

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

CENTRALSQUARE TECHNOLOGIES,
LLC,

Plaintiff and Counterclaim
Defendant,

v.

CARBYNE, INC., and
CARBYNE, LTD.

Defendants and
Counterclaim Plaintiffs.

Civil Action No. 1:24-cv-01497

JURY TRIAL DEMANDED

**COUNTERCLAIM DEFENDANT CENTRALSQUARE'S OPENING CLAIM
CONSTRUCTION BRIEF**

TABLE OF CONTENTS

I. INTRODUCTION 1

II. FACTUAL BACKGROUND..... 2

III. LEGAL STANDARDS 5

IV. PERSON OF SKILL IN THE ART 6

V. DISPUTED CLAIM TERMS..... 6

A. “wherein the URL link is associated with the phone number of the mobile device” 8

1. “wherein the URL link is associated with the phone number of the mobile device” is indefinite 8

2. Alternatively, the term should be construed as “wherein the URL link includes a unique identifier associated with the phone number of the mobile device” 13

B. “wherein the real-time video stream is associated with a unique identifier for the mobile device” 14

1. “wherein the real-time video stream is associated with a unique identifier for the mobile device” Is Indefinite..... 15

2. Alternatively, the term should be construed as “wherein the real-time video stream is associated with the mobile device using a unique identifier.” 16

C. “unique identifier” 17

1. The “unique identifier” term should be construed as “unique identifier used to match the real-time data with the dispatch terminal used in the connection.”..... 18

TABLE OF AUTHORITIES

	Page(s)
Cases	
<i>Arista Networks, Inc. v. Cisco Sys.</i> , 908 F.3d 792 (Fed. Cir. 2018).....	6
<i>BASF Corp. v. Johnson Matthey Inc.</i> , 875 F.3d 1360 (Fed. Cir. 2017).....	8, 15
<i>Biovail Corp. Int’l v. Andrx Pharms., Inc.</i> , 239 F.3d 1297 (Fed. Cir. 2001).....	10
<i>Collaborative Agreements, LLC v. Adobe Sys. Inc.</i> , 2016 WL 1461487 (N.D. Cal. Apr. 14, 2016), <i>aff’d</i> , 696 F. App’x 1019 (Fed. Cir. 2017).....	1
<i>Elkay Mfg. Co. v. Ebco Mfg. Co.</i> , 192 F.3d 973, 52 USPQ2d 1007. (Fed. Cir. 1999).....	10
<i>Hakim v. Cannon Avent Grp., PLC</i> , 479 F.3d 1313 (Fed. Cir. 2007).....	10
<i>Interval Licensing LLC v. AOL, Inc.</i> , 766 F.3d 1364 (Fed. Cir. 2014).....	6, 12
<i>Koki Holdings Co. v. Kyocera Senco Indus. Tools, Inc.</i> , No. CV 18-313-CFC, 2021 WL 1092579 (D. Del. Mar. 22, 2021).....	6
<i>Media Rights Techs., Inc. v. Capital One Fin. Corp.</i> , 800 F.3d 1366 (Fed. Cir. 2015).....	8, 12
<i>Nautilus, Inc. v. Biosig Instruments, Inc.</i> , 572 U.S. 898 (2014).....	<i>passim</i>
<i>Phillips v. AWH Corp.</i> , 415 F.3d 1303 (Fed. Cir. 2005) (<i>en banc</i>).....	5, 6, 11
<i>Power Oasis, Inc. v. T-Mobile USA, Inc.</i> , 522 F.3d 1299 (Fed. Cir. 2008).....	2
<i>Versata Software, Inc. v. Internet Brands, Inc.</i> , No. 2:08-cv-313-WCB, 2012 WL 15861 (E.D. Tex. Jan. 4, 2012).....	9
Statutes	
35 U.S.C. 112(a).....	1

The parties in this case dispute the meaning of certain terms used in the claims of U.S. Patent Nos. RE50,016 (“the ’016 patent”) and 11,689,383 (“the ’383 patent”). Plaintiff and Counterclaim Defendant CentralSquare LLC (“CentralSquare”) asserted the ’016 patent; Defendant and Counterclaim Plaintiff Carbyne Inc. and Carbyne Ltd. (collectively, “Carbyne”) asserted the ’383 patent. Pursuant to the Scheduling Order, Dkt. No. 23, CentralSquare submits its opening claim construction brief concerning the disputed terms of the ’383 patent. The parties have identified three terms in the ’383 patent that should be addressed in claim construction.

I. INTRODUCTION

The ’383 patent is the fifth U.S. patent in its family, yet Carbyne elected to assert only the ’383 patent. This was not by chance. When Carbyne filed U.S. Application No. 17/943,956, which would later be issued as the ’383 patent, it filed it as a *continuation*, not a continuation-in-part, and included three additional paragraphs in the specification disclosing new subject matter that goes beyond the disclosure in the original specification.¹ It is evident that Carbyne impermissibly expanded the claim scope in order to read on to the parties’ patent dispute. Notably, Carbyne filed the ’383 application on September 13, 2022, less than a year after CentralSquare sent its first letter alleging Carbyne’s infringement of CentralSquare’s U.S. Patent No. 9,301,117, which the ’016 patent is a reissue of. Dkt. No. 11, ¶¶ 11-12. With language that only appears in the newly added paragraphs, Carbyne filed claims omitting limitations in an attempt to broaden its claims beyond the disclosures of the original specification.² Carbyne’s attempt to transform its invention into

¹ CentralSquare presents its arguments for claim construction purposes based on the granted ’383 patent as-is but reserves the right to further challenge the legality of the practice of adding new matters in a *continuation* application (rather than a continuation-in-part application), the priority claim, and their implications.

² CentralSquare reserves the right to challenge the claim scope under 35 U.S.C. 112(a) for lack of written support. *See Collaborative Agreements, LLC v. Adobe Sys. Inc.*, 2016 WL 1461487

something relevant, however, went too far. The resulting claims are incoherent, fail to provide a skilled artisan with any certainty, less so a reasonable certainty regarding the scope of the invention, and remain ambiguous—especially viewed in light with the rest of the family claims.

As claimed, the disputed terms below are clearly indefinite. However, if the Court should disagree and find them definite, then the Court should, at the least, ignore the newly added subject matter and construe the terms in line with the disclosure in the original specification, as CentralSquare proposes below.

II. FACTUAL BACKGROUND

The '383 patent was filed as U.S. Patent Application 17/943,956 on September 13, 2022, and issued as a U.S. Patent on June 27, 2023. The '383 patent issued from a continuation application, and is one of five issued U.S. patents in the family, all of which allegedly share a specification and drawings. The family is listed in the table below:

Application Number	Filing Date	Patent Number	Issue Date	Claims Priority To
US 15/822,927	November 27, 2017	10,686,618	June 16, 2020	62/544.835
US 16/901,074	June 15, 2020	11,139,996	October 5, 2021	15/822,927
US 17/492,757	October 4, 2021	11,716,217	August 1, 2023	16/901,074
US 17/943,956	September 13, 2022	11,689,383	June 27, 2023	17/492,757
US 18/195,257	May 9, 2023	12,309,207	May 20, 2025	17/943,956
US 19/212,069	May 19, 2023	(Pending)	N/A	18/195,257
EP 18188748.0	August 13, 2018	EP 3,445,016	March 9, 2022	US 15/822,927
EP 22152510.8	August 13, 2018	EP 4,007,324 (Publication)	N/A	US 15/822,927

The issued patents and their corresponding prosecution history are listed below:

(N.D. Cal. Apr. 14, 2016), *aff'd*, 696 F. App'x 1019 (Fed. Cir. 2017) (citing *Power Oasis, Inc. v. T-Mobile USA, Inc.*, 522 F.3d 1299, 1306-07 (Fed. Cir. 2008), held that “[a]lthough it is a question of fact, ‘[c]ompliance with the written description requirement ... is amenable to summary judgment in cases where no reasonable fact finder could return a verdict for the non-moving party.’”).

Patent Number:	Patent	Prosecution History
US 10,686,618 B2	Exhibit A	Exhibit E
US 11,139,996 B2	Exhibit B	Exhibit F
US 11,716,217 B2	Exhibit C	Exhibit G
US 11,689,383 B2	Dkt. No. 11-1	Exhibit H
US 12,309,207 B2	Exhibit D	Exhibit I
EP 3,445,016 B2	Exhibit K	
EP 4,007,324 A1 (Publication)	Exhibit J	

The original embodiments of the '383 patent are explained in the specification with respect to FIG. 3, reproduced below, which discloses “a flowchart of the method used by the system for streaming real-time data.” '383 patent 4:9-10.

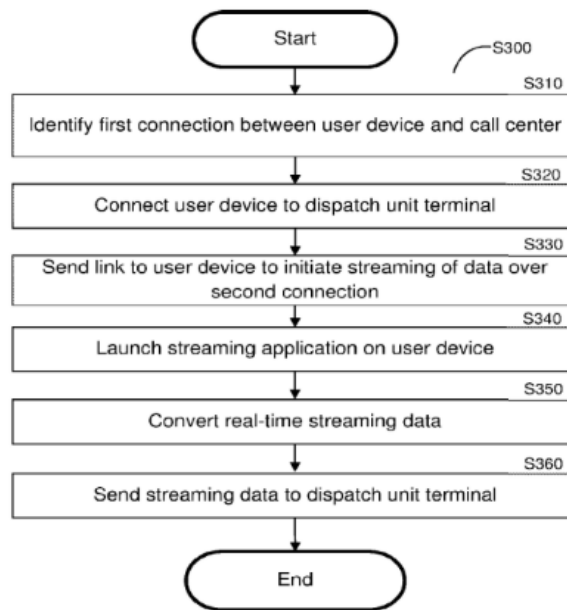


FIG. 3

Id., Fig. 3. As shown in Fig. 3, once an emergency call is received by the system and connected to a dispatch terminal, “the user device is identified,” (S320), which “may be achieved by identifying a phone number or other unique identifier associated with the user device” used in the first connection. *Id.*, 8:47-50. Next, at S330, “a link is sent to the user device over a second connection” that “includes an identifier unique to the [user’s device].” *Id.*, 8:51-56. At S340, the user engages

the link, e.g., by clicking it, and “an application is launched that includes an interface for streaming real-time [video] data” (WebRTC) from the user’s device. *Id.*, 8:60-62. The real-time video is then converted (S350) and “sent to the dispatch unit” (S360), *id.*, 27-35, where it is “further associated with the user device by a unique identifier.” *Id.*, 8:65-67. The dispatcher, therefore, necessarily uses “the identifier that was included in the link . . . for associating the real-time data with the at least audio content” from the first connection. *Id.*, 7:30-32.

Notably, the ’383 patent’s specification mentions “identifier” 25 times. The identifier is always associated with the user/mobile device, and is always “included within the link.” The “identifier” included in the URL must be the same “identifier” associating the real-time data to the dispatch unit terminal for the invention to work. For example:

Cite	Text
2:25-31	. . . wherein the link includes instructions to initiate streaming of real-time data from the user device, and further includes a unique identifier associated with the user device ; and sending the real-time data to a dispatch unit terminal, where the unique identifier is used to match the real-time data with the dispatch terminal used in the connection.
2:39-43 2:52-56	. . . and further comprises a unique identifier associated with the user device ; sending the real-time data to a dispatch unit terminal, wherein the unique identifier is used to match the real-time data with the dispatch terminal used in the connection.
3:11-12 3:35-37 3:59-61	(newly added paragraphs) The real-time video stream is associated with a unique identifier for the mobile device .
4:32-35	Both the user device and the call center are identified, and a link, such as a uniform resource locator (URL), that includes an identifier unique to the user device is sent to the user device.
4:38-39	In an embodiment, the uploaded real-time data is associated with the user device using the identifier .
6:17-25	The electronic message includes at least a link that includes an identifier unique to the UD 130 . The identifier may be, for example, a code snippet, a randomly generated string, a signature, and so on. Each identifier is uniquely generated for each UD 130 and therefore distinguishes any data sent from different UDs.
7:20-22	Any real-time data streamed or otherwise uploaded to the call center 135 is coupled with the unique identifier included in the link .
7:22-27	In an embodiment where the real-time data is streamed to the call center 135, after the call center 135, e.g. a PSAP, receives the real-time data with the identifier ,

Cite	Text
	the call center 135 routes the received real-time data to a DUT 140 to which the UD 130 was connected to through the first connection.
7:30-34	. . . when the real-time data is sent to the first DUT 140, the identifier that was included within the link is utilized for associating the real-time data with the at least audio content at the first DUT 140.
8:14-20	The first UD 130-1 may provide an identifier for the second UD 130-2, such as a phone number . The identifier of the second UD 130-2 may be received by the server 120, where the server 120 is configured to send a link to the second UD 130-2 over a second connection to initiate streaming of real-time data from the second UD 130-2.
8:26-31	The server 120 uses the identifier, i.e. the phone number, associated with the first UD 130-1 , for reestablishing the first connection with the first UD 130-1, and sends, over a second connection, a link to the first UD 130-1 in order to initiate streaming of real-time data from the first UD 130-1.
8:48-50	The identification may be achieved by identifying a phone number or other unique identifier associated with the user device .
8:55-57	The link includes an identifier unique to the UD 130 , and an instruction set to begin streaming data from the user device.
8:65-67	The real-time data is further associated with the user device by a unique identifier .
9:30-33	A unique identifier is associated with the real-time data, allowing the dispatch unit terminal to associate the data with the user device , even if the streaming is accomplished over a second or third connection.

(Emphases added.)

Claim 1 of the '383 patent, however, recites “wherein the URL link is associated with the **phone number** of the mobile device,”—a term and limitation not previously described in all the other specifications of the family. The claim further omits the “unique identifier” in the URL link, while still reciting the “unique identifier” in a later limitation “wherein the real-time video stream is associated with a **unique identifier** for the mobile device.” These changes not only step away from the original specification disclosure but improperly expand the scope of these claims.

III. LEGAL STANDARDS

Words of the claims are generally given their plain and ordinary meaning as understood by one skilled in the art. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312-13 (Fed. Cir. 2005) (*en banc*). This analysis focuses on the intrinsic evidence, which includes the claims themselves, the specification and the prosecution history. *Id.* at 1314-17. The “specification’s consistent focus”

can compel a particular construction of a term. *Arista Networks, Inc. v. Cisco Sys.*, 908 F.3d 792, 798 (Fed. Cir. 2018). “[E]xtrinsic evidence can shed useful light on the relevant art . . . [but] it is less significant than the intrinsic record in determining the legally operative meaning of claim language.” *Phillips*, 415 F.3d at 1317 (internal quotations omitted).

A claim is indefinite if its language, when read in light of the specification and the prosecution history, “fail[s] to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014); *see, e.g., Koki Holdings Co. v. Kyocera Senco Indus. Tools, Inc.*, No. CV 18-313-CFC, 2021 WL 1092579, at *2 (D. Del. Mar. 22, 2021) (“the claims are inherently unclear and cannot provide ‘reasonable certainty about the scope of the invention’”) (quoting *Nautilus*, 134 S. Ct. at 2124). Notably, “a patent does not satisfy the definiteness requirement of § 112 merely because ‘a court can ascribe *some* meaning to a patent’s claims.’” *Interval Licensing LLC v. AOL, Inc.*, 766 F.3d 1364, 1371 (Fed. Cir. 2014) (quoting *Nautilus*, 134 S. Ct. at 2130) (emphasis in original). Rather, the claims “must provide objective boundaries for those of skill in the art.” *Id.*

IV. PERSON OF SKILL IN THE ART

A person of ordinary skill in the art (“POSITA”) in the field of ’383 patent would have had at least a bachelor’s degree in electrical engineering, computer science, or a related discipline, and two years of experience in telecommunication systems or services using Internet protocols for sharing multimedia. Relevant work experience can substitute for formal education and additional education could substitute for work experience. *See* Ex. L ¶ 22.

V. DISPUTED CLAIM TERMS

In each of the previous patents in this family, the claims tracked the disclosed embodiments from the *original* specification and included limitations requiring (1) the URL link to specifically comprise a unique identifier that is associated with the user’s device, and (2) the real-time video

data to be associated with the user's device using the unique identifier. Both sets of limitations in these earlier patents were at least disclosed in the original specification, which also notes that the unique identifier may be phone number of the user's device.

For the '383 patent, however, Carbyne altered the submitted specification—not properly with a preliminary amendment flagging the changes for the examiner—and added three paragraphs describing new embodiments in the Summary of the Invention section. *See* Ex. H at 197-99. The claims at issue here are rooted in those improperly added three paragraphs. In comparison to the prior family claims, Carbyne removed any requirement from these claims that the *URL link include a unique identifier*, and broadened the scope immeasurably by merely requiring the URL link to be “*associated with*” the phone number of the user's device, a phrase that is neither defined nor limited in any meaningful way in the specification. By removing the required “unique identifier,” the claimed scope was expanded, reciting a broad and ambiguous “association” between the URL link and the phone number that fails to inform within a reasonable certainty those skilled in the art about the scope of the invention, and renders the claims indefinite.

Carbyne further removed any requirement that the real-time video be associated with the user's device using the unique identifier, requiring instead that the real-time video must only be “associated with” the unique identifier for the user's device. Apart from only being supported in the newly added paragraphs, this language removes the requirement that the real-time video be connected to the user's device, a necessary limitation for the alleged invention to work.

As such, the newly added subject matter should be ignored and the disputed terms below should be construed according to the disclosure of the original specification.

A. “wherein the URL link is associated with the phone number of the mobile device”

Carbyne’s Proposed Construction	CentralSquare’s Proposed Construction
Plain and ordinary meaning	Indefinite Alternatively: “the URL link includes a unique identifier associated with the phone number of the mobile device.”

This term—when compared with the original specification—is indefinite because it “fail[s] to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014); *BASF Corp. v. Johnson Matthey Inc.*, 875 F.3d 1360, 1365 (Fed. Cir. 2017). Alternatively, in the event the Court adopts a construction for this term, then it should disregard the improperly added material in the ’383 specification and construe this term by aligning it with the remaining claims of the patent family.

1. “wherein the URL link is associated with the phone number of the mobile device” is indefinite

The claims fail the definiteness test because the term, “wherein the URL link is associated with the phone number of the mobile device,” takes on several different meanings and “no informed and confident choice is available among the contending definitions.” *Media Rights Techs., Inc. v. Capital One Fin. Corp.*, 800 F.3d 1366, 1371 (Fed. Cir. 2015) (quoting *Nautilus*, 572 U.S. at 911 n. 8). For instance, the phrase “associated with” is unbounded, failing to provide a skilled artisan with guidance about the scope of the invention. *Nautilus, Inc.*, 572 U.S. at 901. Put another way, a skilled artisan would not know with reasonable certainty when a URL link is associated with the phone number of the mobile device, and—more importantly—when it is not. *See Ex. L ¶ 48.*

Although the word “associated” is heavily recited throughout the ’383 patent’s specification, it is never defined. The ’383 specification fails to provide any definition or guidance on what “associated with” would mean to a POSITA. Taken broadly, the plain and ordinary usage

of “associated with” would provide for any perceived connection or relationship between the URL link and the phone number of the mobile device. As such, the claim term as written would not be clear to a POSITA and does not properly limit the scope of the invention. *See* Ex. L ¶ 49.

Indeed, sister courts in Texas have found that construing “associated with” to its broadest plain and ordinary usage of a mere commonality would be “insufficiently specific to be of assistance to the finder of fact.” *Versata Software, Inc. v. Internet Brands, Inc.*, No. 2:08-cv-313-WCB, 2012 WL 15861, at *6 (E.D. Tex. Jan. 4, 2012). Instead, one should look to the specification to ground the “associated” term to the actual invention at hand. *Id.* And here, as discussed above, the Court should consider this term in light of the *original* specification only. The original specification does not provide support for associating the URL link with the phone number of the mobile device as claimed.

And even if the Court were to consider the ’383 patent specification, it too fails to crystallize how the URL link is associated with the user device as claimed here. Indeed, the ’383 patent specification attempts to “associate” several data sources:

- “a unique identifier associated with the user device” (2:27-28)
- “The URL is associated with the phone number of the mobile device” (3:5-6) (**Newly added**)
- “The real-time video stream is associated with a unique identifier for the mobile device” (3:11-12) (**Newly added**)
- “the uploaded real-time data is associated with the user device using the identifier” (4:38-39)
- “the first [dispatch unit terminal] receives the real-time data and associates the received data with at least an audio content received over the first connection” (4:43-46)
- “the real-time data is associated, at the first [dispatch unit terminal] 140 with at least an audio content that was received over the first connection” (7:28-30)
- “identification may be achieved by identifying a phone number or other unique identifier associated with the user device” (8:48-50)

Yet none of these recitations clarify how to associate the *URL link* with **the phone number** of the mobile device. By itself and when viewed in context with the rest of recitations within the claim, this instance of “associated with” remains ambiguous, and fails to provide a skilled artisan

with a “reasonable certainty about the scope of the invention.” *Nautilus, Inc.*, 572 U.S. at 901; *see also* Ex. L ¶¶ 50-51.

a. The patentee intentionally broadened the scope in the disputed claim language, leaving no ascertainable scope

The ’383 patent was filed as a continuation application, one of many that share the same³ specification in its family,⁴ and each of these applications include claims directed to the same subject matter.⁵ Notably, each of related patents prior to the ’383 patent have similar claim language to the disputed term here, yet, with notable material distinctions:

Remaining Patent Family	The ’383 Patent
U.S. Patent 10,686,618, Ex. A, Claim 1: “the link comprises . . . a unique identifier associated with the user mobile device”	Claim 1: “wherein the URL link is associated with the <i>phone number</i> of the mobile device.”
EP Patent 4,007,324, Ex. J, Claim 1: “the link comprises a unique identifier associated with said user mobile device”	
EP Patent 3,445,016, Ex. K, Claim 1: “the link further comprises a unique identifier associated with the user device”	
U.S. Patent 11,139,996, Ex. B, Claim 1: “the link comprises a unique identifier associated with said user mobile device”	
U.S. Patent 11,716,217, Ex. C, Claim 1: “a link associated with said unique identifier , to the user mobile device”	

By omitting the “unique identifier” from the term here, Carbyne purports to claim any mere commonality between the URL link and the phone number of the mobile device. Whereas

³ Except that the ’383 patent’s specification added three new paragraphs in the “Summary of the Invention” section and another new paragraph at the very end.

⁴ The prosecution histories for each of the patents in this family are part of the ’383 patent’s intrinsic record. *See Hakim v. Cannon Avent Grp., PLC*, 479 F.3d 1313 (Fed. Cir. 2007); *Biovail Corp. Int’l v. Andrx Pharms., Inc.*, 239 F.3d 1297 (Fed. Cir. 2001); *Elkay Mfg. Co. v. Ebco Mfg. Co.*, 192 F.3d 973, 978, 52 USPQ2d 1007, 1114. (Fed. Cir. 1999)

⁵ *See* Terminal Disclaimer, filed November 3, 2020. Ex. F at 148-49.

previously, the original specification and patent family claims limited the URL link to comprising a unique identifier—thereby improperly expanding the scope of these claims. *See* Ex. L ¶ 53. This was no accident and directly borne from ill-begotten tactics of filing this application as a continuation rather than a continuation-in-part. Carbyne relies on this vague and indefinite claim language within its preliminary infringement theories asserting broadly that “merely texting a link to a mobile device” meets the claimed limitation.⁶ That expanded claim scope should not be permitted.

b. Carbyne’s arguments during prosecution further obscure the scope of the disputed claim language

Carbyne’s arguments to overcome prior art rejections further obfuscate any defined scope of term—or at least underscore that Carbyne’s interpreted broad scope was disavowed. *See* Ex. L ¶ 54. For instance, during prosecution of the ’383 patent, the Examiner rejected the application as obvious over prior art reference Ni (U.S. Pat. Pub. No. 2014/0293046). Dkt. No. 21-3. In its response (Dkt. No. 21-3), Carbyne acknowledged that Ni teaches sending a text message with a link to receive a WebRTC call on the user’s device, citing the following paragraph:

The alert may be sent via email, short message, social network and/or other types of online application notifications to the user and any specified members authorized by the user (e.g., family members, friends, designated security management company or police/fire/emergency departments, etc.) to receive such notifications. The notification may contain a short event description, a recommended action and a link to receive the webRTC call initiated by alert module 430.

Ni at ¶ 44. (Emphases added). Ni further discloses that:

⁶ *See* Dkt. 24, p. 7 (“Nothing about distinguishing a user account from a phone number in this context suggests that ‘merely texting a link to a mobile device to establish a WebRTC call is insufficient to show the link is ‘associated with the phone number of the mobile device.’”); *see also Phillips v. AWH Corp.*, 415 F.3d 1303, 1317 (Fed. Cir. 2005) (*en banc*) ([E]xtrinsic evidence can shed useful light on the relevant art.”).

Messaging module 730 *may send the alert notification by email, short message, social network messages and/or other types of messaging to the user . . . Call module 740 may connect the alert webRTC call received by the device alert module 710 to the user designated devices* (such as user device 170, emergency services system 150 and/or security management system 160) *and user may receive and terminate the call by using, for example, a webRTC capable browser or a computer instant messaging application or an audio/video call application (such as VoIP) or a webRTC capable mobile browser* or mobile application or regular audio/video mobile/wireline phone service.

Id., at ¶ 65-66 (emphases added). Per Carbyne’s arguments to the Office, Ni teaches *texting a link to the user’s mobile device to open a WebRTC call* on a mobile browser. Yet, now, this is the very same functionality that Carbyne bases its infringement theories on here. This doublespeak is not permitted—Carbyne flatly rejected during prosecution that this texting functionality was sufficient to “associate” the link with the phone number of the mobile device. Dkt. No. 21-3 at 12. Therefore, “merely texting a link to a mobile device to establish a WebRTC call” *is insufficient* to show that the link is “associated with the phone number of the mobile device,” leaving a skilled artisan with no reasonable certainty as to the scope of the disputed claim language, i.e., when is a link associated with the phone number of the mobile device? *See Ex. L ¶ 54.*

Moreover, it is not enough that a skilled artisan might have some idea of what “the URL link is associated with the phone number of the mobile device” may mean. *Interval Licensing LLC*, 766 F.3d at 1371. The scope is not limited in any meaningful way, and without guidance, a skilled artisan cannot be expected to make an informed and confident choice of what is infringing and what is not—a prospect that is further complicated by Carbyne’s contradictory arguments. *Media Rights Techs., Inc.*, 800 F.3d at 1371. The claim term is therefore indefinite. *See Ex. L ¶ 55.*

2. Alternatively, the term should be construed as “wherein the URL link includes a unique identifier associated with the phone number of the mobile device”

Should there be a finding that the claim term as written not be ruled indefinite, there are multiple references in the specification that indicate the claim term needs to be construed to require not just an association between the URL link and the phone number but also that the URL link must also include a separate unique identifier. *See* Ex. L ¶ 56. A proposed construction in the alternative would be “*the URL link includes a unique identifier associated with the phone number of the mobile device.*”

This construction is based upon the ‘383 specification disclosures for the URL link:

- “. . . wherein the link includes instructions to initiate streaming of real-time data from the user device, and further includes a unique identifier associated with the user device;” (‘383 2:25-28)
- “. . . Any real-time data streamed or otherwise uploaded to the call center 135 is coupled with the unique identifier included in the link.” (‘383 7:20-23)
- “. . . sending a link to the user device, wherein the link comprises instructions to initiate streaming of real-time data from the user device, and further comprises a unique identifier associated with the user device;” (‘383 2:36-40)

The specification explicitly states that the “link includes an identifier unique to the [user device]. *Id.*, 8:47-56; *see also*, 4:32-39. In these cited examples, the unique identifier is stated as being included in the URL link, which a POSITA would understand as necessary for the invention to function as described in the specification. *See* Ex. L ¶ 58.

Indeed, during prosecution of the parent ’996 patent, for instance, claim 1 was amended to include the underlined language: “wherein the link comprises a unique identifier associated with said user mobile device.” *See* Ex. F at 26. In amending the claims to include this language, Carbyne explained how and why the “unique identifier associated with the identified user mobile device” is “*incorporate[ed] into the link*”:

[T]he amended Claim 1 now clarifies a unique feature of associating the streamed real-time video with the identity of the sending user

mobile device *by incorporating into the link a unique identifier associated with the identified user mobile device*. This unique identifier is a base for associating the user mobile device with the streamed real-time video at the dispatch unit terminal such that the dispatch unit can associate the mobile device that made the call over the first communication connection with the received real-time video.

Id. at 39. (Emphases added.) As explained, the “unique identifier” is used by the dispatcher to connect the “real-time video” with the “mobile device that made the call over the first communication connection.” *Id.* Without “incorporating” the unique identifier “*into the link*,” the dispatcher would not be able to associate the resulting real-time video with the first call and the system would not work. Notably, the claims in the ’996 patent only associate the “unique identifier” in the link with “said user mobile device.”

While a variety of “unique identifiers” are available, including the phone number of the mobile device, the “unique identifier” for the URL link and mobile device association is distinct from specific unique identifiers for the mobile device itself. For instance, “[e]ach identifier is uniquely generated for each [user device] and therefore distinguishes any data sent from different [user devices].” *See id.*, 6:21-22. So, if it can be construed, the only interpretation of this term that aligns with the patent family claims *and* the real-time video association limitation below is that (1) the *link must include* a “unique identifier,” and (2) that “unique identifier” must be “associated with the phone number of the mobile device,” *i.e., the unique identifier is distinct from the phone number*, as proposed in the alternative construction above. *See* Ex. L ¶ 60.

B. “wherein the real-time video stream is associated with a unique identifier for the mobile device”

Carbyne’s Proposed Construction	CentralSquare’s Proposed Construction
Plain and ordinary meaning	Indefinite Alternatively: “wherein the real-time video stream is associated with the mobile device using a unique identifier.”

Like the first term, this term is equally rooted in improperly expanded scope within the '383 patent specification and is likewise indefinite because it “fail[s] to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus*, 572 U.S. at 901; *BASF*, 875 at 1365. Alternatively, if the Court adopts a construction, then it should construe this term by aligning it with the remaining claims of the patent family.

1. “wherein the real-time video stream is associated with a unique identifier for the mobile device” Is Indefinite

The term here fails the definiteness requirement for the same reasons as above, in V(A). Specifically, the term, “wherein the real-time video stream is associated with a unique identifier for the mobile device,” “fail[s] to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus, Inc.*, 572 U.S. at 901. This disputed term also relies on the undefine, ambiguous, and indefinite language “associated with,” to claim the relationship between the “real-time video stream” and the “unique identifier for the mobile device.” As such, a skilled artisan would not know with a reasonable certainty when a “real-time video stream is associated with a unique identifier for the mobile device,” because “associated with” is effectively unlimited, and fails to provide any meaningful limitations on the scope of the invention. *See Ex. L ¶ 62.*

As explained above, the specification of the '383 patent does not provide any definition or guidance on what “associated with” means for the claimed invention. Taken broadly, the plain and ordinary usage of “associated with” in the presently disputed term is even more vague and ambiguous than above, as the language allows for *any* association with *any* unique identifier for the device, and is not limited to the “phone number.” *See V(A)*. And the '383 patent's specification further fails to provide any meaningful limitations on “unique identifier.” As described in the specification, “the identifier may be, for example, a code snippet, a randomly generated string, a signature, and so on.” '383 patent, 6:18-20. The unique identifier “may be the suffix of the URL,

referencing a web address of the call center connected to the [user device]” (6:23-25), or “a phone number or other unique identifier associated with the user device.” *Id.*, 8:49-50. Indeed, the only thing certain regarding the unique identifier is that it “is uniquely generated for each [user device].” *Id.*, 6:21-22. Thus, this term attempts to claim any association with any identifier remotely related to the user’s device. This abstract and undefined language is the epitome of indefiniteness, and a skill artisan would be unable to understand the claimed scope with a “reasonable certainty.” *See Nautilus, Inc.*, 572 U.S. at 901 (2014) *see also* Ex. L ¶ 63.

2. Alternatively, the term should be construed as “wherein the real-time video stream is associated with the mobile device using a unique identifier.”

If the Court finds that the claim term is not indefinite, however, the claim term should be construed to mean “wherein the real-time video stream is associated with the mobile device using a unique identifier,” as it is the next most-logical interpretation of the claim term if a skilled artisan attempted to make sense of the claim language in view of the specification and record.

The only alleged support for the disputed term, as claimed, is in the newly added paragraphs that extend the scope of the invention indefinitely, well beyond the subject matter disclosed in the original specification and claims. *See* ’383 patent, 2:57-3:61 (“The real-time video stream is associated with a unique identifier for the mobile device.”). Whereas, the original specification discloses that the real-time video is associated directly with the user’s device. There is no original disclosure where the real-time video is *only* associated with the unique identifier, without directly connecting the real-time data to the user’s device. *See e.g., id.*, 4:38-39.

Associating the real-time video with only the unique identifier, as claimed, effectively removes the required intermediate process of relating the real-time video and the mobile device, which is the essence of the ’383 patent’s alleged novelty. Whereas the proposed language provides the only logical interpretation in view of the specification—that the “*real-time video is further*

associated with the user device **by a unique identifier.**” *Id.*, 8:65-67 (emphases added). And here, that unique identifier is also associated with the phone number of the device. *See* V(A) *see also* Ex. L ¶ 66.

Indeed, Carbyne’s arguments during prosecution support the proposed construction as well. As mentioned above, during prosecution of the ’996 patent Carbyne explained how the claimed system associates the video stream with the mobile device using the unique identifier:

[T]he amended Claim 1 now clarifies a unique feature of ***associating the streamed real-time video with the identity of the sending user mobile device*** by incorporating into the link a unique identifier associated with the identified user mobile device. This unique identifier is a base for ***associating the user mobile device with the streamed real-time video*** at the dispatch unit terminal such that the dispatch unit can ***associate the mobile device that made the call over the first communication connection with the received real-time video.***

Ex. F at 39. (Emphases added.) Note that Carbyne’s explanation was precisely that the “unique identifier is a base for ***associating the user mobile device with the streamed real-time video.***” *Id.* Nowhere during prosecution does Carbyne argue that the real-time video stream is associated only with the unique identifier, as that argument would have been rejected by the office as indefinite, and unsupported by the specification. Yet, that is precisely what Carbyne now seeks.

Nevertheless, if it can be construed, the only logical interpretation of this disputed term in the ’383 patent is that (1) the real-time video stream is associated with the mobile device, and (2) the unique identifier is used to associate the real-time video stream with the mobile device, as proposed in the alternative construction above. *See* Ex. L ¶ 68.

C. “unique identifier”

Carbyne’s Proposed Construction	CentralSquare’s Proposed Construction
Plain and ordinary meaning	“unique identifier used to match the real-time data with the dispatch terminal used in the first connection.”

Like the first two terms, this term is tainted by Carbyne’s attempts to improperly expand the scope of the specification and invention. As such, the Court should disregard the ’383 patent specification and construe this term to align it with the remaining claims of the patent family.

1. The “unique identifier” term should be construed as “unique identifier used to match the real-time data with the dispatch terminal used in the connection.”

This term, “unique identifier,” should be construed to mean “unique identifier used to match the real-time data with the dispatch terminal used in the connection.”⁷ This is the exact verbiage of the specification. *See* ’383 patent 2:29-31.

The original ’618 patent, to which the ’383 patent claims priority, was filed with claim 1 reciting, among other things, “wherein the unique identifier is used to match the real-time data with the dispatch terminal used in the connection.” *See* Ex. E at 361. This position is further confirmed by subsequent amendments made on July 16, 2018, and February 11, 2019, in which the above-referenced term was amended to “wherein the unique identifier is used to match the real-time video data with the dispatch unit terminal used by said call center in the first communication connection.” *See id.* at 277 and 220. In the Remarks submitted with the amendments dated February 11, 2019, Carbyne emphasized that:

The amended claim now emphasizes that the link that is received in the user device, is made available **for a user of the user device to be engaged by the user, so the user can activate the link and by that, a web browser is launched, having WebRTC interface configured to initiate streaming of real-time video data from the user device through WebRTC session.**

The amended claim therefore specifically claims a real-time video data, which is sent from the user device to the dispatch unit by a web browser through WebRTC session.

⁷ “Connection” here refers to the *first* connection, i.e., the emergency call between a user’s mobile device and the PSAP. *See* ’383 patent 2:23-24 and 2:29-31.

Id. at 215. (Emphasis original.)

In earlier Remarks submitted on July 16, 2018, Carbyne argued that:

The amended claim now is clear and detailed in defining the function of the link sent to the user device, and that the link is sent as a response to the identification of the user device. The link is defined as comprises instructions that when executed upon activation of the link cause the user device to launch an interface configured to initiate streaming of real-time data from the user device, and further comprises a unique identifier associated with the user device.

Id. at 285.

The '996 patent, to which the '383 patent claim priority, is another continuation application of the original '618 patent. Claim 1 of the '996 patent recites, among other things, “wherein said link is made available to be engaged by a user of said user mobile device, following an identification of said user mobile device, wherein the link comprises a unique identifier associated with said user mobile device and instructions to initiate streaming of real-time video data from the user mobile device via a web browser executed on the user mobile device,” and “wherein the [Emergency Call Center] ECC dispatch unit terminal associates the real-time video data and the user mobile device based on said unique identifier.”

While the '618 and '996 patents are different in scope, the '383 patent is a continuation of both, and they share similar specifications⁸. Setting aside the notable differences in specifications addressed above, the common specification disclosures show that the “unique identifier” is the same identifier used in the link sent to the user mobile device, and that this “unique identifier” is associated with the user mobile device that is used in the first connection, i.e., in the voice call.

See Ex. L ¶ 74.

⁸ Again, with the exception of the newly added paragraphs as discussed above. Regardless, the specifications of the '618 and the '996 patent are inclusive in the '383 patent's specification.

CentralSquare's proposed construction is not only the exact verbiage of the specification but also reflected by Carbyne's own arguments in the prosecution histories of multiple applications of the family, including but not limited to the '618, '996, and '383 patents. *See* Ex. L ¶ 75. Therefore, the Court should adopt CentralSquare's construction.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that 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 on October 13, 2025.

/s/ Lionel M. Lavenue

Lionel M. Lavenue