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

XR COMMUNICATIONS, LLC, dba VIVATO TECHNOLOGIES *Plaintiff*, v. AT&T SERVICES INC., AT&T MOBILITY LLC, and AT&T CORP. *Defendant*, NOKIA OF AMERICA CORPORATION, ERICSSON INC. *Intervenors*.	Case No. 2:23-cv-00202-JRG-RSP (Lead Case) JURY TRIAL DEMANDED
XR COMMUNICATIONS, LLC, dba VIVATO TECHNOLOGIES, *Plaintiff*, v. VERIZON COMMUNICATIONS, INC. and CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS. *Defendants*, NOKIA OF AMERICA CORPORATION, ERICSSON INC. *Intervenors*.	Case No. 2:23-cv-00203-JRG-RSP (Member Case) JURY TRIAL DEMANDED
XR COMMUNICATIONS, LLC, dba VIVATO TECHNOLOGIES, *Plaintiff*, v. T-MOBILE USA, INC. *Defendant*, NOKIA OF AMERICA CORPORATION, ERICSSON INC. *Intervenors*.	Case No. 2:23-cv-00204-JRG-RSP (Member Case) JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION CHART

Pursuant to P.R. 4-5 and the Docket Control Order, Plaintiff, Defendants, and Intervenors file this Joint Claim Construction Chart. This Chart addresses the disputed claim terms and phrases from the asserted claims of the following patents: U.S. Patent Nos. 7,177,369 ("'369 Patent"), 8,289,939 Patent ("'939 Patent"), 8,737,511 ("'511 Patent"), and 10,715,235 ("'235 Patent").

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that this document is being served through CM/ECF on August 28, 2024.

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I. AGREED CLAIM CONSTRUCTIONS

Claim Term	Plaintiff's Proposal	Defendant's Proposal	Court's Construction
"said at least one transmission delay" '369 Patent, claims 1, 21, 41	[AGREED]	[AGREED]	"the at least one multipath transmission delay"
"transmission nulls" '235 Patent, claims 2, 4, 8, 12, 16	[AGREED]	[AGREED]	Plain and ordinary meaning, i.e., "portions of a transmission pattern where transmissions of no or insignificant energy are selectively directed."
"bi-directional beam[]" '511 Patent claims 1, 10	[AGREED]	[AGREED]	"a beam on which (i) the MIMO transmitter transmits and (ii) the MIMO receiver receives"
"a plurality of first device receive antennas" '369 Patent, claim 19	[AGREED]	[AGREED]	Plain and ordinary meaning.

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

II. DISPUTED CONSTRUCTIONS

A. U.S. Patent No. 7,177,369

Asserted Claim of Patent 7,177,369	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
1. A method comprising: identifying at least one multipath transmission delay within a reverse path data signal received from a receiving device; determining at least one **forward path pre-equalization parameter** based on said at least one transmission delay; modifying a forward path data signal that is to be transmitted to the receiving device based on said at least one **forward path pre-equalization parameter**, where said modifying includes selectively setting different transmission power levels for at least two Orthogonal Frequency Division Multiplexing (OFDM) tones in said forward path data signal. 13. The method as recited in claim 1, wherein identifying said at least one multipath transmission delay, determining said at least one **forward path pre-equalization parameter**, and modifying said forward path data signal are performed by a transmitting device. 21. The method as recited in claim 15, wherein determining said at least one	"forward path pre-equalization parameter" '369 Patent, claims 1, 13, 21, 32, 33, 41	Plain and ordinary meaning, i.e., a parameter used for pre-equalization, that is, to modify a forward path signal to reduce unwanted effects associated with multipath fading between the transmitter and the receiver **Alternatively:** Plain and ordinary meaning, i.e., a parameter used for pre-equalization, that is, to account for properties of a propagation path between a transmitter and a receiving device	No construction necessary; plain and ordinary meaning.	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 7,177,369	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
forward path pre-equalization parameter based on said at least one transmission delay further includes: determining at least one angle of arrival of said reverse path data signal with respect to said at least one transmitting device receive antenna. 32. The method as recited in claim 28, further comprising: setting at least one antenna pointing parameter associated with said at least one transmitting device transmit antenna based on said at least one **forward path pre-equalization parameter**. 33. The method as recited in claim 28, further comprising: setting at least one phased array antenna transmission directing parameter associated with said at least one transmitting device transmit antenna based on said at least one **forward path pre-equalization parameter**. 41. The method as recited in claim 1, wherein determining said at least one **forward path pre-equalization parameter** based on said at least one transmission delay further includes:				

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 7,177,369	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
sub-band equalizing said forward path data signal using corresponding frequency domain reverse path data.				

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 7,177,369	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
2. The method as recited in claim 1, further comprising: receiving said reverse path data signal over at least one reverse transmission path. 3. The method as recited in claim 2, further comprising: transmitting said modified forward path data signal over at least one forward transmission path. 12. The method as recited in claim 3, wherein said at least one reverse transmission path is **substantially reciprocal to** said at least one forward transmission path.	"substantially reciprocal to" '369 Patent, claim 12	No construction necessary; plain and ordinary meaning; not indefinite.	Indefinite term of degree.	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

B. U.S. Patent No. 8,289,939

Asserted Claim of Patent 9,094,888	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
15. An apparatus comprising: a **wireless input/output (I/O) unit** that is configured to establish a plurality of access points; and **signal transmission/reception coordination logic** that is capable of ascertaining, by monitoring the plurality of access points for received signals, that: a first access point of the plurality of access points is receiving a first signal on a first channel, a second access point of the plurality of access points is receiving a second signal that is ongoing on a second channel, the signal transmission/reception coordination logic adapted to restrain at least a third access point of the plurality of access points from transmitting a third signal on a third channel responsive to the ascertaining that the first access point is receiving the first signal and that the second access point is receiving the second signal that is ongoing-on the second channel, wherein the restraining at least the third access point prevents degradation to the first and second signals.	"wireless input/output (I/O) unit" '939 patent, claims 15, 30	No construction necessary; plain and ordinary meaning; not subject to means-plus-function treatment under §112(6) and not indefinite under §112(6). If counterfactually § 112(6) were to apply, not indefinite: **Functions:** Claims 15, and 30: establish a plurality of access points **Structure:** Wireless input/output unit 206 and equivalents thereof	Means-plus-function under 35 U.S.C. § 112, ¶ 6 and indefinite **Function**: "establish a plurality of access points" **Structure**: None disclosed	
	"signal transmission/ reception coordination logic" '939 Patent, claims 15, 30	No construction necessary; plain and ordinary meaning; not subject to means-plus-function treatment under	Means-plus-function under 35 U.S.C. § 112, ¶ 6 and indefinite	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 9,094,888	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
30. An apparatus comprising: a **wireless input/output (I/O) unit** that is configured to establish a plurality of access points; and **signal transmission/reception coordination logic** that is capable of ascertaining, by monitoring the plurality of access points for received signals, that a first access point of the plurality of access points is receiving a first signal on a first channel and that is adapted to restrain at least a second access point of the plurality of access points from transmitting a second signal on a second channel different from the first channel responsive to the ascertaining that the first access point is receiving the first signal.		§112(6) and not indefinite under §112(6). If counterfactually § 112(6) were to apply, not indefinite: **Function**: Claim 15: ascertaining, by monitoring the plurality of access points for received signals, that: a first access point of the plurality of access points is receiving a first signal on a first channel, a second access point of the plurality of access points is receiving a second signal that is ongoing on a second channel, restrain[ing] at least a third access point of the plurality of access points from transmitting a third signal on a third channel responsive to the ascertaining that the first access point is receiving the first signal and that the second access point is receiving the second signal that is ongoing-on	Function: Claim 15: "ascertaining, by monitoring the plurality of access points for received signals, that:" (i) "a first access point of the plurality of access points is receiving a first signal on a first channel," (ii) "a second access point of the plurality of access points is receiving a second signal that is ongoing on a second channel," (iii) "restrain[ing] at least a third access point of the plurality of access points from transmitting a third signal on a third channel responsive to the ascertaining that the first access point is receiving the first signal and that the second access point is receiving the second signal that is	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 9,094,888	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
		the second channel, wherein the restraining at least the third access point prevents degradation to the first and second signals. Claim 30: ascertaining, by monitoring the plurality of access points for received signals, that a first access point of the plurality of access points is receiving a first signal on a first channel, restrain[ing] at least a second access point of the plurality of access points from transmitting a second signal on a second channel different from the first channel responsive to the ascertaining that the first access point is receiving the first signal. **Structure**: Signal transmission/reception logic 404 and/or MAC coordinator logic 606 and/or 6:1-51 and/or 6:65-7:20 and/or 9:11-59 and/or 11:19-12:21 and/or 14:28-15:22 and/or 15:23-	ongoing-on the second channel, wherein the restraining at least the third access point prevents degradation to the first and second signals" Structure: none disclosed Claim 30: (i) "ascertaining, by monitoring the plurality of access points for received signals, that a first access point of the plurality of access points is receiving a first signal on a first channel" and (ii) "restrain[ing] at least a second access point of the plurality of access points from transmitting a second signal on asecond channel different from the first channel responsive to the ascertaining that the	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 9,094,888	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
		65 and/or 16:53-67 and/or 18:12-55 and equivalents thereof. The corresponding structure of "signal transmission/reception logic 404" includes the characteristics and configuration set forth for the signal transmission/reception coordination logic 404 (and the MAC coordinator logic 606, which is subsumed within the corresponding structure of the signal transmission/reception coordination logic 404) in the '939 Patent, including at 6:1-51 and/or 6:65-7:20 and/or 9:11-59 and/or 11:19-12:21 and/or 14:28-15:22 and/or 15:23-65 and/or 16:53-67 and/or 18:12-55, and equivalents thereof.	first access point is receiving the first signal." Structure: none disclosed	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 9,094,888	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
15. An apparatus comprising: a **wireless input/output (I/O) unit** that is configured to establish a plurality of access points; and **signal transmission/reception coordination logic** that is capable of ascertaining, by monitoring the plurality of access points for received signals, that: a first access point of the plurality of access points is receiving a first signal on a first channel, a second access point of the plurality of access points is receiving a second signal that is ongoing on a second channel, the signal transmission/reception coordination logic adapted to **restrain at least a third access point of the plurality of access points from transmitting a third signal on a third channel responsive to the ascertaining that the first access point is receiving the first signal and that the second access point is receiving the second signal that is ongoing-on the second channel**, wherein the restraining at least the third access point prevents degradation to the first and second signals. 30. An apparatus comprising:	"restrain . . . responsive to the ascertaining that the first access point is receiving the first signal and that the second access point is receiving the second signal that is ongoing-on the second channel" (Claim 15) "restrain . . . responsive to the ascertaining that the first access point is receiving the first signal" (Claim 30) '939 Patent, claims 15, 30	No construction necessary; plain and ordinary meaning.	Plain and ordinary meaning, *i.e.*, "while the first access point is ascertained to be receiving the first signal and the second access point is ascertained to be receiving the second signal that is ongoing-on the second channel" (claim 15) and "while the first access point is ascertained to be receiving the first signal" (claim 30)	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 9,094,888	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
a wireless input/output (I/O) unit that is configured to establish a plurality of access points; and signal transmission/reception coordination logic that is capable of ascertaining, by monitoring the plurality of access points for received signals, that a first access point of the plurality of access points is receiving a first signal on a first channel and that is adapted to **restrain at least a second access point of the plurality of access points from transmitting a second signal on a second channel different from the first channel responsive to the ascertaining that the first access point is receiving the first signal**.				
20. The apparatus of claim 15, wherein the signal received by **the access point** comprises at least one uplinked packet. 21. The apparatus of claim 15, wherein the signal received by **the access point** comprises at least a portion of an uplinked packet.	"the access point" '939 Patent, claims 20-21	"the first access point"	Indefinite for lack of antecedent basis	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claim of Patent 9,094,888	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
33. The apparatus of claim 30, wherein the signal received by **the access point** comprises at least one uplinked packet. 34. The apparatus of claim 30, wherein the signal received by **the access point** comprises at least a portion of an uplinked packet.				

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

C. U.S. Patent No. 8,737,511

Asserted Claims of Patent 8,737,511	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
1. A system comprising: m antenna arrays configured to receive a propagating radio frequency signal and configured to transmit a propagating radio frequency signal, each of the antenna arrays comprising: a plurality of antenna elements; and a beamformer configured to produce n different bi-directional beams using the plurality of antenna elements; **n multiple-input multiple-output transceivers (MIMO)**, comprising: a **MIMO receiver** configured to process m different received signals, wherein an i-th received signal to a j-th MIMO receiver corresponds to a j-th beam of an i-th antenna array; a **MIMO transmitter** configured to process m different transmit signals, wherein an v-th transmit signal from a z-th **MIMO transmitter** corresponds to a z-th beam of an v-th antenna array: wherein *m, n, v,* and *z* are integer number values, wherein $i = 1,\ldots,m$, $j = 1,\ldots,n$, and $v = 1,\ldots,m$, wherein $n \geq 2$ and $m \geq 2$, wherein $z = 1,\ldots,w$, and wherein $n \geq w \geq 2$.	"n multiple-input multiple-output transceivers (MIMO)" '511 Patent claims 1, 10	No construction necessary; plain and ordinary meaning	"a single unit comprising a MIMO transmitter and a MIMO receiver, with common circuit components"	
	"MIMO transmitter configured to process . . . "Z-th MIMO transmitter" "in multiple-input multiple-output transmitters (MIMO)" / "a Z-th MIMO transmitter" '511 Patent claims 1, 10, 20	No construction necessary; plain and ordinary meaning.	"transmitter that processes MIMO signals for transmission"	
	"MIMO receiver configured to process . . . "j-th MIMO receiver" "in multiple-input multiple-output	No construction necessary; plain and ordinary meaning	"receiver that processes received MIMO signals"	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claims of Patent 8,737,511	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
2. The system of claim 1, configured to Substantially comply with one or more of Electrical and Electronic Engineers (IEEE) 802.11a/b/g/n/ac (WiFi), IEEE 802.16 (WiMAX), **2nd Generation Partnership Project (3GPP) Long Term Evolution (LTE), 3GPP LTE-Advanced, 3GPP LTE-TDD, 3GPP LTE-FDD**, High Speed Packet Access (HSPA), and HSPA+. 10. An apparatus comprising: *m* antenna arrays configured to receive a propagating radio frequency signal and configured to transmit a propagating radio frequency signal, each of the antenna arrays comprising: a plurality of antenna elements; and a beam former configured to produce *n* different bi-directional beams using the plurality of antenna elements; and ***n* multiple-input multiple-output transceivers (MIMO), each MIMO transceiver** comprising: a **MIMO receiver** configured to process *m* different received signals, wherein an i-th received signal to a j-th **MIMO receiver** corresponds to a j-th beam of an i-th antenna array; and a **MIMO transmitter** configured to process *m* different transmit signals,	receivers (MIMO)" '511 Patent claims 1, 10, 19			
	"2nd Generation Partnership Project (3GPP) Long Term Evolution (LTE), 3GPP LTE-Advanced, 3GPP LTE-TDD, 3GPP LTE-FDD" '511 Patent claims 2, 11	No construction necessary; plain and ordinary meaning.	"one of the 3GPP LTE, LTE-Advanced, LTE-TDD or LTE-FDD standards that existed at the time of the invention"	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claims of Patent 8,737,511	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
wherein a v-th transmit signal from a z-th **MIMO transmitter** corresponds to a z-th beam of a v-th antenna array, wherein m, n, v, and z are integer number values, and wherein i=1, ... m., j=1,..., n, and v=1,... m, wherein $n \geq 2$ and $m \geq 2$, wherein z = 1,…,w, and wherein $n \geq w \geq 2$. 11. The apparatus of claim 10, configured to substantially comply with one or more of Electrical and Electronic Engineers (IEEE) 802.11a/b/g/n/ac (WiFi), IEEE 802.16 (WiMAX), **2nd Generation Partnership Project (3GPP) Long Term Evolution (LTE), 3GPP LTE-Advanced, 3GPP LTE TDD, 3GPP LTE-FDD**, High Speed Packet Access (HSPA), and HSPA+. 19. An apparatus comprising: m antenna arrays configured to receive a propagating radio frequency signal, each of the antenna arrays comprising: a plurality of antenna elements; and a beam former configured to produce n different receive beams using the plurality of antenna elements; and **n multiple-input multiple-output receivers (MIMO)**, each **MIMO receiver** configured to process m different received signals, wherein an i-th received signal to a j-th **MIMO receiver**				

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claims of Patent 8,737,511	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
corresponds to a j-th beam of an i-th antenna array, wherein m and n are integer number values, and wherein i=1,..., m, and j=1,..., n, and wherein n≥2 and m≥2 20. An apparatus comprising: m antenna arrays configured to transmit a propagating radio frequency signal, each of the antenna arrays comprising: a plurality of antenna elements; and a beam former configured to produce n different transmit beams using the plurality of antenna elements; and **n multiple-input multiple-output transmitters (MIMO), each MIMO transmitter** configured to process m different transmit signals, wherein a V-th transmit signal from a z-th **MIMO transmitter** corresponding to a Z-th beam of a v-th antenna array is selected for transmission, wherein m, n, v, and z are integer number values, and wherein z=1,..., n, and v=1, ... m. and wherein n≥2 and m ≥ 2				

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

D. U.S. Patent No. 10,715,235

Asserted Claims of Patent 10,715,235	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
1. A receiver for use in a wireless communications system, the receiver comprising: an antenna, wherein the antenna comprises a first antenna element and a second antenna element; a **transceiver** operatively coupled to the antenna and configured to transmit and receive electromagnetic signals using the antenna; a processor operatively coupled to the transceiver, the processor configured to: receive a first signal transmission from a remote station via the first antenna element and a second signal transmission from the remote station via the second antenna element simultaneously; determine first signal information for the first signal transmission; determine second signal information for the second signal transmission, wherein the second signal information is different than the first signal information; determine a set of weighting values based on the first signal information and the second signal information; wherein the set of weighting values is configured to be used by the transceiver to	"transceiver" ('235 Patent, claim 1, 15, 18, 19)	No construction necessary; plain and ordinary meaning.	"A single unit comprising a transmitter and a receiver, with common circuit components"	

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868

Asserted Claims of Patent 10,715,235	Term	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
construct one or more beam-formed transmission signals; cause the **transceiver** to transmit a third signal to the remote station via the antenna, the third signal comprising content based on the set of weighting values.				

XR Communications, LLC, Ex. 2001
Ericsson, Inc., etc. v. XR Communications, LLC, IPR2024-00868