

Jacob A. Schroeder (SBN 264717)
jacob.schroeder@finnegan.com
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
3300 Hillview Avenue
Palo Alto, California 94304
Telephone: (650) 849-6600
Facsimile: (650) 849-6666

Daniel C. Cooley (*pro hac vice*)
daniel.cooley@finnegan.com
Daniel M. Jordan (*pro hac vice*)
dan.jordan@finnegan.com
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
1875 Explorer Street
8th Floor
Reston, VA, US, 20190-6023
Telephone: (571) 203-2700
Facsimile: (571) 203-2777

Andrea G. Mills (*pro hac vice*)
gracie.mills@finnegan.com
**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**
901 New York Avenue NW
Washington, DC 20001-4413
Telephone: (202) 408-4000
Facsimile: (202) 408-4400

*Attorneys for Defendants
Motorola Mobility LLC and
Lenovo (United States) Inc.*

Marc Fenster
mfenster@raklaw.com
Reza Mirzaie
rmirzaie@raklaw.com
Brian Ledahl
bledahl@raklaw.com
Ben Wang
bwang@raklaw.com
Paul Kroeger
pkroeger@raklaw.com
Neil A. Rubin
nrubin@raklaw.com
James S. Tsuei
jtsuei@raklaw.com
Philip Wang
pwang@raklaw.com
Amy Hayden
ahayden@raklaw.com
Jason M. Wietholter
jwietholter@raklaw.com
Kristopher Davis
kdavis@raklaw.com
Dale Chang
dchang@raklaw.com
RUSS AUGUST & KABAT
12424 Wilshire Boulevard, 12th Floor
Los Angeles, California 90025
Telephone: (310) 826-7474
Facsimile: (310) 826-9226

*Attorneys for Plaintiff
Headwater Research LLC*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

MOTOROLA MOBILITY LLC AND LENOVO
(UNITED STATES) INC,

Defendants.

Case No. 4:23-cv-04496-JST

**LOCAL PATENT RULE 4-3 JOINT
CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

Plaintiff Headwater Research LLC (“Plaintiff”) and Defendants Motorola Mobility LLC (“Motorola”) and Lenovo (United States) Inc. (“Lenovo US”) (collectively, “Defendants”) provide this Joint Claim Construction Chart pursuant to Local Patent Rule 4-3.

I. LIST OF PROPOSED CLAIM TERMS TO WHICH THE PARTIES ARE AGREED ON A CONSTRUCTION (PATENT L.R. 4-3(a))

The parties have narrowed the list of terms with disputed constructions to those reflected below. The parties have agreed on the constructions provided in the chart below:

U.S. Patent No. 9,198,076	
Claim Term	Parties’ Agreed Construction
“disallow[]” Claim 1, 5	“block”

II. PROPOSED CLAIM CONSTRUCTIONS BY EACH PARTY FOR THE DISPUTED CLAIM TERMS (PATENT L.R. 4-3(b))

Pursuant to Patent L.R. 4-3(b), the parties’ proposed constructions of disputed terms are provided below along with the intrinsic and extrinsic evidence on which the parties intend to rely.¹

U.S. Patent No. 9,198,076		
Claim Term	Headwater’s Proposed Construction	Defendants’ Proposed Construction
“perceiving any benefit from” Claim 2	No construction necessary; plain and ordinary meaning. Intrinsic Evidence: ’076 patent at Abstract; 8:4-22, 8:23-42, 8:43-56; 101:16-39, claims 1, 2 Extrinsic Evidence: <i>Headwater Research LLC v. Samsung Elecs. Co. Ltd.</i> , No. 2:22-cv-00422-JRG-RSP (E.D. Tex.), Markman Order (Dkt. 107) and related pleadings/filings/declarations	Indefinite Intrinsic Evidence: ’076 Patent, 8:4-22; Claims 1-2 Extrinsic Evidence: Deposition testimony of Dr. Douglas Chrissen in <i>Headwater Rsrch., LLC v. Samsung Elec. Co.</i> , No. 2:22-cv-00422

¹ The parties reserve the right to use any evidence cited by the other party.

1		Human Machine Interaction: Research Results of the MMI Program (2009), Germany: Springer (HW_MM_00053661-HW_MM_00053668); Webster's II New Riverside Desk Dictionary (HW_MM_00053664) (definition of "perceive"); google.com (HW_MM_00053662) (definition of "perception"); https://www.merriam-webster.com/dictionary/perceive (HW_MM_00053673) (definition of "perceive"); https://www.dictionary.com/browse/perceiving (HW_MM_00053667) (definition of "perceive")	(December 18, 2023) (HW_MM_00056817). Deposition testimony of Alireza Raissinia in <i>Headwater Rsrch., LLC v. Samsung Elec. Co.</i> , No. 2:22-cv-00422 (December 15, 2023) (HW_MM_00057748).
10	U.S. Patent No. 10,749,700		
11	"an activity classifier to, for each of a plurality of executable applications stored on the wireless end-user device, dynamically associate one or more corresponding network access policy controls with each of the plurality of executable applications"	"an activity classification engine that dynamically classifies activity corresponding to each of a plurality of executable applications stored on the wireless end-user device to dynamically associate one or more corresponding network access policy controls with each of a plurality of executable applications" Intrinsic Evidence: '700 patent at Abstract; Figs. 14, 15, 16, 17, 19, 20, 24, 25, 27 (and associated discussion); 8:9-62; 66:38-47, 12:26-30, 12:58-13:42, 48:18-49:13, 59:30-60:13, 73:21-74:15, 77:23-78:22, 86:65-87:9, 98:21-44, 104:30-33; claims 1-5, 12-14, 19.	No construction necessary; plain and ordinary meaning. Intrinsic Evidence: '700 Patent, 10:66-15:2; 34:35-35:31; 48:18-49:13; 51:37-52:7; 61:48-62:22; 63:24-50; 63:64-66:37; 68:1-26; 68:54-65; 73:21-74:15; 77:23-78:22; 85:20-86:64; 89:40-91:40; 96:14-22; 97:63-98:32; 99:16-23; 99:43-50; 102:45-60; 103:34-57; 103:58-64; Claims 1-5, 19; Abstract; Figs. 14-18, 20, 23-25, 27.
24	Claim 1		
25	"execution time[s]"	No construction necessary; plain and ordinary meaning.	"scheduled time slot[s]"
26	Claims 1, 6-8, 10, 20	Intrinsic Evidence: '700 patent at Abstract; Figs. 4A-4C, 9, 10, 11, 14, 17, 18, 19, 23, 24	Intrinsic Evidence: '700 Patent, 74:16-63; 74:64-76:5; 86:24-64; 88:16-58; 94:3-28;

	(and associated discussion); 9:16-10:15, 11:24-12:19, 13:22-43, 16:7-17:2, 18:47-19:11, 25:49-27:30, 35:23-36:40, 49:14-44, 56:53-57:5, 63:24-50, 65:51-67:67, 69:32-71:55, 85:20-86:64, 87:49-88:57, 92:16-94:29, 95:34-96:13, and 98:45-60 (and associated Figures); claims 1, 6-8, 10 and 20.	Claims 1, 6-8, 10, 12, 15-18, 20; Fig. 21.
“an operating system broadcast intent manager” claim 16	No construction necessary; plain and ordinary meaning. Intrinsic Evidence: ’700 patent at Abstract; Figs. 3, 4A-4C, 18, 19, 20, 21, 22 (and associated discussion); 66:38-68:26, 71:56-72:34, 74:64-77:22, 90:18-91:3 (and corresponding Figures); claims 1, 6, 15-18, 20	Indefinite Intrinsic Evidence: ’700 Patent, 66:38-67:49; 71:63-72:33; Claim 16.

III. IDENTIFICATION OF THE TERMS WHOSE CONSTRUCTION WILL BE MOST SIGNIFICANT TO THE RESOLUTION OF THE CASE (PATENT L.R. 4-3(c))

The parties have consolidated their jointly proposed terms for construction to fewer than ten disputed terms. Defendants contend that two terms are indefinite. The parties agree that those terms are dispositive of the asserted patent claims in which they appear.

IV. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (PATENT L.R. 4-3(D))

The parties anticipate that the hearing will take no longer than 90 minutes.

V. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (PATENT L.R. 4-3(e))

The parties do not currently anticipate calling any witnesses.

VI. IDENTIFICATION OF FACTUAL FINDINGS REQUESTED FROM THE COURT (PATENT L.R. 4-3(F))

The parties do not currently request any specific factual findings.

1 Dated: June 11, 2024

**FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP**

2
3 By: /s/ Daniel C. Cooley
4 Daniel C. Cooley
5 Attorney for Defendants
6 Motorola Mobility LLC and
7 Lenovo (United States) Inc.

8 Dated: June 11, 2024

RUSS AUGUST & KABAT

9 By: /s/ Philip X. Wang
10 Philip X. Wang
11 Attorney for Plaintiff
12 Headwater Research LLC
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SIGNATURE ATTESTATION

I hereby attest that concurrence in the filing of this document was obtained from counsel for Defendants Motorola Mobility LLC and Lenovo (United States) Inc.

Dated: June 11, 2024

/s/ Philip X. Wang
Philip X. Wang
Attorney for Plaintiff
Headwater Research LLC

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

Dated: June 11, 2024

/s/ Philip X. Wang
Philip X. Wang
Attorney for Plaintiff
Headwater Research LLC