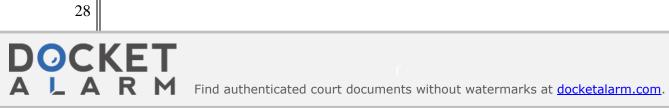
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17	UNITED STATES DISTRICT COURT	
18	NORTHERN DISTRICT OF CALIFORNIA	
19	SAN JOSE DIVISION	
20	REGENTS OF THE UNIVERSITY OF MINNESOTA,	Case No.: 5:18-cv-00821-EJD-NMC
21	Plaintiff,	PLAINTIFF'S MEMORANDUM OF LAW IN OPPOSITION TO MOTION FOR
22	v.	JUDGMENT ON THE PLEADINGS UNDER 35 U.S.C. § 101
23	LSI CORPORATION and AVAGO	Date: May 31, 2018
24	TECHNOLOGIES U.S. INC.,	Time: 9:00 am Place: Courtroom 4 – 5 th Floor
25	Defendants.	Hon. Edward J. Davila
26		
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Second, Defendants misconstrue the University's allegations regarding infringing simulators. At the outset, it should be noted that the Amended Complaint does not even use the word "simulations," which word is the basis for Defendants' argument. Instead, the Amended Complaint refers to infringing "simulators," which are for "reading MTR-encoded recorded waveforms." Dkt. 40 at ¶ 75; see id. at ¶¶ 20; 95-98; 118-119; 122. In other words, the "waveforms" used by the simulators are actual "waveforms," e.g., the readback signal waveforms from an actual disk (or other magnetic recording medium) that has MTR-encoded data recorded to it. Defendants' arguments are factually incorrect, are inconsistent with the University's allegations, and should be disregarded.

Finally, even if it were not factually disputed, Defendants' extensive reliance on their "pen and paper" assertion not only ignores that the claimed invention requires imposing physical constraints on a waveform (i.e., is not directed to writing down 0s and 1s on a piece of paper), but also exemplifies an analytical approach that has been soundly rejected in a similar context by a sister court: the "[p]encil-and-paper analysis can mislead courts into ignoring a key fact: although a computer performs the same math as a human, a human cannot always achieve the same results as a computer." Hughes, 59 F.Supp.3d at 976. Indeed, in Hughes, the court rejected the defendant's pen-and-paper analysis on the basis that it "oversimplifies § 101 and ignores the fact that the [asserted] patent creates an algorithmic solution for a computing problem—the corruption of data during transmission." Id. (emphasis added). See also Paone v. Broadcom Corp., No. 15 CIV. 0596 BMC GRB, 2015 WL 4988279, at *9 (E.D.N.Y. Aug. 19, 2015) (citing Hughes with approval and rejecting pen-and-paper analogy).

The same is true here: Defendants have devoted a significant portion of their motion, comprising several tables, color highlighting, and several pages of text, to try to describe the core of the disclosed invention. Dkt. 190 at 4-8. Yet, in all of those pages, Defendants fail to explain how writing down 0s and 1s on a piece of paper equates to the *waveform* with limits on transitions and

