

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

STELLAR, LLC,

Plaintiff,

v.

MOTOROLA SOLUTIONS, INC. and
WATCHGUARD VIDEO, INC.

Defendants.

Civil Action No. 4:23-cv-750

JURY TRIAL DEMANDED

PLAINTIFF STELLAR, LLC'S REPLY CLAIM CONSTRUCTION BRIEF

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I. ARGUMENT

Stellar submits this reply claim construction brief in response to the responsive claim construction brief filed by Motorola Solutions, Inc. and WatchGuard Video, Inc. (“Defendants”) on May 31, 2024. (Dkt. 37.)

A. U.S. Patent No. 8,310,540

1. “A method of storing discrete segments of imaged data in a camera, comprising”

Defendants assert that “[t]he preamble of claim 1 is limiting because: 1) it provides antecedent basis for terms in the body of the claims; and (2) it does not merely state an intended use, but rather provides that the camera is where the discrete segments of imaged data are stored” and that “unlike *Am. Medical Systems*, the preamble provides the context that the imaged data of the claim is stored in a camera of the claim and is not merely duplicative of the limitations in the body of the claim.” (Dkt. 37 at 7-8 (citing *Am. Med. Sys., Inc. v. Biolitec, Inc.*, 618 F.3d 1354, 1360 (Fed. Cir. 2010)).

But providing a recorder coupled to the camera and having a memory and using that memory to record segments of image data, makes clear that the image data is stored in the camera, specifically within memory of a recorder coupled to (i.e., within the single unit of) the camera. Storing of discrete segments of imaged data in a camera is therefore duplicative of providing a recorder coupled to the camera and having a memory and using that memory to record segments of image data as recited in the body of the claim:

1. A method of storing discrete segments of imaged data in a camera, comprising:
using a sensor in the camera to capture image data;
providing a recorder coupled to the camera and having a memory;
using multiple portions of the memory as a memory loop in which to record segments of the image data in approximately real time;

(Dkt. 1-3 ('540 patent), 8:19-26.) For similar reasons, Defendants fail to distinguish *Global Equity*. (Dkt. 37 at 8-9 (citing *Glob. Equity Mgmt. (SA) Pty. Ltd. v. Expedia, Inc.*, 2016 WL 7416132, *13 (E.D. Tex. Dec. 22, 2016)).)

Defendants have failed to show that the preamble recites essential structure or steps or is necessary to give life, meaning, and vitality to the claim. Instead, the preamble is duplicative of the limitations in the body of the claim. The Court should therefore find that the preamble is not limiting.

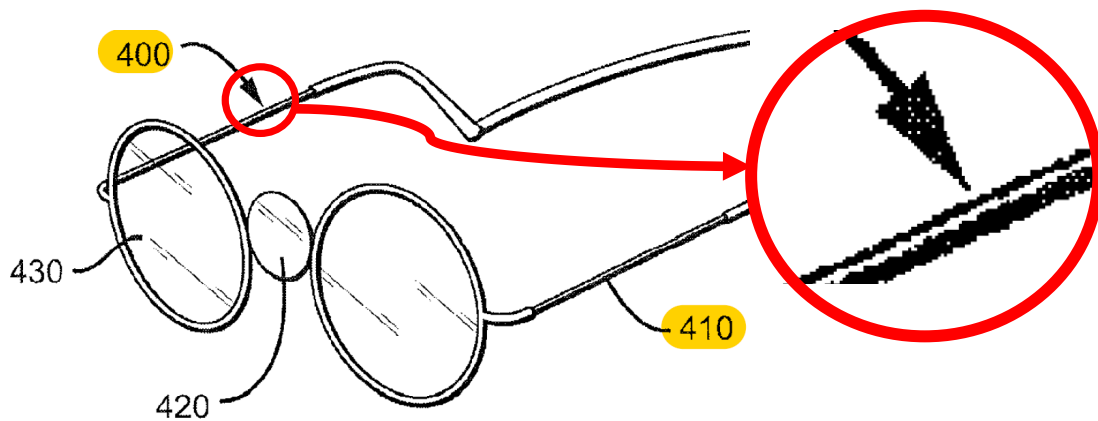
2. **“A method of storing discrete segments of imaged data in a camera, comprising: using a sensor in the camera to capture image data; providing a recorder coupled to the camera and having a memory; using multiple portions of the memory as a memory loop in which to record segments of the image data in approximately real time”**

Defendants' indefiniteness argument defies common sense. A lay person would easily understand that “a recorder coupled to the camera and having a memory” refers to a camera having sub-components, including a recorder having a memory. Importantly, the specification itself contemplates the sub-components all residing in a single device. “Recorder 120 comprises imager lens 220, memory 140, control buttons 230, microprocessor 240, power source 250, microphone 260 hard drive 270, transmitter 280, and optional display screen (not shown) as shown in FIG. 2.” (Dkt. 1-3 at 3:11-14.) “Typically, the recorder is a high performance digital camera The recorder's electronics preferably are all on a unitary printed circuit board.” (*Id.* at 3:16-20.) Accepting Defendants' interpretation would exclude embodiments disclosed in the specification. “A claim construction that ‘excludes the preferred embodiment is rarely, if ever, correct and would require highly persuasive evidentiary support.’” *Synqor, Inc. v. Artesyn Techs., Inc.*, 709 F.3d 1365, 1378-79 (Fed. Cir. 2013).

Further, “because claim construction frequently poses difficult questions over which reasonable minds may disagree, proof of indefiniteness must meet an exacting standard.”

Haemonetics Corp. v. Baxter Healthcare Corp., 607 F.3d 776, 783 (Fed. Cir. 2010). The fact that the preamble refers to the memory storage capability of the overall camera without specifying that the memory storage capability resides within “a recorder” subcomponent of the camera does not change the definiteness of this claim. “A claim is not indefinite merely because parties disagree concerning its construction. An accused infringer must thus demonstrate by clear and convincing evidence that one of ordinary skill in the relevant art could not discern the boundaries of the claim based on the claim language, the specification, the prosecution history, and the knowledge in the relevant art.” *Id.* at 783 (internal quotations and citations omitted).

Defendants’ argument also ignores the patentee’s use of the word “coupled” within the specification. The argument hinges on Defendants’ assertion that the plain meaning of “coupled to” does not allow for a structure to be “‘coupled’ to itself”. They cite *Cutsforth, Inc. v. Motivepower, Inc.*, 643 F. App’x 1008, 1012 (Fed. Cir. 2016), to argue that the plain meaning of “couple to” indicates that one physical structure is “separate from” another physical structure. (Dkt. 37 at 10.) But this is not how the patentee uses “coupled”. For example, the ’540 patent recites: “This preferred embodiment is shown in FIGS. 3-7 and comprises a miniature solid state **recording device 400 coupled with a head-mounted camera 410.**” (Dkt. 1-3 at 6:15-17.) The following annotation of Figure 5 (with original numbers, lines and arrow from the patent) is an illustration of how these reference numbered items (recording device 400, and head-mounted camera 410) are part of the same structure—i.e., the camera recorder—yet are “coupled” with one another:



(Dkt. 1-3 at FIG. 5.)

The USPTO’s Manual of Patent Examining Procedures (“MPEP”) also supports Stellar’s position. According to the MPEP, “arrows [as shown above with recording device 400] may be used at the ends of lines . . . as follows: (1) On a lead line, **a freestanding arrow to indicate the entire section** towards which it points[.]” See MPEP, 37 C.F.R § 1.84(r). Where arrows are not used, lead lines are understood as “those lines between the reference characters and the details referred to. . . . They must originate in the immediate proximity of the reference character and extend to the feature indicated.” *Id.* at subsection (q). Here, the arrow used with “recording device 400” reveals that this element refers to **the entirety of the device**. By contrast, a lead line without an arrow is used to show the location of “head-mounted camera 410”, revealing something **less than the entirety of the device**. Thus, in this instance, Figure 5 and the associated written description reveals that the word “coupled” is used to designate a camera substructure as a component within an entire recording device.

Finally, Defendants’ reading of “coupled” ignores a commonly understood meaning of this term: “to come together to form a single unit.” See <https://www.merriam-webster.com/thesaurus/coupled>. As recited in claim 1, and consistent with the patentee’s use of “coupled” in the specification, the camera and recorder come together to form a single unit.

Nothing in Defendants’ arguments establishes by clear and convincing evidence that a POSITA could not discern the boundaries of the claim based on the claim language, the specification, the prosecution history, and the knowledge in the relevant art. *Haemonetics Corp.*, 607 F.3d at 783. Accordingly, the Court should reject Defendants’ indefiniteness claim.

B. Means-Plus-Function Disputes

Defendants assert, in conclusory fashion, that the “computer processor” claim terms in the ’901 and ’910 patents and the “hardware that executes an instruction set” claim terms in the ’752 patent are written in means-plus-function format and must be construed under § 112 ¶ 6. For the reasons set forth below, Defendants fail to rebut the presumption that § 112 ¶ 6 does not apply to the claims reciting the disputed terms.

1. The “computer processor” claims of the ’901 and ’910 Patents Are Not Means-Plus-Function

Because invoking § 112 ¶ 6 is a choice left to the claim drafter, in the absence of the term “means,” courts presume at the first step of the analysis that a claim limitation is not subject to § 112 ¶ 6. *Dyfan, LLC v. Target Corp.*, 28 F.4th 1360, 1365 (Fed. Cir. 2022). “In cases where it is clear that a claim term itself connotes some structure to a person of ordinary skill in the art, ‘the presumption that § 112, ¶ 6 does not apply is determinative’ in the absence of ‘more compelling evidence of the understanding of one of ordinary skill in the art.’” *Id.* at 1366 (citing *Apex Inc. v. Raritan Comput., Inc.*, 325 F.3d 1364, 1373-74 (Fed. Cir. 2003)). In *Apex*, the defendant “relied on district court decisions addressing the definition of ‘circuit means’; expert testimony that the term ‘circuit’ would have been ‘understood by one of ordinary skill in the art as a very broad term’; and the description of preferred embodiments in the specification to establish that ‘circuit’ did not connote sufficiently definite structure to a person of ordinary skill.” *Id.* at 1373-74. Relying on a dictionary definition for the disputed term, the Federal Circuit disagreed, finding

that the evidence was not enough to rebut the § 112 ¶ 6 presumption because it failed to show that a POSITA would believe it did not recite sufficiently definite structure. *Id.* at 1374.

That is where we find ourselves here. Relying primarily on *WSOU Invs. LLC v. Google LLC*, Nos. 2022-1063, 2022-1065, 2023 U.S. App. LEXIS 27763 (Fed. Cir. Oct. 19, 2023) (“*WSOU II*”), selected citations from the specification, and testimony from its expert, Defendants argue that the disputed terms of the ’901, ’910, and ’752 patents invoke § 112 ¶ 6.

In support, Defendants offer *WSOU II* as though this decision created a categorical rule that the term “processor” is used “so broadly as to generically be any structure that manipulates data,” and thus invokes § 112 ¶ 6. (Dkt. 37 at 12-13.) In reality, the Federal Circuit explained: “there is no categorical rule regarding whether the term ‘processor’ connotes sufficient structure to avoid interpretation in means-plus-function format. Indeed, district courts have found some uses of ‘processor’ connote sufficient structure while others do not.” *WSOU II*, 2023 U.S. App. LEXIS 27763, at *8. Moreover, the Court need look no further than the second portion of *WSOU II* itself to understand when the use of “processor” connotes sufficient structure, which Defendants neglect to mention. Finding structure through the recitation of claim terms like “computer program code,” “memory,” and “processor,” the Federal Circuit reversed the district court’s finding of § 112 ¶ 6 applicability:

The limitation at issue in the asserted claims of this patent is “at least one **memory** and the **computer** program code are configured, with the at least one **processor**, to cause the apparatus to” accomplish various functions. Like the previous claim limitation, this limitation receives the benefit of the presumption that it is not in means-plus-function format because it lacks the word “means.” Unlike the previous claim limitation, however, we conclude that Google has not rebutted the presumption. Google asserts that the collective “memory,” “computer program code,” and “processor” terms convey no “structural character” to a person of ordinary skill in the art and that they are understood “solely by the different functions they are assigned to perform.” We disagree.

In light of the intrinsic record in this case, we conclude that *a person of ordinary skill in the art would understand the structure of the claimed “computer program code,” “memory,” and “processor.”* First, ***the claim language itself provides structural guidance.*** For example, the claim limitation at issue requires “at least one memory including computer program code,” which is configured “with the at least one processor” to perform various tasks. WSOU asserts that a person of ordinary skill in the art reading the claim in light of the specification would understand that the recited computer program code is stored in a memory structure and running on the processor. We agree. **The disputed claim limitation recites multiple elements and their connections to one another. Though terms like “computer program code,” “memory,” and “processor” may be broad, the recited combination of these multiple broadly named structures informs the skilled artisan’s relative understanding of what each structure is and what it is not, as well as how the various structures relate to one another.**

WSOU II, 2023 U.S. App. LEXIS 27763, at *11-12 (internal citations omitted; emphasis added).

Similarly, as explained in Stellar’s Opening Brief (Dkt. 36), the claims at issue recite associated terms for the structure. For example, with respect to the ’901 and ’910 patents, the claims recite:

(1) a **sensor**, (2) **memory** coupled to the sensor to store the sensor data, and (3) a **computer processor** configured to write-protect and store the sensor data in a particular manner while continuing to record sensor data in the memory. (Dkt. 36 at 12-13.)

As in *Apex* with respect to the term “circuit”, here, technical dictionaries confirm the structure of the term “processor” consisting of at least an instruction control unit and an arithmetic and logic unit” and “the central processing unit of a computer.” *SyncPoint Imaging, LLC v. Nintendo of Am. Inc.*, 2016 U.S. Dist. LEXIS 677, at *59-60 (E.D. Tex. Jan. 5, 2016) (citing *IBM Dictionary of Computing* and *Webster’s New World Dictionary of Computing Terms*) (internal quotations omitted). One of the dictionaries cited by Defendants’ own expert confirms this structure defining “central processor” as “[t]he main part of a computer consisting of an arithmetic logic unit and a control unit.” (Dkt. 37-3 at 4.)

The holding in *WSOU II* and the dictionary definition of “processor” each alone support the finding of sufficient structure to avoid the application of § 112 ¶ 6. Taken together, they clearly demonstrate the fallacy of Defendants’ argument. Accordingly, the Court should find

that § 112 ¶ 6 does not apply. Because § 112 ¶ 6 does not apply, the Court need not address Defendants' arguments regarding function and corresponding structure.

2. The “hardware that executes an instruction set” claim of the ’752 Patent Is Not Means-Plus-Function

For similar reasons to their “computer processor” argument, Defendants assert that the term “hardware that executes an instruction set” invokes § 112 ¶ 6. And for similar reasons as outlined above, Defendants fail to rebut the presumption against the application of § 112 ¶ 6.

The extrinsic evidence confirms the inapplicability of § 112 ¶ 6. First, technical dictionaries relied upon by other courts, as well as at least one relied upon by Defendants' expert, confirm that the phrase “hardware that executes an instruction set” would be understood to connote actual physical structure, specifically “mechanical, electrical and electronic components of a computer system,” as opposed to a non-structural element. (Dkt. 37-3 at 5; *see also*, Dkt. 36-2 at 5.) This is further supported by the primary case Defendants rely upon, the aforementioned *WSOU II* decision by the Federal Circuit. *WSOU II* expressly refers to “hardware that runs the computer program code,” as a way to describe physical structure for an associated function, thus avoiding application of § 112 ¶ 6. *WSOU II*, 2023 U.S. App. LEXIS 27763, at *14.

Again, Defendants do not appear to appreciate the teaching of *WSOU II*, which explains that § 112 ¶ 6 may apply even in the absence of “means for” language where the use of the disputed term is so generic that it could refer “to hardware, software, or essentially anything else that could perform the claimed functions.” *Id.* at *7; *see also, id.* at * 9 and *14 (“[i]n other words, the [’045 patent] specification teaches that the processor could be software, hardware, or a combination of the two. Other references to the ‘processor’ in the specification describe it only in terms of its function,” but “[i]n contrast to the ’045 patent, the [’825 patent] specification here describes the ‘processor’ as hardware that runs the computer program code.”)

In the context of the specification and associated words of the claims in the '752 patent, a POSITA would understand the term “hardware that executes an instruction set” refers to a known physical structure with a known functional purpose, and therefore connotes sufficient structure to a POSITA for the same reasons as discussed in Section I.B.1, above. And when combined with a description of the operation and objectives of the recited hardware, the term conveys sufficient structural meaning to a POSITA and § 112 ¶ 6 does not apply. *SyncPoint*, 2016 U.S. Dist. LEXIS 677, at * 59 (quoting *Linear Tech. Corp. v. Impala Linear Corp.*, 379 F.3d 1311, 1319-21(Fed. Cir. 2004)).

Moreover, like the '901 and '910 patents, the '752 patent confirms a structural meaning—as was emphasized in *WSOU II*—because the associated elements within the claim recite interrelated structures. For example, claim 1 of the '752 patent recites: (1) a **camera** to convert images into data streams, (2) a **memory** to store the converted images, and (3) **hardware that executes an instruction set (processor)** that protects and stores a segment of a data stream in a particular manner while continuing to record another data stream in the memory without overwriting the protected segment. See *WSOU II*, 2023 U.S. App. LEXIS 27763, at *11-12 (“The disputed claim limitation recites multiple elements and their connections to one another. Though terms like ‘computer program code,’ ‘memory,’ and ‘processor’ may be broad, the recited combination of these multiple broadly named structures informs the skilled artisan's relative understanding of what each structure is and what it is not, as well as how the various structures relate to one another.”).

The term “hardware that executes and instruction set”, especially when combined with the other elements, connotes sufficient structure to a POSITA. Defendants have not presented any contrary, more compelling evidence to rebut the presumption that this claim limitation is not

in means-plus-function format. Because the term is not governed by § 112 ¶ 6, the Court need not reach Defendants' indefiniteness argument.

II. CONCLUSION

For the reasons set forth above, Stellar requests that the Court find that Defendants have failed to meet their burden of establishing that '540 patent, claim 1 is indefinite. Stellar further asks that the Court find that none of the disputed terms invoke § 112 ¶ 6 because Defendants have failed to meet their burden of showing otherwise. To the extent the Court does find that a term invokes § 112 ¶ 6, Stellar submits that there is sufficient structure disclosed to support the recited function and requests that the Court adopt Stellar's identification of the recited function and corresponding structure for each term.

Dated: June 7, 2024

/s/ Robert Kiddie

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CERTIFICATE OF SERVICE

I hereby certify that on June 7, 2024 I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/Robert Kiddie

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