IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TECHNO VIEW IP, INC.,

        Plaintiff,

    v.

OCULUS VR, LLC, and

FACEBOOK, INC.,

        Defendants.

Case No. 17-cv-386-VAC-CJB

PLAINTIFF'S ANSWERING CLAIM CONSTRUCTION BRIEF

O'KELLY ERNST & JOYCE, LLC
Sean T. O'Kelly (No. 4349)
Daniel P. Murray (No. 5785)
901 N. Market Street, Suite 1000
Wilmington, DE 19801
(302) 778-4000
(302) 295-2873 (facsimile)
sokelly@oelegal.com
dmurray@oelegal.com

Attorneys for Plaintiff Techno View IP, Inc.

HARRY JERNIGAN CPA ATTORNEY, P.C.
Michael K. Botts (Pro Hac Vice)
5101 Cleveland Street, Suite 200
Virginia Beach, VA 23462
mbotts@hjlaw.com

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A. BUFFER RELATED CLAIM TERMS

1. Introduction

Defendants both misunderstand and misrepresent the meaning of the term "buffer" and related buffer terms. Six of Defendants' nine proposed constructions concern either a "buffer" or related sub-types of buffers: 1) "left backbuffer;" 2) "right backbuffer;" 3) "left frontbuffer;" 4) "right frontbuffer;" 5) "first buffer;" and 6) "second buffer."

A "buffer" is a commonly understood term that has no special definition in the Asserted Patents aside from the commonly understood definition. Plaintiff submits that one of ordinary skill in the art at the time of the invention would have understood the term "buffer" to mean:

> A region of memory reserved for use as an intermediate repository in which *__data__* is temporarily held while waiting to be transferred between two locations or devices. For instance, a buffer is used while transferring *__data__* from an application, such as a word processor, to an input/output device, such as a printer.[1]

"Backbuffers" and "frontbuffers" are subsets, or special cases, of the broader temporary memory storage location known as "buffers." The key difference between these terms is that a "buffer" may store any type of data, whereas the data temporarily stored in "backbuffers" or "frontbuffers" is limited to *"image"* data. After the programmer assigns a function for image storage to a specific block of memory, that portion of memory may be used as "backbuffers" or "frontbuffers." The claims of the Asserted Patents only make sense with this distinction.

2. "Buffer"
(*See* Defendants' Initial Claim Construction Brief ("ICCB"), p. 18)

Defendants propose "buffer" to be construed in the '096 Patent, Claims 8-11, 13, 14, 16-19; and '218 Patent, Claims 7, 8, and 11-13, each claiming "First" and "Second" "Buffers."[2]

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[1] *See* Decl. of Michael Botts, Ex. A, Microsoft Computer Dictionary, Fifth Ed., Microsoft Press, 2002, definition of "buffer."
[2] *See* Section H of Defendants' ICCB.

Defendants incorrectly conflate the terms "buffer," "backbuffer" and "frontbuffer." The differences between these terms are expressly illustrated in the claims themselves, as well as in the Specification. For example, in the '096 Patent, independent Claim 8 specifies "first and second buffers," and dependent Claim 13 further limits the "buffers" to be "backbuffers," as follows: "The method of claim 8, **wherein the first and second *buffers are backbuffers***."[3]

Clearly, the "buffers" of Claim 8 are not "backbuffers" until they are made so in Claim 13. Prior to the limitations of Claim 13, the "buffers" of Claim 8 are fully functional as independent temporary storage locations for the data specified in the claim – an "image" temporarily stored in the "first buffer" and the "second camera position view image" temporarily stored in the "second buffer."

The use of "*frontbuffers*" to store images received from "buffers" is similarly and clearly specified in dependent Claim 14, which specifically limits independent Claim 8 as follows:

> "The method of claim 8, wherein simultaneously displaying the images in the first
> and second buffers comprises **storing the images in the first and second *buffers*
> to first and second *frontbuffers***, and wherein the images in the first and second
> frontbuffers are simultaneously displayed to the user."[4]

Defendants incorrectly limit a "buffer" to being construed as either a Backbuffer or a Frontbuffer. Defendants' construction is contrary to the claims language and should be rejected. Plaintiff's construction is consistent with the accepted definition and the use of a "buffer" in the context of the claims and specification, and is both technically and contextually correct:

A memory location where **data** may be temporarily stored.

3. "Backbuffer," "Left Backbuffer," and "Right Backbuffer"
(*See* Defendants' ICCB, p. 4)

Defendants propose to construe a "**backbuffer**" as it is defined in a section of the Patents

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[3] *See* '096 Patent, Claim 13
[4] *See* '096 Patent, Claim 14 (emphasis added).

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