[redacted]

[partial search] string and the second [partial search] string are non-adjacent in at least one of the identified documents." *Thorner*, 669 F.3d at 1367. The Federal Circuit has repeatedly held that applicant remarks on common terms such as this are binding in related applications (*e.g.*, the 977, 093, and 193 patents). *See, e.g.*, *Teva Pharms. USA, Inc. v. Sandoz, Inc.*, 789 F.3d 1335, 1343 (Fed. Cir. 2015) ("A statement made during prosecution of related patents may be properly considered in construing a term common to those patents, regardless of whether the statement pre- or post-dates the issuance of the particular patent at issue.") ("*Teva*"); *Infinity Computer Prods., Inc. v. Oki Data Americas, Inc.*, 987 F.3d 1053, 1059 (Fed. Cir. 2021) (citing *Teva*); *MasterMine Software, Inc. v. Microsoft Corp.*, 874 F.3d 1307, 1311 n.2 (Fed. Cir. 2017) (citing *Teva*); *One-E-Way, Inc. v. Int'l Trade Comm'n*, 859 F.3d 1059, 1068 (Fed. Cir. 2017) (citing *Teva*).

X1 has essentially no counter argument to these facts and law other than a suggestion that applications which come later are not binding on the interpretation of those that come earlier. *See* Opp'n at 19-20. As cited above, the court in *Teva* explicitly rejected this suggestion. *Teva*, 789 F.3d at 1343.

Thus, "non-adjacent in at least one of the identified documents" means non-adjacent within the content of at least one of the identified documents, as per Respondents' construction for claims 1 and 19 of the 977 patent. This limitation does not appear in claims 13 or 18 of the 093 patent, however. And Respondents have not adequately shown how the otherwise clear disclaimer connects with "documents that each comprise[s] the first string." So the standard of *Thorner* has not been met at this time and Respondents' motion is denied as to the 093 patent.