IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

THETA IP, LLC, Plaintiff, v. APPLE INC., Defendant.	Case No. 6:23-cv-00314-ADA **JURY TRIAL DEMANDED**

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Amended Scheduling Order (see Dkt. 65), Plaintiff Theta IP, LLC and Defendant Apple Inc. submit this Joint Claim Construction Statement. This Joint Claim Construction Statement identifies for the Court the claim terms of U.S. Patent No. 7,010,330 (the "'330 Patent"); U.S. Patent No. 10,129,825 (the "'825 Patent"); U.S. Patent No. 10,524,202 (the "'202 Patent"), U.S. Patent No. 11,564,164 (the "'164 Patent"); and U.S. Patent No. 11,638,210 (the "'210 Patent") (collectively, the "Asserted Patents"), for which the parties have reached agreement, as well as the claim terms for which the parties have a dispute, together with the parties' proposed constructions for the disputed claim terms.

Theta's Sur-Reply Claim Construction Brief (Dkt. 66) included as Exhibit L the rough transcript of the January 12, 2024 deposition of Apple's expert, Dr. Manos Tentzeris. A final version of that transcript has since become available, and for the Court's reference that transcript is attached hereto as Exhibit M.

I. AGREED TERMS AND PHRASES

In claim construction disclosures under the Court's procedures, Apple identified the following terms, for which the parties agreed in subsequent disclosures or conferences that plain and ordinary meaning would apply and construction would not be required:

Claim Term	Patents and Claims	Agreed Construction
"receiv[e]…[a]…signal"	'330 patent, claim 1; '825 patent, claims 3, 4, and 8; '202 patent, claims 7-11 and 13; '164 patent, claims 5, 7-9, and 20; '210 patent, claims 3, 6, and 10	Plain and ordinary meaning
"receiver"	'330 patent, claims 1, 23, and 29; '825 patent, claims 3, 4, and 8; '202 patent, claims 7-11 and 13; '164 patent, claims 5, 7-9, and 20; '210 patent, claims 3, 6, and 10	Plain and ordinary meaning

Claim Term	Patents and Claims	Agreed Construction
"signal"	'330 patent, claims 1, 23, and 29; '825 patent, claims 3, 4, and 8; '202 patent, claims 7-11 and 13; '164 patent, claims 5, 7-9, and 20; '210 patent, claims 3, 6, and 10	Plain and ordinary meaning
"desired signal"	'825 patent, claims 3, 4, and 8; '202 patent, claims 7-11 and 13; '164 patent, claims 5, 7-9, and 20; '210 patent, claims 3, 6, and 10	Plain and ordinary meaning
"interferer signal"	'825 patent, claims 3, 4, and 8; '202 patent, claims 7-11 and 13; '164 patent, claims 5, 7-9, and 20; '210 patent, claims 3, 6, and 10	Plain and ordinary meaning

II. DISPUTED TERMS AND PHRASES

The parties dispute the construction of the following claims terms and phrases, which are are presented below in the order briefed by the parties:

Claim Language	Theta Proposed Construction	Apple Proposed Construction
"signal path" '330 patent, claims 1, 23, and 29; '825 patent, claims 3, 4, and 8; '202 patent, claims 7-11 and 13; '164 patent, claims 5, 7-9, and 20; '210 patent, claims 3, 6, and 10	Plain and ordinary meaning	"path for analog signal"

Claim Language	Theta Proposed Construction	Apple Proposed Construction
"impedance" '330 Patent, claims 1, 23, 29; '825 Patent, claims 4, 8; '202 Patent, claims 7, 8; '164 Patent, claim 7; '210 Patent, claims 3, 10	Plain and ordinary meaning, but if construed, should be construed as "opposition to the flow of alternating current"	Plain and ordinary meaning
"switching current" '330 patent, claims 1 and 23	Plain and ordinary meaning	"the current that carries a signal through a load" Or, if plain and ordinary meaning, "current required to change the state of a transistor/system"
"drive current" '825 patent, claim 8; '210 patent, claim 10	Plain and ordinary meaning	Plain and ordinary meaning, which is "current required to keep a transistor/system at a steady state" or "the current that carries a signal through a load"
"dynamically [adjusting/adjusted/adjust/ changing/decreased/increasing/ increased/reducing/reduced/ varying/vary]" '330 patent, claims 1, 23, 29; '202 patent, claims 7-9, 11, 13; '164 patent, claims 5, 7, 8, 20; '210 patent, claims 3, 6, 10	Plain and ordinary meaning, wherein the plain and ordinary meaning is: "adjusting during operation based, at least in part, on information gained during operation"	"adjusting / changing / increasing / reducing / varying during operation without reliance on a signal strength threshold"
"best-case" '202 patent, claims 7-9; '164 patent, claim 20	Plain and ordinary meaning	"desired signal strength is high and interferer signal strength is low"

Claim Language	Theta Proposed Construction	Apple Proposed Construction
"worst-case" '825 patent, claims 3, 4, and 8; '202 patent, claims 7-11; '164 patent, claims 5, 7-9, and 20	Plain and ordinary meaning	"desired signal strength is low and interferer signal strength is high"

Dated: January 18, 2024

Respectfully submitted,

/s/ Corey Johanningmeier

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 18, 2024 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

Dated: January 18, 2024

/s/ Corey Johanningmeier
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