

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT DELAWARE**

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ZAXCOM, INC.,	:	
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Plaintiff,	:	
	:	C.A. No. 1:23-cv-1245-JFM
v.	:	
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	:	
RODE MICROPHONES, LLC. and	:	
FREEDMAN ELECTRONICS PTY LTD.,	:	
	:	
Defendants.	:	
	:	
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PLAINTIFF ZAXCOM, INC.’S OPENING CLAIM CONSTRUCTION BRIEF

Dated: March 28, 2025

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Defendants challenge these claims because the claims do not explicitly state that the received local audio becomes “received local audio data” upon entering the device (*i.e.*, the audio is converted to audio data.). This does not render the claim indefinite.

In *Slimfold Manufacturing Co. v. Kinkead Industries, Inc.*, 810 F.2d 1113, 1116 - 1117 (Fed. Cir. 1987), the Federal Circuit noted that antecedent basis may be present by implication. *See also Bose Corp. v. JBL, Inc.*, 274 F.3d 1354, 1359 (Fed. Cir. 2001), (holding that despite the absence of explicit antecedent basis, if the scope of a claim would be reasonably ascertainable by those skilled in the art then the claim is not indefinite."); *see also Cross Medical Products v. Medtronic Sofamor Danek*, 424 F.3d 1293, 1319 (Fed. Cir. 2005). Here, a person of skill in the art reviewing Figure 3A and its associated description in the specification at col. 7, lines 46 – col. 9, line 20 would readily understand how the claimed invention works. This claim is not indefinite, and Defendants have failed to carry their burden of demonstrating indefiniteness by clear and convincing evidence.

Claim Term/Phrase	Zaxcom’s Construction	Defendants Construction
’444 Patent, Claim 16: “the remote control unit”	Not indefinite.	Indefinite (lack of antecedent basis; <i>Nautilus</i>)

Zaxcom will drop its assertion of this claim in an effort to simplify the issues before the Court.

Claim Term/Phrase	Zaxcom’s Construction	Defendants Construction
“the remote receiver is a master timecode generator”	Not indefinite	Indefinite (<i>Nautilus</i>)

Zaxcom will drop its assertion of this claim in an effort to simplify the issues before the Court.

Section 3: Means-plus-function

Claim Term/Phrase	Zaxcom's Construction	Defendants Construction
"control unit"	Not in means-plus-function format. Claim should be interpreted using plain language of the claim.	Means-plus-function element: - Function: controlling the at least one local audio device, including creating local audio data from locally generated audio and storing the local audio data in a memory; - Structure: Texas Instruments part number TMS32005509A, electrically coupled to the local audio device receiver, the audio input device, and the memory

The key issue underlying the disputes in this section is whether the term "control unit" should be construed using means-plus-function analysis. Initially, Zaxcom contends that these terms should be construed consistently across all asserted patents. As a result, Zaxcom has only specifically addressed the first usage of the term "control unit" in the '443 patent at claims 1 and 17. As set forth below, certain asserted claims in other asserted patents use the term "local processing unit" to refer to the same component. Zaxcom contends that the term "local processing unit" should be construed consistently with "control unit."

The courts that have specifically addressed this issue have ruled in favor of Zaxcom's position that "control unit" does not require a means-plus-function analysis. *See Cellular Communs. Equip. LLC v. HTC Corp.*, 2018 U.S. Dist. LEXIS 3759 (E.D. Tex. January 8, 2018); *Canon, Inc. v. TCL Elecs. Holdings Ltd.*, 2020 U.S. Dist. LEXIS 76751 (E.D. Tex.

		local timecode with the at least one master timecode, (iii) creating time-referenced local audio data from the local timecode, and (iv) storing the time-referenced local audio data in at least one local memory; - Structure: Texas Instruments part number TMS32005509A, operatively coupled to the at least one local memory, and, optionally, the at least one local transmitter and, optionally, the at least one local receiver
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Zaxcom incorporates is discussion above by reference as if fully set forth herein.

V. Conclusion

For the reasons set forth, the Court should adopt Zaxcom’s proposed constructions and reject Defendants’ proposed constructions.

Respectfully submitted,

O’KELLY & O’ROURKE, LLC

Dated: March 28, 2025

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Exhibit B – Disputed Terms

Section 1: Disputed Terms

Claim Term/Phrase	Claim Identification	Zaxcom Proposed Construction	Zaxcom Intrinsic Evidence Citations	Defendants Proposed Construction	Defendants Intrinsic Evidence Citations	Zaxcom Reason for Construction	Defendants Reason for Construction
“master timecode generator”	‘443 Patent – claims 1 and 27; ‘902 Patent – claims 1 and 21; ‘814 Patent – claims 13, 28 and 50; ‘207 Patent – claims 17, 59, 75, and 91; ‘444 Patent – claims 7 and 20;	A producer of a master time reference signal that controls at least one other timecode generator	‘443 Patent (Ex. C) at FIG 2A, FIG 4A, FIG 5, FIG 6, Col. 2, lines 1 – 21; col. 2, lines 58 – 61; col. 3, line 55 – 67; col. 4, lines 55 – 62; col. 5, lines 17 – 56; col. 8, line 65 - col. 9, lines 12; col. 9, lines 36 – 52; col. 10, lines 4 – 51; col. 12, lines 56 – 64; col. 13: 28 – 32; col. 13, line 66 – col. 14, line 2; col. 14, lines 39 – 62; col. 15, lines 4 – 12; col. 17, lines 10 - 16.	“a producer of a plurality of master timecodes controlling other time code generators” Alternatively, to the extent that Zaxcom’s construction is considered, it should be revised to read: “a producer of a master time reference signal comprising hours, minutes, seconds, and frames, that controls at least one other timecode generator”	‘443 patent (Ex. C) at FIG 1, FIG. 2A, FIG. 4A, FIG. 5, FIG. 6, 2:1-5, 2:58-61, 5:17-56, 8:65-9:12, 9:36-52, 10:12-33, 10:47-51, 12:42-64, 13:28-32, 13:66-14:2,14:39-42, 14:57-62, 15:4-12, 17:10-16; IPR2018-01130 (8,385,814), Final Written Decision (Ex. K) at pp. 9-11; IPR2018-01129 (7,929,902), Final Written Decision (Ex. L) at pp. 12-14; <i>Zaxcom, Inc. v. Lectrosonics, Inc.</i>, No. 2020-1350, 2022 WL	Relevant to Infringement And/Or Validity. To the extent that the Court rules in Defendants’ favor, Zaxcom does not concede that the accused products are not infringing.	Claim construction issue relates to whether the accused products infringe.

			generated audio or local audio data.”; ‘605 Patent, Claim 16.				potential scope of the case.
“wherein the local audio device is in the form of a body pack typically worn by news announcers and performers”	‘444 Patent, Claims 3, 15	Not indefinite	‘444 Patent (Ex. I) at FIGS 1, 3B; col. 1, line 63 – col. 2, line 5; Col. 8, line 55 – col. 9, line 3;	Indefinite (<i>Nautilus</i>)	‘444 patent (Ex. I) at FIGs 1, 3B, 1:63-2:5, 8:55-9:3, claims 1, 2, 13	Relevant to Validity	Claim construction issue relates directly to the validity of the claim and the potential scope of the case.
‘444 Patent, Claims 1, 13: “the receiving of the local audio data by the local audio device”	‘444 Patent, Claims 1, 13	Not indefinite. Any purported lack of antecedent basis does not render the claim indefinite.	‘444 patent (Ex. I) at FIG. 3A, col. 5, lines 9-23; col. 9, lines 4-36; col. 10, lines 17-28; col. 11, lines 12-23; col. 12, lines 24-41, col.13, line 62- col. 14, line 17; col. 20, lines 22 – 39;	Indefinite (lack of antecedent basis; <i>Nautilus</i>)	‘444 patent (Ex I) at FIG. 3A, 5:9-13, 9:44-36, 10:17-28, 11:12-19, 12:24-29, 13:62-67, 20:30-39	Relevant to Validity	Claim construction issue relates directly to the validity of the claim and the potential scope of the case.
‘444 Patent, Claim 16: “the remote control unit”	‘444 Patent, Claim 16	Not indefinite.	‘444 Patent (Ex. I), Claims 13, 15, 16	Indefinite (lack of antecedent basis; <i>Nautilus</i>)	‘444 Patent (Ex I) Claims 13, 15, 16	Relevant to Validity.	Claim construction issue relates directly to the validity of the claim and the potential scope of the case.
“the remote	‘444 Patent,	Not indefinite	‘444 Patent (Ex. I)	Indefinite	‘444 patent (Ex I) at	Relevant to	Claim

receiver is a master timecode generator”	Claims 7, 20		at FIG 1, FIG 6; col. 11, lines 23 – 32; col. 17, lines 9 – 38;	(<i>Nautilus</i>)	FIG. 1, 11:23-32, 17:9-11, 17:30-38, claims 1, 7, 13, 20	Validity	construction issue relates directly to the validity of the claim and the potential scope of the case.
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Section 3: Means-plus-function

Claim Term/Phrase	Claim Identification	Zaxcom Proposed Construction	Zaxcom Intrinsic Evidence Citations	Defendants Proposed Construction	Defendants Intrinsic Evidence Citations	Zaxcom Reason for Construction	Defendants Reason for Construction
“control unit”	’443 Patent, Claims 1, 17	Not in means-plus-function format. Claim should be interpreted using plain language of the claim.	’443 Patent (Ex. C) at FIG 3A; FIG 4; FIG 7; col. 2, lines 1 – 21; col. 7, line 46 – col. 9, lines 23; col. 10, lines 35 – 51; col. 13, line 6 – col. 14, line 24; col. 16, lines 38-45	Means-plus-function element: - Function: controlling the at least one local audio device, including creating local audio data from locally generated audio and storing the local audio data in a memory; - Structure: Texas Instruments part number TMS32005509A, electrically coupled to the local audio device receiver, the audio input device, and the memory	’443 patent (Ex C) at FIG 3A, FIG. 4, FIG. 7, 2:1-15, 7:46-60, 8:4-14, 8:26-32, 8:33-42, 8:57-9:1, 9:24-35, 10:35-47, 11:55-67, 12:1-17, 12:56-64, 13:6-9, 13:15-18, 13:28-41, 13:50-14:2, 14:6-18, 16:38-45	Relevant to Infringement And/Or Validity. To the extent that the Court rules in Defendants’ favor, Zaxcom does not concede that the accused products are not infringing.	Resolution of this claim construction dispute is at least relevant to whether the Accused Products infringe the asserted apparatus claims, e.g., whether they include the corresponding structure or an equivalent thereof.
“control unit”	’902 Patent,	Not in means-	’443 Patent at	Means-plus-function	’443 patent (Ex	Relevant to	Resolution of

CLAIM 1	RODE GO II	RODE PRO
A system for locally recording locally generated audio as time-referenced local audio data and for substantially simultaneously transmitting audio data to a remote device, the system comprising:	The Wireless Go II System (“Wireless Go II System”) from RODE Microphone, LLC (“RODE”) includes a Wireless PRO Transmitter (“Go II Transmitter”) and a Wireless PRO Receiver (“Go II Receiver”). <i>See</i> pp. 1-2, Features Section, of Rode Wireless Go II User Guide & Support accessed from the Rode Website at https://rode.com/en/user-guides/wireless-go-ii, a screen shot of which is attached to the Complaint as Exhibit M1 (“Go II User Guide”). The Wireless GO II System Product Page is also attached to the Complaint as Exh. N1 (“Pro Product Page”). The Wireless Go II System is a system for recording locally generated audio and for substantially simultaneously transmitting audio data to a remote device.	The Wireless PRO System (“Wireless Pro System”) from RODE Microphone, LLC (“RODE”) includes a Wireless PRO Transmitter (“Pro Transmitter”) and a Wireless PRO Receiver (“Pro Receiver”). <i>See</i> pages 1 and 2, Features Section, of Rode Wireless Pro User Guide & Support accessed from the Rode Website at https://rode.com/en-us/user-guides/wireless-pro, a screen shot of which is attached to the Complaint as Complaint Ex. M2 (“Pro User Guide”). The Wireless PRO System is also attached to the Complaint as Exhibit N2 (“Pro Product Page”). The Wireless Pro System is a system for recording locally generated audio and for substantially simultaneously transmitting audio data to a remote device.
a remote receiver, the remote receiver configured to create at least one master timecode and to receive audio data;	When the Go II Receiver is connected to a computer, the Rode Go II Receiver syncs to the time of the computer clock. The Go II Transmitters then wirelessly sync to the time of the Go II Receivers when the Go II Transmitters are turned on. The receiver is the master timecode generator to the transmitters. <i>See</i> Ex A & B. Alternatively, a device operating the Rode Central application (“App Device”) includes “at least one master timecode generator for generating a plurality of master timecodes.” The Go II Receiver is coupled to an App Device. The App Device generates a plurality of master timecodes which are transmitted to the Go II Transmitters by way of the Go II Receiver when the Go II Transmitters are turned on and communicating with the Go II Transmitters. The App Device is the master timecode generator to the Go II Transmitters.	The Pro Receiver includes “at least one master timecode generator for generating a plurality of master timecodes.” When the Pro Receiver is connected to a computer, the Pro Receiver syncs to the time of the computer clock. The Pro Transmitters then wirelessly sync to the time of the Pro Receiver when the Pro Transmitters are turned on. The Pro receiver is the master timecode generator to the Pro transmitters. <i>See</i> Exs. C & D. Alternatively, the device operating the Rode Central application (“App Device”) includes “at least one master timecode generator for generating a plurality of master timecodes.” The Pro Receiver is coupled to the App Device. The App Device generates a plurality of master timecodes which are transmitted to the Pro Transmitters by way of the Pro Receiver when the Pro

	pro?srsltid=AfmBOopRqr09qufRHE-A4_5aTbxDwioFWeCcpd8fNPTXvTogJXLBSxRw	
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CLAIM 23	RODE GO II	RODE PRO
A system according to claim 13 further comprising: a remote control unit.	In the Go II, the Go II receiver also functions as a “remote control unit” that the ability to transmit digital commands to the transmitter such as “mute transmitter.” https://rode.com/en-us/user-guides/wireless-go-ii?srsltid=AfmBOoolNA0eUCVqt0EAEkmjJLGdk5A086QNf3GllML82U0o8GCFwgZ2	In the Pro, the Pro receiver also functions as a “remote control unit” that the ability to transmit digital commands to the transmitter such as “start/stop record.” https://rode.com/en-us/user-guides/wireless-pro?srsltid=AfmBOop1JtjyuMqn9rBHp1O32HLVHhg9eNPHEH3yUTUKqtLbCKlmtuLE

CLAIM 24	RODE GO II	RODE PRO
A system according to claim 23, wherein the remote control unit is a personal computer.	The Go II may be used with a smartphone to wirelessly transmit commands to the Go II transmitter through the receiver when running Rode Central. See https://www.youtube.com/watch?v=icly8iDY5R4&t=28s	The Pro may be used with a smartphone to wirelessly transmit commands to the Go II transmitter through the receiver when running Rode Central. See https://www.youtube.com/watch?v=icly8iDY5R4&t=28s

CLAIM 25	RODE GO II	RODE PRO
A system according to claim 13, wherein the remote receiver includes at least one remote processing unit and at least one remote memory, wherein the at least one remote memory stores instructions that, when executed by the at least one remote processing	Not asserted.	Not asserted.

Claim Term/Phrase	Claim Identification	Zaxcom Proposed Construction	Zaxcom Intrinsic Evidence Citations	RODE Proposed Construction	RODE Intrinsic Evidence Citations	Reason for Construction
Preambles of '444 Patent, Claims 28, 29	'444 Patent, Claims 28, 29	<u>The preambles are not limiting</u>		The preambles are limiting.		<u>Relevant to Infringement And/Or Validity</u>
"transmitted audio data"	'605 Patent, Claim 16	<u>Not indefinite.</u>	<u>"Transmitted audio data" is defined in Claim 16 as "locally generated audio or local audio data."</u>	Indefinite (Nautilus)		<u>Relevant to Validity</u>
"master timecode generator"		<u>A producer of a master time reference signal that controls at least one other timecode generator</u>	<u>Col. 2, lines 1 – 21; col. 2, lines 58 – 61; col. 3, line 55 – 67; col. 4, lines 55 – 62; col. 5, lines 17 – 41; col. 9, lines 1 – 12; col. 9, lines 35 – 52; col. 10, lines 4 – 51.</u>	"a producer of a plurality of master timecodes controlling other time code generators"		<u>Relevant to Infringement And/Or Validity</u>
"local timecode generator"		<u>A producer of a time reference for use by a local audio device.</u>	<u>Col. 2, lines 58 – 61; col. 5, lines 17 41; col. 7, lines 45 – 60; col. 8, line 57 – col. 9, line 23; col. 9, lines 35 – 42; col. 9, lines 53 – col. 10, line 34; col. 11, lines 34 – 46; col. 12, lines 32 – 41; col.</u>	"a device, program or application that generates timecodes for use by that device, program or application"		<u>Relevant to Infringement And/Or Validity</u>

Deleted: "A device, program or application that is set to a time reference and generates a time reference signal that can be used to sync at least one other device, program or application."

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Claim Term/Phrase	Claim Identification	Zaxcom Proposed Construction	Zaxcom Intrinsic Evidence Citations	RODE Proposed Construction	RODE Intrinsic Evidence Citations	Reason for Construction
'814 Patent, Claim 35: "wherein said local audio data of said local audio devices is combined electronically to create a single multi-track data file"	'814 Patent, Claim 35	Not indefinite	<u>Zaxcom will drop this claim.</u>	Indefinite (<i>IPXL</i>)		
"wherein the local audio device is in the form of a body pack typically worn by news announcers and performers"	'444 Patent, Claims 3, 15, 16	Not indefinite	<u>Col. 8, line 55 – col. 9, line 3; Figure 3A</u>	Indefinite (<i>Nautilus</i>)		<u>Relevant to Infringement And/Or Validity</u>
'444 Patent, Claim 27: "wherein the synchronize a local timecode with the at least one master timecode is done by synchronizing a local timecode generator to the master timecode, or synchronizing a local timecode to the master timecode"	'444 Patent, Claim 27	Not indefinite	<u>Zaxcom will drop this claim.</u>	Indefinite (<i>Nautilus</i>)		