

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DALI WIRELESS, INC.,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:22-cv-00012-RWS-RSP
v.	)	
	)	
AT&T CORP., AT&T COMMUNICATIONS	)	
LLC, AT&T MOBILITY, AT&T MOBILITY	)	
II LLC, AT&T SERVICES INC., ERICSSON	)	
INC., TELEFONAKTIEBOLAGET LM	)	
ERICSSON, COMMSCOPE HOLDING	)	
COMPANY, INC., COMMSCOPE INC., and	)	
COMMSCOPE TECHNOLOGIES LLC,	)	
	)	
Defendants.	)	

DALI WIRELESS, INC.,	)	
	)	
Plaintiff,	)	Case No. 2:23-cv-00002-RWS-RSP
	)	
v.	)	
	)	
CELLCO PARTNERSHIP d/b/a	)	
VERIZON WIRELESS, VERIZON	)	
CORPORATE SERVICES GROUP INC.,	)	
VERIZON ONLINE LLC, COMMSCOPE	)	
HOLDING COMPANY, INC.,	)	
COMMSCOPE INC., and COMMSCOPE	)	
TECHNOLOGIES LLC,	)	
	)	
Defendants.	)	
	)	
	)	

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Scheduling Order, hereby jointly provide this Joint Claim Construction and Prehearing Statement pursuant to Local Patent Rule 4-3 of the United States District Court for the Eastern District of Texas and the Docket Control Order.

1. P.R. 4-3(a)(1) Agreed Constructions

A. U.S. Patent 8,682,338

Claim Term	Claim(s)	Agreed Construction
“reconfigure each remote radio unit”	1	“changing the configuration of each remote radio unit”
“load percentage”	1	“a value representing the portion of available capacity that is in use”

2. P.R. 4-3(a)(2) Disputed Terms

A. U.S. Patent 11,026,232

Claim Term	Claim(s)	Dali’s Proposed Construction	Defendants’ Proposed Construction¹
“radio resources”	1, 3, 12, 14, 20	RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is transmitted by a wireless access point, but do not include the underlying data that is transmitted ’232 Patent at 6:3-29; 6:60-7:5; 7:53-58; 11:52-60; 11:64-12:37; 12:5-37; ’232 File History; ’232 FH at 4/7/21 Notice of Allowance; 12/23/20 Notice of Allowance; 11/20/20 Notice of Allowance; 9/9/2020 Notice of Allowance;	Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not include the underlying data that is transmitted. Note: when data is modulated on an RF carrier, the RF carrier is a radio resource, but the data modulated on the RF carrier is not a radio resource. ’232 Patent at Title; FIGS. 1-7; 1:64-2:1; 4:18-19; 4:18-19; 6:4-7:5; 8:15-16; 11:49-12:24.

¹ Each defendant joins only as to the patents asserted against it in this case.

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction ¹
		'343 File History; '343 FH at 8/10/20 Final Rejection; '343 FH at 1/30/20 Non-Final Rejection; '343 FH at 1/7/21 NOA; '343 FH at 2/9/21 NOA '499 FH; '499 FH at 02/21/2019 Non-Final Rejection; '499 FH at 5/8/2019 Notice of Allowance; US 10,080,178 including claims 1, 10, 15; US 10,080,178 FH US 11,368,957 including claims 1, 7, 13 US 11,013,005 including claims 1, 19, 20 US 9,531,473 including claim 6; US 9,531,473 FH Claim construction materials from prior litigations involving the same patent and/or claim terms including, for example, Dali Wireless, Inc. v. John Mezzalingua Associates, LLC d/b/a JMA Wireless No. 1-19-cv-02367 (D. Del.). IPR2020-01430, Paper No. 15 3GPP TS 25.401, Release 4: "Universal Mobile Telecommunications	February 2, 2023 Claim Construction Order, Dkt. 31, <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i>, Case No. 6:22-cv-01313-ADA (W.D. Tx). February 9, 2021 Decision Denying Institution in <i>John Mezzalingua Associates, LLC v. Dali Wireless Inc.</i>, Case No. IPR2020-01430 of U.S. Patent No. 10,334,499 (P.T.A.B.), 3-5 Transcript of the March 1, 2021 Markman hearing in <i>Dali Wireless Inc. v. John Mezzalingua Associates, LLC et al.</i>, Case No. 19-2367-RGA (D. Del.), filed as Dkt. 73 on March 3, 2021 (53:13-23) Patent Owner's Preliminary Response to Petition for Inter Partes Review in Commscope Technologies LLC and Corning Optical Communications LLC v. Dali Wireless, Inc., Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 2, 15, 22, 25, 33-34. Decision Granting Institution of Inter Partes Review in Commscope

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction ¹
		System (UMTS); UTRAN Overall Description" [DALIATT-204249]. Dali reserves the right to supplement if Defendants intend to raise any issues other than claim construction at this phase of the case. Dali further reserves the right to utilize a rebuttal expert in response to a brief where expert testimony is relied upon by Defendants.	Technologies LLC v. Dali Wireless, Inc., Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 8-13, 25-26, 44. November 6, 2020 Declaration of Dr. Harry Bims Regarding Interpretation of the Asserted Claims of Dali's U.S. Patent Nos. 10,334,499 and 9,820,171 in <i>Dali Wireless Inc. v. John Mezzalingua Associates, LLC et al.</i>, Case No. 19-2367-RGA (D. Del.) at Par. 23.
"operator hub"	1, 12, 20	Plain and ordinary meaning '232 Patent at claims 1, 12, 20	Plain and ordinary meaning, which does not include the one or more central nodes '232 Patent at claims 1, 12, 20, Figs. 1-6, 6:4-5, 6:14-17, 6:26-29, 6:32-38, 6:54-57, 7:26-33, 7:61-8:9, 8:48-55. '343 Patent at Figs. 1-2, 4-5, 8; '499 Patent at Figs. 1-2, 4-5, 8. Claim Construction briefing from <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i>, Case No. 6:22-cv-01313-ADA (W.D. Tx), including Dkt. 76 at 26-27; Dkt. 83 at 13-14; Claim construction materials from the prior

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction ¹
			case captioned <i>Dali Wireless, Inc. v. CommScope Technologies LLC et al.</i>, C.A. No. 19-952-MN (D. Del.) including Dkt. 121 (Transcript of the 12-15-2020 <i>Markman</i> hearing) at 6-10. Decision Granting Institution of Inter Partes Review in <i>Commscope Technologies LLC v. Dali Wireless, Inc.</i>, Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 13-17, 21-26, 45-47.
“an operator hub . . . that provides the plurality of radio resources to a radio access network using the Common Public Radio Interface (CPRI) protocol”	1	Plain and ordinary meaning except as “radio resources” has been construed above '232 Patent at 11:52-56; '232 File History; '232 File History at 4/7/21 Notice of Allowance; 11/20/20 Notice of Allowance; 9/9/20 Notice of Allowance; 12/30/20 Notice of Allowance;	Plain and ordinary meaning. Note: the phrase “that provides the plurality of radio resources to a radio access network using the Common Public Radio Interface (CPRI) protocol” modifies “operator hub.” '232 Patent at claims 1, 12, 20 '232 Patent File History at original claims; EP Pat. Pub. No. 1924109 (identified in 9-16-2020 Information Disclosure Statement) at Fig. 3, paras [0016], [0017], [0019]; November 5, 2020 Examiner-Initiated Interview Summary; November 5, 2020

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction ¹
			Statement of Substance; November 20, 2020 Supplemental Notice of Allowability; U.S. Pat. Pub. No. 2010/0075678 at paras [0004], [0021]-[0024], Fig. 2; Continuation of '232 Patent (U.S. Pat. No. 11, 013, 005) at claim 1. February 2, 2023 Claim Construction Order, Dkt. 31, <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i>, Case No. 6:22-cv-01313-ADA (W.D. Tx). Decision Granting Institution of <i>Inter Partes Review</i> in <i>Commscope Technologies LLC v. Dali Wireless, Inc.</i>, Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 13-17, 21-26.

B. U.S. Patent 10,334,499

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
"is configured to"	1, 8	Plain and ordinary meaning '499 Patent at Abstract; 4:27-39; 7:10-50; 10:11-27; 10:55-11:31; 12:10-13; 12:50-13:2	Plain and ordinary meaning, which requires being configured, not merely capable of being configured. '499 Patent at FIG. 7; 6:21-30; 7:30-37; 10:25-

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			27; 11:11-20; 11:64-12:39; 12:50-13:2. '343 Patent at claim 9. U.S. Patent No. 10,080,178 at Claim 1. February 2, 2023 Claim Construction Order, Dkt. 31, <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i>, Case No. 6:22-cv-01313-ADA (W.D. Tx).
"radio resources"	1-4, 8-11, 13-16, 18, 19	RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is being transmitted by a remote unit, but do not include the underlying data that is transmitted '499 Patent at 2:33-45; 4:50-62; 4:63-5:19; 6:31-44; 7:44-50; 12:15-39; 12:58-13:2 '499 FH; '499 FH at 02/21/2019 Non-Final Rejection; '499 FH at 5/8/2019 Notice of Allowance; US 10,080,178 including claims 1, 10, 15; US 10,080,178 FH US 11,368,957 including claims 1, 7, 13 US 11,013,005 including claims 1, 19, 20	Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not include the underlying data that is transmitted. Note: when data is modulated on an RF carrier, the RF carrier is a radio resource, but the data modulated on the RF carrier is not a radio resource. '499 Patent at Title; FIGS. 1 and 2; 4:27-65; 6:21-58; 6:60-63; 9:62-63; 11:64-12:17; 12:50-64. February 2, 2023 Claim Construction Order, Dkt. 31, <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i>, Case No. 6:22-cv-01313-ADA (W.D. Tx).

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		US 9,531,473 including claim 6; US 9,531,473 FH '232 File History; '232 FH at 4/7/21 Notice of Allowance; 12/23/20 Notice of Allowance; 11/20/20 Notice of Allowance; 9/9/2020 Notice of Allowance; IPR2020-01430, Paper No. 15 Claim construction materials from prior litigations involving the same patent and/or claim terms including, for example, Dali Wireless, Inc. v. John Mezzalingua Associates, LLC d/b/a JMA Wireless No. 1-19-cv-02367 (D. Del.). 3GPP TS 25.401, Release 4: "Universal Mobile Telecommunications System (UMTS); UTRAN Overall Description" [DALIATT-204249]. Dali reserves the right to supplement if Defendants intend to raise any issues other than claim construction at this phase of the case. Dali further reserves the right to utilize a rebuttal expert in	February 9, 2021 Decision Denying Institution in John Mezzalingua Associates, LLC v. Dali Wireless Inc., Case No. IPR2020-01430 of U.S. Patent No. 10,334,499 (P.T.A.B), 3-5 Transcript of the March 1, 2021 Markman hearing in <i>Dali Wireless Inc. v. John Mezzalingua Associates, LLC et al.</i>, Case No. 19-2367-RGA (D. Del.), filed as Dkt. 73 on March 3, 2021 (53:13-23) Patent Owner's Preliminary Response to Petition for <i>Inter Partes</i> Review in <i>Commscope Technologies LLC and Corning Optical Communications LLC v. Dali Wireless, Inc.</i>, Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 2, 15, 22, 25, 33-34. Decision Granting Institution of <i>Inter Partes</i> Review in <i>Commscope Technologies LLC v. Dali Wireless, Inc.</i>, Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 8-13, 25-26, 44. November 6, 2020 Declaration of Dr. Harry Bims Regarding Interpretation of the

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		response to a brief where expert testimony is relied upon by Defendants.	Asserted Claims of Dali's U.S. Patent Nos. 10,334,499 and 9,820,171 in <i>Dali Wireless Inc. v. John Mezzalingua Associates, LLC et al.</i> , Case No. 19-2367-RGA (D. Del.) at Par. 23.

C. U.S. Patent 11,006,343

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
"is configured to"	1	Plain and ordinary meaning '343 Patent at Abstract; 4:27-28; 7:27-29; 12:5-14; 12:29-39; 12:58-13:2	Plain and ordinary meaning, which requires being configured, not merely capable of being configured. '343 Patent at FIG. 7; 6:23-32; 7:32-39; 10:24-27; 11:11-20; 11:64-12:39; 12:50-13:2; claim 9. U.S. Patent No. 10,080,178 at Claim 1. February 2, 2023 Claim Construction Order, Dkt. 31, <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i> , Case No. 6:22-cv-01313-ADA (W.D. Tx).
"radio resources"	1, 12	RF carriers, CDMA codes, TDMA time slots, and other information defining or describing the way data is being transmitted by a remote unit, but do not include the underlying data that is transmitted	Plain and ordinary meaning where the plain and ordinary meaning includes RF carriers, CDMA codes, and TDMA time slots, but does not include the underlying data that is transmitted.

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		'343 Patent at 2:34-46; 4:53-64; 5:1-21; 6:33-47; 7:46-52; 12:15-28 IPR2020-01430, Paper No. 15 '343 File History; '343 FH at 8/10/20 Final Rejection; '343 FH at 1/30/20 Non-Final Rejection; '343 FH at 1/7/21 NOA; '343 FH at 2/9/21 NOA '499 FH; '499 FH at 02/21/2019 Non-Final Rejection; '499 FH at 5/8/2019 Notice of Allowance; US 10,080,178 including claims 1, 10, 15; US 10,080,178 FH US 11,368,957 including claims 1, 7, 13 US 11,013,005 including claims 1, 19, 20 US 9,531,473 including claim 6; US 9,531,473 FH '232 File History; '232 FH at 4/7/21 Notice of Allowance; 12/23/20 Notice of Allowance; 11/20/20 Notice of Allowance; 9/9/2020 Notice of Allowance; Claim construction materials from prior	Note: when data is modulated on an RF carrier, the RF carrier is a radio resource, but the data modulated on the RF carrier is not a radio resource. '343 Patent at Title; FIGS. 1 and 2; 4:29-67; 6:23-60; 6:63-65; 9:62-63; 11:64-12:17; 12:50-64; February 2, 2023 Claim Construction Order, Dkt. 31, <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i>, Case No. 6:22-cv-01313-ADA (W.D. Tx). February 9, 2021 Decision Denying Institution in <i>John Mezzalingua Associates, LLC v. Dali Wireless Inc.</i>, Case No. IPR2020-01430 of U.S. Patent No. 10,334,499 (P.T.A.B), 3-5 Transcript of the March 1, 2021 Markman hearing in <i>Dali Wireless Inc. v. John Mezzalingua Associates, LLC et al.</i>, Case No. 19-2367-RGA (D. Del.), filed as Dkt. 73 on March 3, 2021 (53:13-23) Patent Owner's Preliminary Response to Petition for <i>Inter Partes</i> Review in <i>Commscope</i>

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		litigations involving the same patent and/or claim terms including, for example, Dali Wireless, Inc. v. John Mezzalingua Associates, LLC d/b/a JMA Wireless No. 1-19-cv-02367 (D. Del.). 3GPP TS 25.401, Release 4: "Universal Mobile Telecommunications System (UMTS); UTRAN Overall Description" [DALIATT-204249]. Dali reserves the right to supplement if Defendants intend to raise any issues other than claim construction at this phase of the case. Dali further reserves the right to utilize a rebuttal expert in response to a brief where expert testimony is relied upon by Defendants.	<i>Technologies LLC and Corning Optical Communications LLC v. Dali Wireless, Inc.</i>, Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 2, 15, 22, 25, 33-34. Decision Granting Institution of <i>Inter Partes</i> Review in <i>Commscope Technologies LLC v. Dali Wireless, Inc.</i>, Case No. IPR2022-01242 of U.S. Patent No. 11,026,232 at 8-13, 25-26, 44. November 6, 2020 Declaration of Dr. Harry Bims Regarding Interpretation of the Asserted Claims of Dali's U.S. Patent Nos. 10,334,499 and 9,820,171 in <i>Dali Wireless Inc. v. John Mezzalingua Associates, LLC et al.</i>, Case No. 19-2367-RGA (D. Del.) at Par. 23.

D. U.S. Patent 8,682,338

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
"translating the uplink and downlink signals between RF and base band as appropriate"	1	Plain and ordinary meaning in accordance with the plain and ordinary meaning of "downlink signals" as explained [below], and wherein "translating . . . as	This phrase "recites 'as appropriate' to mean the amount of translation necessary to produce a baseband signal from an RF signal", according to the construction and

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		appropriate” is a conditional limitation ’338 Patent at Abstract, Figs. 1, 2, 6, 4:56-5:15, 5:63-7:37, 8:48-62, 9:18-31, 13:1-14:17. Deposition Transcript of Sasha Trajkovic. Claim construction materials from other litigations involving the same patent and/or claim terms including, for example, <i>Dali Wireless, Inc. v. Verizon, et al.</i>, 6:22-cv-00104-ADA (W.D. Tex.).	reasoning of the Delaware district court. ’338 Patent at 1:15-17, 2:39-51, 3:63-67; 4:8-11, 4:15-23; 5:25-32, 5:64-6:9, 6:13-19, 6:31-36, 7:5-28, 7:38-54, 7:61-8:8, 8:12-21, 8:24-32, 8:45-55, 8:63-9:10, 9:17-31, 9:54-64, 10:15-34, claim 1, Figs. 1-2. Claim construction materials from the prior case captioned <i>Dali Wireless, Inc. v. CommScope Technologies LLC et al.</i>, C.A. No. 19-952-MN (D. Del.) (“Prior Dali-CommScope Action”) including Dkt. 121 (Transcript of the 12-15-2020 <i>Markman</i> hearing) at 36-38, 96-97; Dkt. 321 (3-3-2022 Claim Construction Order on various claim terms in ’338 Patent) at 1, 4-8; Dkt. 122 (1-4-2021 Claim Construction Order on various claim terms in ’338 Patent, U.S. Pat. No. 10,045,314 (“’314 Patent”), and U.S. Pat. No. 10,080,178 (“’178 Patent”)) at 8-9; Dkt. 307-1, Exhibit 3 (excerpts of the Rebuttal Expert Report of Dr. Daniel Foty Concerning Validity of the ’338 Patent); Dkt. 307-1, Exhibit 4 (excerpts of the May 2, 2018

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			Deposition of Shawn Stapleton); Dkt. 307-1, Exhibit 6 (excerpts of the transcript of the August 31, 2021 Deposition of Dr. Harry Bims); Dkt. 307-1, Exhibit 5 (excerpts of the transcript of the September 10, 2021 Deposition of Dr. Daniel Foty); Dkt. 307-2, Exhibit 8 (excerpts of Merriam-Webster's Collegiate Dictionary (10th ed. 2002); Dkt. 313-1, Exhibit 16 (Excerpts of the [Corrected] Reply Expert Report of Dr. Harry Bims); Dkt. 313-1, Exhibit 20 (Excerpts of the transcript of the August 31, 2021 Deposition of Dr. Harry Bims) (discussing '338 Patent at Fig. 6, 4:54-5:7); Dkt. 259 (Defendants' Concise Statement of Facts in Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 266 (Dali's Response to CommScope's Concise Statement of Facts in Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 319 (February 28, 2022 Joint Status Report) at 2-3; Dkt. 320 (Transcript of February 20, 2022 Markman Hearing) at 63-69; Dkt. 324 and Dkt. 324-1 (March 14, 2022 Joint Motion for Entry of

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			Final Judgment, and accompanying Exhibit 1 ([Proposed] Stipulated Final Judgment)); Dkt. 325 (March 24, 2022 Order regarding the parties' Joint Motion for Entry of Final Judgment) at 1-3; Dkt. 326 (Final Judgment). Appellant's Opening Brief in <i>Dali Wireless, Inc. v. CommScope Technologies LLC et al.</i>, C.A. No. 2022-1699 (Fed. Cir.) ("Dali-CommScope Appeal"), Dkt. 17, June 30, 2022, at 16, 43; Appellee's Principal Brief in the Dali-CommScope Appeal, Dkt. 21, September 29, 2022, at 11-12. Decision Granting Institution of <i>Inter Partes</i> Review in <i>Ericsson Inc. v. Dali Wireless, Inc.</i>, Case No. IPR2022-01212 of U.S. Patent No. 8,682,338 at 28, 30.
"downlink signals"	1	Plain and ordinary meaning which is: signals transmitted in the downlink direction '338 Patent at Abstract, Figs. 1, 2, 4:56-5:15, 5:63-7:54, 13:1-14:17. Claim construction materials from other litigations involving the	This term should "be given [its] plain and ordinary meaning, which is 'signals transmitted in the downlink direction'", and must be construed in the context of the "translating the uplink and downlink signals between RF and base band as appropriate" phrase in which it appears, and the

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		same patent and/or claim terms including, for example, <i>Dali Wireless, Inc. v. Verizon, et al.</i> , 6:22-cv-00104-ADA (W.D. Tex.).	claim as a whole, according to the construction and reasoning of the Delaware district court '338 patent at claim 1, Fig. 1, 2:39-51, 4:15-18, 4:20-23; 5:25-28, 5:56-6:4, 6:13-19, 6:31-36, 7:5-28, 7:38-54, 7:61-8:8, 8:12-21, 8:24-32, 9:54-64, 10:15-34, claim 1, Fig. 1. Claim construction materials from the Prior Dali-CommScope Action including Dkt. 121 (Transcript of the 12-15-2020 <i>Markman</i> hearing) at 36-40, 96-97; Dkt. 321 (3-3-2022 Claim Construction Order on various claim terms in '338 Patent) at 1, 4-8; Dkt. 122 (1-4-2021 Claim Construction Order on various claim terms in '338 Patent, '314 Patent, and '178 Patent) at 8-9; Prior Dali-CommScope Action at Dkt. 307-1, Exhibit 6 (Excerpts of the transcript of the August 31, 2021 Deposition of Dr. Harry Bims); Dkt. 259 (Defendants' Concise Statement of Facts in Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 266 (Dali's Response to CommScope's Concise Statement of Facts in

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 319 (February 28, 2022 Joint Status Report) at 2-3; Dkt. 320 (Transcript of February 20, 2022 Markman Hearing) at 63-69; Dkt. 324 and Dkt. 324-1 (March 14, 2022 Joint Motion for Entry of Final Judgment, and accompanying Exhibit 1 ([Proposed] Stipulated Final Judgment)); Dkt. 325 (March 24, 2022 Order regarding the parties' Joint Motion for Entry of Final Judgment) at 1-3; Dkt. 326 (Final Judgment). Appellant's Opening Brief in Dali-CommScope Appeal, Dkt. 17, June 30, 2022, at 16, 43; Appellee's Principal Brief in the Dali-CommScope Appeal, Dkt. 21, September 29, 2022, at 11-12. U.S. Pat. No. 10,080,178 at claims 1, 10, 15, 21; U.S. Pat. No. 10,045,314 at claims 1, 20.
"packetizing the uplink and downlink baseband signals"	1	Plain and ordinary meaning in accordance with the plain and ordinary meaning of "downlink signals" as explained above. A POSITA would understand antecedent	"packetizing the uplink and downlink baseband signals that were produced in the 'translating' step", according to the construction and reasoning of the Delaware

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		basis for "baseband signals" is present by implication '338 Patent at Abstract, Figs. 1, 2, 5:63-7:4. Claim construction materials from other litigations involving the same patent and/or claim terms including, for example, <i>Dali Wireless, Inc. v. Verizon, et al.</i>, 6:22-cv-00104-ADA (W.D. Tex.).	court '338 Patent at 2:39-51, 5:56-6:9, 7:5-12, 8:24-32, 8:45-62, 9:17-31, claim 1, Figs. 1-2. Claim construction materials from the Prior Dali-CommScope Action including Prior Dali-CommScope Action at Dkt. 121 (Transcript of the 12-15-2020 <i>Markman</i> hearing at 36-38; Dkt. 321 (3-3-2022 Claim Construction Order on various claim terms in '338 Patent) at 1, 4-8; Dkt. 307-1, Exhibit 6 (Excerpts of the transcript of the August 31, 2021 Deposition of Dr. Harry Bims); Dkt. 259 (Defendants' Concise Statement of Facts in Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 266 (Dali's Response to CommScope's Concise Statement of Facts in Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 319 (February 28, 2022 Joint Status Report) at 2-3; Dkt. 320 (Transcript of February 20, 2022 <i>Markman</i> Hearing) at 64-69; Dkt. 324 and Dkt. 324-1 (March 14, 2022 Joint Motion for Entry of Final Judgment, and

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			accompanying Exhibit 1 ([Proposed] Stipulated Final Judgment)); Dkt. 325 (March 24, 2022 Order regarding the parties' Joint Motion for Entry of Final Judgment) at 1-3; Dkt. 326 (Final Judgment). Appellant's Opening Brief in Dali-CommScope Appeal, Dkt. 17, June 30, 2022, at 16, 43; Appellee's Principal Brief in the Dali-CommScope Appeal, Dkt. 21, September 29, 2022, at 11-12. Decision Granting Institution of <i>Inter Partes</i> Review in <i>Ericsson Inc. v. Dali Wireless, Inc.</i>, Case No. IPR2022-01212 of U.S. Patent No. 8,682,338 at 31.
"routing and switching the packetized signals among the one or more remote radio units via the at least one digital access unit"	1	Plain and ordinary meaning in accordance with the plain and ordinary meaning of "downlink signals" as explained above '338 Patent at Abstract, Figs. 1, 2, 7:38-8:32, 13:1-14:17. Claim construction materials from other litigations involving the same patent and/or claim terms including, for	This phrase "refers to 'the packetized signals' produced by the packetizing step and includes both uplink baseband signals and downlink baseband signals that were previously packetized," according to the construction and reasoning of the Delaware district court The "routing and switching . . . via the at

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		example, <i>Dali Wireless, Inc. v. Verizon, et al.</i> , 6:22-cv-00104-ADA (W.D. Tex.).	least one DAU" portion of this phrase should be construed as "routing and switching . . . through the at least one DAU," according to the construction and reasoning of the Delaware district court '338 Patent at 4:15-19, 5:25-32, 5:56-6:9, 6:24-47, 6:52-65, 7:5-28, 8:24-32, 8:45-62, 9:17-31, claim 1, Figs. 1-2. '338 Patent File History, including original filed claims; May 28, 2013 Amendment. Claim construction materials from the Prior Dali-CommScope Action including Prior Dali-CommScope Action at Dkt. 321 (3-3-2022 Claim Construction Order on various claim terms in '338 Patent) at 1-2, 8-10; Dkt. 307-1, Exhibit 6 (Excerpts of the transcript of the August 31, 2021 Deposition of Dr. Harry Bims); Dkt. 307-1, Exhibit 6 (Excerpts of the September 10, 2021 Deposition of Dr. Daniel Foty); Dkt. 314 (Excerpts of the Memorandum of Law in Support of Dali Wireless Inc.'s Supplemental Claim Construction Positions

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			Pursuant to the Court's Order (D.I. 301)); Dkt. 307-2, Exhibit 9 (Excerpts of the Wiley Electrical and Electronics Engineering Dictionary (2004)); Dkt. 307-2, Exhibit 11 (Excerpts of the Penguin Dictionary of Electronics (3d ed. 1998)); Dkt. 307-2, Exhibit 13 (Excerpts of the New Oxford American Dictionary (3d ed. 2010)); Dkt. 307-2, Exhibit 14 (Excerpts of the Cambridge Dictionary of American English (2d ed. 2008)) Dkt. 259 (Defendants' Concise Statement of Facts in Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 266 (Dali's Response to CommScope's Concise Statement of Facts in Support of Its Motion for Summary Judgment) at ¶¶ 2-3, 5, 22; Dkt. 319 (February 28, 2022 Joint Status Report) at 2-3; Dkt. 320 (Transcript of February 20, 2022 Markman Hearing) at 69-73; Dkt. 324 and Dkt. 324-1 (March 14, 2022 Joint Motion for Entry of Final Judgment, and accompanying Exhibit 1 ([Proposed] Stipulated Final Judgment)); Dkt. 325 (March 24, 2022 Order regarding the

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			parties' Joint Motion for Entry of Final Judgment) at 1-3: Dkt. 326 (Final Judgment). Appellant's Opening Brief in Dali-CommScope Appeal, Dkt. 17, June 30, 2022, at 16, 43; Appellee's Principal Brief in the Dali-CommScope Appeal, Dkt. 21, September 29, 2022, at 11-12. February 2, 2023 Claim Construction Order, Dkt. 31, <i>Dali Wireless, Inc. v. Cellco Partnership D/BA Verizon Wireless et al.</i>, Case No. 6:22-cv-01313-ADA (W.D. Tx).

E. U.S. Patent 9,197,358

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
"a [first/second] communications unit"	7, 9, 11, 15	Plain and ordinary meaning '358 Patent at Abstract; 1:16-4:53; 10:40-61; 11:3-15; 11:32-12:4 Claim construction Order, ECF 76 in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal. Jul. 19, 2021) Summary Judgement Order in <i>Dali Wireless, Inc. v.</i>	A communications unit can include a plurality of remote antenna units. '358 patent at 3:46-48, 4:29-31, 4:43-46, 10:43-49, Figs. 1-2, 1:15-35.

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		<i>Corning Optical Communications LLC, LLC, 20-cv-06469-EMC (N.D. Cal.)</i> IPR2021-00492 at Paper 8	
"distributing communications frequencies"	7	Plain and ordinary meaning with the understanding that "distributing" essentially implicates a DAS '358 Patent at abstract, Figs. 1, 2, 8, 9, 1:50-2:36, 2:39-58, 2:66-4:16, 4:17-4:59, 6:49-59, 7:51-8:45, 9:35-10:43, 10:67-11:32, 11:42-50, 11:67-12:60, 18:48-19:22, 19:23-20:12. Claim construction Order, ECF 76 in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC, 20-cv-06469-EMC (N.D. Cal. Jul. 19, 2021)</i> Summary Judgement Order in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC, 20-cv-06469-EMC (N.D. Cal.)</i> IPR2021-00492 at Paper 8	This language from the preamble of claim 7 is not a limitation. '358 patent at claims 1, 7, 8, 15. '358 patent at 1:47-2:65, 3:60-61. '358 patent at Figs. 8-9, 5:29-34, 18:48-20:27. '358 FH at 12/31/2014 Non-Final Rejection '358 FH at 05/27/2015 Response to Non-Final Rejection. U.S. Patent Nos. 8,682,338; 10,080,178; 9,531,473

“geographic footprint” / “geographical footprint”	7, 9, 11, 15, 18	radio coverage area meaning an area defined by user accessible frequenc(ies) ’358 Patent at Abstract, Figs. 8, 9, 1:57-2:36, 2:44-58, 3:1-4:16, 6:49-59, 7:23-29, 7:56-59, 9:65-10:2, 8:1-22, 10:43-49, 11:3-32, 16:29-17:7; 18:48-19:8, 19:23-20:7. ’358 Patent at 12:15-19:8; ’358 Patent at Table 1; ’358 File History; ’358 File History at 12/31/2014 Office Action; ’358 File History at 5/27/2015 Applicant Arguments / Amendment; ’358 File History at 7/17/2015 Notice of Allowance; US 2005/0239403 (“Karabinis”) at [13], [0030]-[0035]; Fig. 1 – 3 Claim construction Order, ECF 76 in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal. Jul. 19, 2021) Summary Judgement Order in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal.) IPR2021-00492 at Paper 8	radio coverage area ’358 patent at 7:20-8:45, 9:42-11:2, ’358 patent at Figs. 1A-1F. Claim construction Order, ECF 76 in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal. Jul. 19, 2021) Summary Judgement Order in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal.) IPR2021-00492 at Papers 6, 8, and 14 Dictionary definitions of “footprint” from Merriam-Webster’s Collegiate Dictionary, Wiley Electrical and Electronics Engineering Dictionary, Hargrave’s Communications Dictionary, and Modern Dictionary of Electronics.
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“host unit”	8, 15	Plain and ordinary meaning ’358 Patent at 1:15-26; 2:21-36; 3:17-33; Cl 8, 15, 16 Claim construction Order, ECF 76 in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal. Jul. 19, 2021) Summary Judgement Order in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal.) IPR2021-00492 at Paper 8	A unit that distributes communications frequencies between an operator network and antenna units. ’358 patent at 1:14-35, Figs. 1-2, 9:42-59, 11:52-12:48, 2:59-65, 3:44-59, 4:29-31. ’358 patent at claims 1, 8, 15. Patent Owner’s Preliminary Response, Paper 6 in Corning Optical Communications LLC v. Dali Wireless, Inc., IPR2021-00492 (PTAB June 9, 2021). Memorandum Order on claim construction, ECF 122 in <i>Dali Wireless, Inc. v. CommScope Technologies LLC</i>, 1:19-cv-00952-MN (D. Del. Jan. 4, 2021) (construing the overlapping term “digital access unit”) (“<i>Prior Dali Delaware Case</i>”) Joint Claim Construction Chart, ECF 67 at 10 in <i>Prior Dali Delaware Case</i> Joint Claim Construction Brief, ECF 104 at 64-66 in <i>Prior Dali Delaware Case</i> Transcript of claim construction hearing at 7-10 in <i>Prior Dali Delaware Case</i>
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Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
			Declaration of Shawn Stapleton (Inventor on the '358 patent), Ex. 2001 ¶¶6-11 in <i>CommScope Technologies Inc. v. Dali Wireless, Inc.</i>, IPR2020-01409 (PTAB Nov. 17, 2020). U.S. Patent Nos. 8,682,338; 10,080,178; 9,531,473 Record of PTAB proceeding for IPR2018-00571, including Dali's Patent Owner Response. Sur-reply, expert declaration, and appeal briefs.
"the first frequency band and the second frequency band"	20	Not indefinite. Plain and ordinary meaning. '358 Patent at Abstract; Fig. 8; Fig. 9; Fig. 10; 1:50-4:16; 5:44-6:3; 8:23-45; 9:35-11:50 Claim construction Order, ECF 76 in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal. Jul. 19, 2021) Summary Judgement Order in <i>Dali Wireless, Inc. v. Corning Optical Communications LLC</i>, 20-cv-06469-EMC (N.D. Cal.)	Indefinite. '358 patent at claims 1, 7, 15, 17-18, 20, 21 '358 patent at 11:33-41.

Claim Term	Claim(s)	Dali's Proposed Construction	Defendants' Proposed Construction
		IPR2021-00492 at Paper 8	

3. P.R. 4-3(a)(3) Anticipated Length of Time for the Claim Construction Hearing

The parties estimate approximately three hours will be needed for the Claim Construction Hearing (or as long as the Court needs or desires). The parties agree that the hearing time should be divided equally between Plaintiff and Defendants.

4. P.R. 4-3(a)(4) Anticipated Witnesses at the Claim Construction Hearing

At the present time, no party proposes to call witnesses for live testimony at the Claim Construction Hearing.

5. P.R. 4-3(a)(5) Other Issues to be Addressed at the Claim Construction Hearing

The parties are not presently aware of any issues which might be taken up at a prehearing conference prior to the Claim Construction Hearing.

Date: February 13, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that on February 13, 2023, a true and correct copy of the foregoing was served on all counsel of record who have appeared in this case via the Court's CM/ECF system per Local Rule CV-5.

/s/ Cliff Win
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