

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

BOSE CORPORATION,

Plaintiff

v.

SDI TECHNOLOGIES, INC.,

Defendant.

Civil Action No. 1:13-cv-10277

DEFENDANT'S PRELIMINARY CLAIM CONSTRUCTION BRIEF

'682 patent. SDI's construction simply clarifies that this claim language means that the speaker actually responds to signals sent to the speaker by the computer.

XII. "AUDIO SIGNAL PROCESSING CIRCUITRY"

The Court should construe this phrase to mean "any circuitry that modifies an audio signal, including by amplifying it." This phrase is in claims 1, 28, and 55 of the '682 patent.

The Court should adopt SDI's proposed construction because there is nothing in the claims or the remainder of the specification that limits this term to any particular type of processing. The specification simply identifies "audio signal processing circuitry 14," without explaining what processing that component performs. (*See* Ex. 1, '295 patent, 3:33-46, 11:33-38.) Notably, there is no separate amplifier described in the specification, meaning that "audio signal processing circuitry 14" must perform the amplification necessary to make the music audible. Therefore, the processing of the "audio signal processing circuitry" could be of any type, including amplification of the audio signal.

For these reasons, the Court should adopt SDI's proposed construction and not limit this term in any way.

XIII. NETWORK

Rose proposes that "network" be construed to mean "an interactive computer network such as the internet." This intended to avoid prior art in which the "computer" connects to a radio network instead of a computer network. There is no reason to narrow this claim term in the way that Bose proposes, particularly where the patent actually uses the term "computer network" when referring to a computer network. (*See, e.g.*, Ex. 1, '295 patent, Abstract.) Because Bose nevertheless *elected* to use the broader term "network" in its claims, and should not be permitted to rewrite them now.