

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

ACTIVE WIRELESS TECHNOLOGIES
LLC,

Plaintiff,

V.

T-MOBILE USA, INC. and T-MOBILE US,
INC.,

Defendants,

ERICSSON INC. and NOKIA OF
AMERICA CORPORATION,

Intervenors.

Case No. 2:23-cv-00261-JRG

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

In accordance with Patent Local Rule 4-3, Plaintiff Active Wireless Technologies, LLC (“AWT”), Defendants T-Mobile USA, Inc. and T-Mobile US, Inc., (collectively, “Defendants”) and Ericsson Inc., and Nokia of America Corporation (collectively, “Intervenors”) jointly submit this Joint Claim Construction and Prehearing Statement setting for the parties’ proposed constructions for the herein identified terms, phrases, or clauses of United States Patent No.10,531,443 (the ’443 Patent), United States Patent No. 11,019,557 (the ’557 Patent), United States Patent No. 10,785,764 (the ’764 Patent), and United States Patent No. 10,601,566 (the ’566 Patent) (collectively “the Asserted Patents”).

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

The parties have agreed on the construction of the claim terms in the table below.

Claim Term(s), Phrase(s), or Clause(s)	Patent / Claim	Agreed Construction
“the first type SIB comprising: scheduling information [...]; a parameter associated with [...]; and an indication of broadcast status [...]”	’557 Patent Claims 9,13	The “first type SIB” comprises each of “scheduling information ...”, “a parameter associated with ...”, “and an indication of broadcast status ...”
“the configured multiple slots PUCCH”	’566 Patent Claims 8,16	The “PUCCH span[ning] over multiple slots [] determined based on the signaling”
“the long PUCCH”	’566 Patent Claim 11	“the ‘uplink control channel (PUCCH) [that] spans over multiple slots”
“loaded to all to PUCCH UCI carrying symbols of each slot”	’566 Patent Claim 11	“loaded to all PUCCH UCI carrying symbols of each slot”

The parties will continue working together to narrow the number of disputed claim terms.

II. Disputed Claim Terms, Phrases, or Clauses (P.R. 4-3(a)(2))

The parties’ proposed constructions of each disputed claim term, phrase, or clause of the Asserted Patents are set forth below. Identification of evidence that supports these constructions is attached as Exhibit 1. Each party reserves the right to cite to intrinsic and/or extrinsic evidence cited by the other parties.

#	Claim Term(s), Phrase(s), or Clause(s)	Patent/Claim	AWT's Proposed Construction	Defendants' / Intervenor's Proposed Construction
1.	"a parameter associated with a condition for determination of a failure"	'557 Patent Claims 9,13	Plain and ordinary meaning.	A parameter used by the UE to determine that it has failed in the SI message acquisition process.
2.	"wherein: the first type SIB is re-acquired by the user equipment upon the user equipment failing on the SI message acquisition process in at least one of the SI windows to receive the SI message,"	'557 Patent Claims 9,13	Plain and ordinary meaning	Indefinite under § 112(b)
3.	"the frequency hopping"	'566 Patent Claims 8,16	"a frequency hopping"	Indefinite under § 112(b)

III. Claim Construction Briefing and Hearing (P.R. 4-3(a)(3), P.R. 4-3(a)(4))

A. Length of Time for the Hearing

The parties anticipate that the claim construction hearing will run about two hours in length.

B. Witnesses

The parties do not anticipate calling any witnesses at the Markman hearing in support of the parties' respective claim construction arguments.

Dated: July 11, 2024

Respectfully submitted,

/s/ Vincent J. Rubino, III

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 11, 2024, a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that Plaintiff's counsel has met and conferred with counsel for Defendants, and all parties have agreed to the submission of the P.R. 4-3 Claim Construction and Prehearing Statement submitted herewith.

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III