the claim instructs, it would be **burned to a crisp**. Instead of the ‘dough products suitable for freezing and finish cooking to a light, flaky, crispy texture,’ ’290 patent, col. 2, ll. 11-12, which the patented process is intended to provide, the resultant product of such heating will be something that, in the words of one of the attorneys in this case, resembles a charcoal briquet. To avoid this result and to insure that the patented process can accomplish its stated objective, *Chef America* urges us to interpret the claim as if it read ‘heating the . . . dough **at** a temperature in the range of,’ i.e., to apply the heating requirement to the place where the heating takes place (the oven) rather than the item being heated (the dough).”

The First and Second Camera Terms

(12) **United States Patent**
Yoshizawa et al.

(10) Patent No.: US 11,223,757 B2
(45) Date of Patent: *Jan. 11, 2022

(54) VIDEO RECORDING DEVICE AND CAMERA
FUNCTION CONTROL PROGRAM

(71) Applicant: MAXELL, LTD., Kyoto (JP)
(72) Inventors: Kazuhiko Yoshizawa, Ibaraki (JP);
Hirohito Kuriyama, Tokyo (JP)

(73) Assignee: MAXELL, LTD., Kyoto (JP)
(*) Notice: Subject to any disclaimer, the term of this
patent is extended or adjusted under 35
U.S.C. 154(b) by 0 days.
This patent is subject to a terminal dis-
claimer.

(21) Appl. No.: 16/686,467

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(Continued)

(51) Int. Cl. (2006.01)
H04N 5/232 (2006.01)
H04N 5/765 (2006.01)
(Continued)

(52) U.S. Cl. (2013.01); G01B 17/38
CPC (2013.01); H04N 5/2325 (2013.01);
(Continued)

(58) Field of Classification Search
CPC (2013.01); H04N 5/2325; H04N 5/765; H04N

(52) 5/23216; H04N 5/772; H04N 5/2258;
H04N 5/91; H04N 5/2325; H04N 5/232;
H04N 5/23203; H04N 5/77; G01B 17/38;
G06F 3/167

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(74) Attorney, Agent, or Firm — Mattingly & Maler, PC

(57) **ABSTRACT**
A video recording device includes: a first imaging unit (in
camera) arranged on a same face as that of a display unit of
a casing of the device; a second imaging unit (out camera)
arranged on a face different from that of the display unit of
the casing of the device; and an audio input unit that inputs
a command voice giving an instruction for recording a video
signal. A control unit sets a delay time until start of a
recording process performed by the recording unit after
input of the command voice to be different in accordance
with the enabled imaging unit and sets a delay time of a case
where the first imaging unit is enabled to be longer than a
delay time of a case where the second imaging unit is
enabled.

11 Claims, 12 Drawing Sheets

