

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

CYANDIA, INC.,

Plaintiff,

v.

SAP AMERICA, INC. AND SAP SE,

Defendants.

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Case No. 2:24-cv-00096-JRG

DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF

WL 4988246, at *14 (E.D. Tex. Sept. 19, 2016) (the presumption against means-plus-function treatment had been rebutted because “[i]n the context of the ‘processor configured to . . .’ terms, . . . each processor is defined only by the function that it performs”). This makes them indefinite unless they are saved under section 112, ¶ 6. *See Williamson v. Citrix Online, LLC*, 792 F.3d 1339, 1347 (Fed. Cir. 2015) (en banc) (Congress “struck a balance in allowing patentees to express a claim limitation by reciting a function to be performed rather than by reciting structure for performing that function, while placing specific constraints on how such a limitation is to be construed”); *In re Hyatt*, 708 F.2d 712, 715 (Fed. Cir. 1983) (“The final paragraph of § 112 *saves combination* claims drafted using means-plus-function format.”) (first emphasis added). But Cyandia disavows this possible safe harbor with its proposed “plain meaning” construction.

G. Term No. 30

Term	SAP	Cyandia
“D) receiving session data indicating a current state of at least one external device of the user”; “F) determining a notification method by which to provide at least one alert on the at least one external device based on the current state of the at least one external device indicated by the session data; G) ... the notification data is configured to cause the at least one external device to provide the at least one alert on the at least one external device; and H) controlling the at least one communication interface to transmit the notification data to the at least one external device” <i>’948: all asserted claims.</i>	Indefinite under § 112 (¶ 2) due to internal inconsistencies between the claims requiring that the alert be sent to each external device from which session data is received in step “D” versus the Specification which describes the alert being sent to a device that session data indicates is currently in use by the user.	Definite; Plain & ordinary meaning

These claims conflict with the specification. Imagine someone having an office-issued smart phone, laptop, and desktop computer—one off, one on but locked, and one in active use. These claims require providing an alert (*e.g.*, “smoke alarm”) on *each* user device for which the office’s server has determined its current state (*e.g.*, active, locked, off). (*See* Ex. 10, 46:3-47:1, 51:5-52:3 (“the nature of the current state is not a factor”)). Specifically, they recite providing the

alert on “the” “at least one external device” (*e.g.*, ’948, 31:65, 32:3) where the antecedent for “the” is element D (*e.g.*, ’948, 31:52-53): “receiving session data indicating a current state of at least one external device of the user.” Thus, if session data indicates that the user’s laptop is off, that laptop provides an alert (if the alert-triggering condition at 31:61-63 is met). (Dr. Goodrich testified “there could be a different read” of the claim but had no present belief as to which read was better. Ex. 10, 52:4-53:17.) This contradicts the more logical approach described in the patent: providing an alert on the user’s *active* device(s) (’948, 21:6-15), not ones that are locked or off. Ex. 9, 111:12-112:5, 113:17-116:21. This inconsistency would make the POSITA uncertain whether this “the” was a claim drafting error.

H. Term No. 32

Term	SAP	Cyandia
“at least one processor ...” performs step H “if the one or more events, conditions, logical workflows, discrete information values or signal data is/are determined in E)” (claim 1); “if the one or more events, conditions, logical workflows, discrete information values or signal data is/are determined in E), the at least one processor performs H).” (claims 2, 4) ’948: <i>claims 1, 7, 11, 13.</i>	Indefinite under § 112 (¶ 2) due to inconsistency between claim 1 reciting that the “at least one processor” performs step H “if the one or more events, conditions, logical workflows, discrete information values or signal data is/are determined in E),” and dependent claims 2 and 4 which presumably add an additional limitation but recite the same thing.	Definite; Plain & ordinary meaning

This is another inter-claim conflict. Dependent 948/claim 2 requires the processor(s) (’948, 31:26) to perform operation “H” (send notification data to the user’s devices) when the alert-triggering “if” condition (*id.* 31:61-63) is met. Because a dependent claim must add an additional limitation to the claim it references, 35 U.S.C. § 112, ¶ 4, this indicates that in 948/claim 1 the processor(s) *does not* perform operation “H” when the “if” condition is met. But that contradicts claim 1 which says that the processor(s) *does* perform operation “H” when the “if” condition is met. The POSITA would not know which claim to believe. Dr. Goodrich’s attempt to resolve this

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Joseph M. Beauchamp
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