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

| | | |
|---|---|---|
| MOSAID TECHNOLOGIES INC., | ) | |
| | ) | |
| Plaintiff, | ) | |
| | ) | Civil No. 2:23-cv-00129 |
| v. | ) | |
| | ) | **JURY TRIAL DEMANDED** |
| MEDIATEK, INC. | ) | |
| MEDIATEK USA, INC., | ) | |
| | ) | |
| Defendants. | ) | |

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to Patent Rule 4-3 of the United States District Court for the Eastern District of Texas and the Court's Docket Control Order (ECF No. 30), Plaintiff MOSAID Technologies, Inc. ("MOSAID"), and Defendants MediaTek, Inc. and MediaTek USA, Inc. (collectively, "Defendants") hereby respectfully submit this Joint Claim Construction and Prehearing Statement for the asserted claims of U.S. Patent Nos. 7,051,306 ("the '306 Patent"), 7,945,885 ("the '885 Patent"), 7,996,811 ("the '811 Patent"), 8,253,438 ("the '438 Patent"), 8,854,077 ("the '077 Patent"), 9,350,349 ("the '349 Patent"), and 7,224,563 ("the '563 Patent").

## I. AGREED CONSTRUCTIONS

Pursuant to Local Patent Rule 4-3(a)(1), MOSAID and Defendants (collectively, the "Parties") identify the following agreed constructions:

| Term | Agreed Construction |
|---|---|
| "selecting a frequency"<br><br>(**US-306**: cl. 1, 16, 37) | Plain and ordinary meaning |
| "the action including changing a frequency of operation or changing a supply voltage"<br><br>(**US-811**: cl. 1, 45) | Plain and ordinary meaning |

| Term | Agreed Construction |
|---|---|
| "power manager processor"<br><br>(**US-811**: cl. 24, 29) | Plain and ordinary meaning in view of "power manager" |
| "power manager to control the power consumptions"<br><br>(**US-811**: cl. 1, 17, 30, 45, 61) | Plain and ordinary meaning in view of "power manager" |
| "back biasing"<br><br>(**US-811**: cl. 14, 28, 58) | "biasing of the body of a device independently of the source by applying a voltage" |
| "[determine/determining] a target power level"<br><br>(**US-306**: cl. 1, 16, 37) | "[determine/determining] a desired, calculated, or specified power consumption for a power island" |
| "based on needs and operation of the integrated circuit"<br><br>(**US-306**: cl. 1, 16, 37)<br><br>(**US-438**: cl. 1, 15) | "based on future operational needs and current operating status of the integrated circuit" |
| "power consumption signals indicating one or more of the power consumptions"<br><br>(**US-855**: cl. 1, 8, 31, 39) | Plain and ordinary meaning |
| "synchronously"<br><br>(**US-855**: cl. 4, 11, 19, 26, 34, 42, 51, 59)<br><br>(**US-811**: cl. 30, 61) | Plain and ordinary meaning |
| "asynchronously"<br><br>(**US-855**: cl. 4, 11, 19, 26, 34, 42, 51, 59)<br><br>(**US-811**: cl. 30, 61) | Plain and ordinary meaning |

## II. PROPOSED CONSTRUCTIONS AND INTRINSIC AND EXTRINSIC EVIDENCE

Pursuant to P.R. 4-3(a)(2), the Parties provide their respective proposed constructions or indefiniteness positions for each disputed claim term, phrase, or clause in the table below. Plaintiff's intrinsic and extrinsic evidence for the disputed terms is provided in **Exhibit A**. Defendants' intrinsic and extrinsic evidence for the disputed terms is provided in **Exhibit B**.

| Term | MOSAID's Proposed Construction or Position | Defendants' Proposed Construction or Position |
|---|---|---|
| "appropriate frequency"<br><br>**(US-563:** cl.1, 3, 7, 11, 12, 15, 21–24, 27, 33, 35) | "frequency adapted to be at or below a maximum frequency possible at the delivered voltage" | Indefinite |
| "power islands"<br><br>**(US-306**: cl. 1–7, 10–22, 25–31, 33, 37–43, 46–51)<br>**(US-885**: cl. 1, 4, 8, 11, 12, 16, 19, 23, 26, 27, 31, 34, 39, 42, 43, 48, 51, 56, 59, 60)<br>**(US-811**: cl. 1, 8, 9, 13, 15, 17, 19, 20, 22, 24, 26, 27, 30, 32, 33, 37, 43, 45, 52, 53, 59, 61, 63, 73)<br>**(US-438**: cl. 1–4, 15, 16)<br>**(US-077**: cl. 1, 2, 8–11, 17, 18)<br>**(US-349**: cl. 1–5, 10, 11) | "a section of an integrated circuit where power consumption is controlled by independently varying its operating voltage and its frequency of operation" | "a section of an integrated circuit where power consumption is controlled by independently varying its operating voltage or its frequency of operation (or both)" |
| "power manager"<br><br>**(US-306**: cl. 16, 28–33)<br>**(US-885**: cl. 8, 9, 12, 23, 24, 27, 39, 40, 43, 56, 57, 60)<br>**(US-811**: cl. 1, 2, 5, 7, 15–19, 22, 23, 30–32, 40, 42–46, 49, 51, 59–62, 70, 72–74)<br>**(US-077**: cl. 1, 3, 10, 12) | Plain and ordinary meaning, which in the context of the '306, '885, '811, and '077 patents, is "any system, circuitry, or device configured to control power" in accordance with the remainder of the respective claim in which the term appears. | "any system, circuitry, or device configured to control power" |

## III. LENGTH OF TIME NECESSARY FOR CLAIM CONSTRUCTION HEARING

The Parties believe that two (2) hours are sufficient to present the issues to the Court. The time permitted by the Court should be divided equally between the two sides. MOSAID and Defendants will alternate in their order of presentation on a term-by-term basis. However, if the Court provides a preliminary ruling before the hearing, the non-prevailing party on each term will present its position first.

## IV. NO LIVE WITNESSES

At this time, neither Party proposes to call any witnesses, including experts, at the Claim Construction hearing.

## V. OTHER ISSUES

A Claim Construction hearing is set for July 30, 2024, at 9:00 am in Marshall, Texas. Pursuant to the Court's Docket Control Order (ECF No. 30), the Parties will submit technical tutorials, if any, as a printed slide deck by June 13, 2024. The Parties do not believe that a live technical tutorial is necessary; however, the Parties can present one before the hearing if the Court prefers.

Dated: May 9, 2024

*/s/ Austin C. Teng*

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**CERTIFICATE OF SERVICE**

I hereby certify that, on May 9, 2024, I electronically submitted the foregoing document with the clerk of the United States District Court for the Eastern District of Texas, using the electronic case management CM/ECF system of the Court which will send notification of such filing to all counsel of record who are deemed to have consented to electronic service.

*/s/ Austin C. Teng*
Austin C. Teng

| Claim Term | Intrinsic Evidence | Extrinsic Evidence |
|---|---|---|
| "appropriate frequency"<br><br>**(US-563:** cl.1, 3, 7, 11, 12, 15, 21–24, 27, 33, 35) | '563 Patent at 1:19–59; 2:9–3:42; 4:9–5:40; 5:49–6:36; 6:53–7:19; Figs. 1, 3; Claims 1, 3, 11, 23, 24, 33, 35.<br><br>'563 Patent Prosecution History: Aug. 8 2006 Non-Final Office Action pp. 2–3; Nov. 13, 2006 Response: Claim Amendments and Remarks pp. 2, 3, 5–7; Feb. 22, 2007 Notice of Allowance pp. 1–3.).<br><br>MediaTek's Petition for *Inter Partes* Review of U.S. Patent No. 7,224,563 [IPR2024-00599], including the Declaration of Paul Min, PhD [Paper 1003] in support thereof. | MOSAID will rely upon the testimony of Marc Levitt, PhD, regarding the meaning of "appropriate frequency," as that term is used in the '563 patent and would have been understood by a person of ordinary skill in the art at the time of invention. Dr. Levitt will also provide testimony regarding relevant background technology and the level of skill in the art. In addition, Dr. Levitt may also be called upon to rebut any testimony offered by MediaTek in support of its claim construction or indefiniteness positions. |
| "power islands"<br><br>**(US-306**: cl. 1–7, 10–22, 25–31, 33, 37–43, 46–51)<br>**(US-885**: cl. 1, 4, 8, 11, 12, 16, 19, 23, 26, 27, 31, 34, 39, 42, 43, 48, 51, 56, 59, 60)<br>**(US-811**: cl. 1, 8, 9, 13, 15, 17, 19, 20, 22, 24, 26, 27, 30, 32, 33, 37, 43, 45, 52, 53, 59, 61, 63, 73)<br>**(US-438**: cl. 1–4, 15–16)<br>**(US-077**: cl. 1, 2, 8–11, 17, 18)<br>**(US-349**: cl. 1–5, 10, 11) | '306 Patent at Abstract; 2:10–38; 3:45–4:55; 5:1–8; 6:57–7:31; 10:11–45; 12:11–47; Figs. 1, 2, 4, 10, 12; Claims 1–5, 16–20, 37–41.<br><br>'306 Patent Prosecution History: Feb. 22, 2005 Office Action Summary pp. 2–8; May 24, 2005 Response: Claim Amendments and Remarks pp. 2, 5, 8, 11–14; July 29, 2005 Office Action Summary pp. 2, 3–9; Sept. 23, 2005 Response: Remarks pp. 11–16; Oct. 13, 2005 Notice of Allowability p. 2.<br><br>'885 Patent at Abstract; 2:29–37; 3:50–4:58; 5:3–10; 6:57–7:29; 10:4–35; 11:66–12:35; | |

| Claim Term | Intrinsic Evidence | Extrinsic Evidence |
|---|---|---|
| | Figs. 1, 2, 4, 10, 12; Claims 1, 4, 8, 11, 16, 19, 23, 26, 27, 31, 39, 48, 51, 56, 59.<br><br>'811 Patent at Abstract; 2:30–41; 3:53–4:60; 5:5–12; 6:59–7:31; 10:6–37; 12:1–38; Figs. 1, 2, 4, 10, 12; Claims 1, 8, 15, 17, 22, 24, 30, 43, 45, 52, 59, 61, 73.<br><br>'438 Patent at 2:34–47; 3:46–4:24; Fig. 2; Claims 1–3, 5, 8, 10, 15–17.<br><br>'438 Patent Prosecution History: April 21, 2012 Notice of Allowability pp. 2–4.<br><br>'077 Patent at 2:37–50; 3:56–4:27; Fig. 2; Claims 1, 2, 8–11, 17, 18.<br><br>'077 Patent Prosecution History: January 11, 2014 Notice of Allowability pp. 2–4.<br><br>'349 Patent at 2:47–60; 3:59–4:32; Fig. 2; Claims 1–5, 10, 11.<br><br>'349 Patent Prosecution History: March 8, 2015 Non-Final Rejection pp. 2–5; June 4, 2015 Response and Remarks pp. 5–6; Sept. 25, 2015 Notice of Allowability pp. 1–5. | |
| "power manager"<br><br>**(US-306**: cl. 16, 28–33) | '306 Patent at Abstract; 2:20–46; 3:35–44; 4:13–44; 5:1–8; 5:31–6:56; 7:62–8:5; 8:17–33; 9:9–67; 10:11–45; 10:60–11:4; 11:18– | |

| Claim Term | Intrinsic Evidence | Extrinsic Evidence |
|---|---|---|
| **(US-885**: cl. 8, 9, 12, 23, 24, 27, 39, 40, 43, 56, 57, 60)<br>**(US-811**: cl. 1, 2, 5, 7, 15–19, 22, 23, 30–32, 40, 42–46, 49, 51, 59–62, 70, 72–74)<br>**(US-077**: cl. 1, 3, 10, 12) | 12:38; 13:7–13; 13:24–30; Figs. 1, 2, 4, 5, 8–12; Claims 16, 28–33.<br><br>'885 Patent at Abstract; 2:29–55; 4:17–50; 5:3–10; 5:33–6:56; 7:58–8:3: 8:12–28; 9:4–21; 9:31–61; 10:4–35; 10:49–60; 11:6–12:26; 12:61–67; Figs. 1, 2, 4, 5, 8–12; Claims 8, 9, 12, 23, 24, 27, 39, 40, 43, 56, 57, 60.<br><br>'811 Patent at Abstract; 2:30–58; 4:20–60; 5:5–12; 5:35–6:58; 7:60–8:30; 9:6–10:37; 10:51–62; 11:8–61; 12:12–28; 12:64–13:3; Figs. 1, 2, 4, 5, 8–12; Claims 1, 2, 5, 7, 15–19, 22, 23, 30–32, 40, 42–46, 49, 51, 59–62, 70, 72–74.<br><br>'077 Patent at 3:1–5; 3:48–64; 4:11–20; 5:8–12; 5:29–35; 6:1–30; 6:38–50; Figs. 2, 3; Claims 1, 3, 10, 12. | |

**Exhibit B – Proposed Constructions and Supporting Intrinsic and Extrinsic Evidence**

| Term | Defendants' Proposed Construction or Position | Defendants' Supporting Evidence |
|---|---|---|
| "appropriate frequency"<br><br>**(US-563:** cl.1, 3, 7, 11, 12, 15, 21-24, 27, 33, 35) | Indefinite | **Intrinsic Evidence**<br><br>'563 patent at Abstract, 1:19-35, 2:28-56, 2:57-3:22, 3:46-50, 4:9-24, 4:25-37, 4:38-55, 4:56-62, 4:63-5:5, 5:26-40, 5:49-6:3, 6:17-36, 6:37-7:7, 7:8-19, FIGS. 1, 2, 3, 4, 6, 7, 8. Claim language.<br><br>**Extrinsic Evidence**<br><br>The Chambers Dictionary 2003, "appropriate" adjective definition<br><br>The Penguin English Dictionary 2003, "appropriate" adjective definition<br><br>Collins English Dictionary 2003, "appropriate" adjective definition<br><br>Cambridge Advanced Learner's Dictionary 2003, "appropriate" adjective definition<br><br>Merriam-Webster's Collegiate Dictionary Eleventh Edition, "appropriate" adjective definition |

| Term | Defendants' Proposed Construction or Position | Defendants' Supporting Evidence |
|---|---|---|
| | | The Oxford American College Dictionary 2002, "appropriate" adjective definition |
| "power islands"<br><br>**(US-306**: cl. 1–7, 10–22, 25–31, 33, 37–43, 46–51)<br>**(US-885**: cl. 1, 4, 8, 11, 12, 16, 19, 23, 26, 27, 31, 34, 39, 42, 43, 48, 51, 56, 59, 60)<br>**(US-811**: cl. 1, 8, 9, 13, 15, 17, 19, 20, 22, 24, 26, 27, 30, 32, 33, 37, 43, 45, 52, 53, 59, 61, 63, 73)<br>**(US-438**: cl. 1–4, 15, 16)<br>**(US-077**: cl. 1, 2, 8–11, 17, 18)<br>**(US-349**: cl. 1–5, 10, 11) | "a section of an integrated circuit where power consumption is controlled by independently varying its operating voltage or its frequency of operation (or both)" | **<u>Intrinsic Evidence</u>**<br><br>'306 patent at Abstract, 1:15-17, 2:10-16, 2:20-45, 2:49-3:19, 3:51-4:3, 4:4-12, 4:13-33, 4:45-55, 4:56-5:8, 5:31-43, 6:11-40, 6:41-56, 6:57-7:9, 7:10-31, 7:38-8:33, 8:34-55, 8:56-9:26, 9:27-10:10, 10:11-28, 11:31-12:10, 12:11-38, 12:39-13:13, FIGS. 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13. Claim language. Provisional Application No. 60/468,742. Prosecution History: May 26, 2005 Response: Claim Amendments and Remarks at 2, 11-13; Sept. 26, 2005 Response: Remarks at 2, 11, 13-15.<br><br>'885 patent at Abstract, 2:29-55. Claim language.<br><br>'811 patent at Abstract, 2:31-58. Claim language.<br><br>'077 patent at 2:37-50, 3:48-55, 3:56-64, 3:65-4:20, 4:21-5:7, 5:8-28, 5:29-6:16, FIGS. 2, 2A, 3, 4. Claim language. Provisional Application No. 60/546,574. |

| Term | Defendants' Proposed Construction or Position | Defendants' Supporting Evidence |
|---|---|---|
| | | **Extrinsic Evidence**<br><br>*Conversant Intellectual Property Management Inc., et al. v. Xilinx, Inc.,* No. 6:12-cv-847 (EDTX), Dkt. No. 138, Memorandum Opinion and Order Re Claim Construction at 28-29.<br><br>*MOSAID Techs., Inc., et al, v. Freescale Semiconductor, Inc. et al*, No. 6:11-cv-173 (EDTX), Dkt. No. 252, Memorandum Opinion and Order Construing Claim Terms of United States Patent Nos. 5,577,230; 5,724,505; 5,958,036; 6,141,762; 6,256,725; 7,051,306; 7,415,680; 7,945,885; and 7,996,811 at 43-44.<br><br>*MOSAID Techs., Inc., et al, v. Freescale Semiconductor, Inc. et al*, No. 6:11-cv-173 (EDTX), Dkt. No. 255, Plaintiff's Objections and Motion for Reconsideration of the Claim Construction Opinion. |
| "power manager"<br><br>**(US-306**: cl. 16, 28–33)<br>**(US-885**: cl. 8, 9, 12, 23, 24, 27, 39, 40, 43, 56, 57, 60) | "any system, circuitry, or device configured to control power" | **Intrinsic Evidence**<br><br>'306 patent at Abstract, 2:20-45, 3:36-50, 4:4-67, 5:31-6:56, 9:9-26, 10:46-59, 11:1-17, FIGS. 1, 2, 4, 5, 8, 9, 10, 11, 12, 13. |

| Term | Defendants' Proposed Construction or Position | Defendants' Supporting Evidence |
|---|---|---|
| **(US-811**: cl. 1, 2, 5, 7, 15–19, 22, 23, 30–32, 40, 42–46, 49, 51, 59–62, 70, 72–74)<br>**(US-077**: cl. 1, 3, 10, 12) | | Claim language. Provisional Application No. 60/468,742.<br><br>'885 patent at Abstract, 2:29-55. Claim language.<br><br>'811 patent at Abstract, 2:31-58. Claim language.<br><br>'077 patent at Abstract, 3:35-55, 4:11-20, 4:28-39, 5:9-67, 6:1-37, 6:38-7:5, FIGS. 2, 3. Claim language.<br><br>**<u>Extrinsic Evidence</u>**<br><br>*Conversant Intellectual Property Management Inc., et al. v. Xilinx, Inc.,* CIV-No. 6:12-cv-847 (EDTX), Dkt. No. 138, Memorandum Opinion and Order Re Claim Construction at 29-34.<br><br>*MOSAID Techs., Inc., et al, v. Freescale Semiconductor, Inc. et al*, No. 6:11-cv-173 (EDTX), Dkt. No. 252, Memorandum Opinion and Order Construing Claim Terms of United States Patent Nos. 5,577,230; 5,724,505; 5,958,036; 6,141,762; 6,256,725; 7,051,306; 7,415,680; 7,945,885; and 7,996,811 at 45-46. |