

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

SECURE WI-FI

Plaintiff,

v.

SAMSUNG ELECTRONIC CO., LTD and
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendants.

Case No. 2:24-CV-00047-JRG

JURY TRIAL DEMANDED

**SAMSUNG’S P.R. 4-2 PRELIMINARY CLAIM
CONSTRUCTIONS AND EXTRINSIC EVIDENCE**

Pursuant to Local Patent Rule 4-2 and the Court’s Docket Control Order (Dkt. 24), Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung” or “Defendants”) jointly serve on Plaintiff Secure Wi-Fi (“Plaintiff”) the following preliminary constructions for U.S. Patent Nos. 9,717,005 (the “’005 patent”), 9,961,552 (the “’525 patent”), and 10,694,384 (the “’384 patent”) (collectively the “Asserted Patents”).

Samsung bases these constructions upon its current knowledge, understanding, and belief as to the facts and information available as of this date. Samsung reserves the right to supplement and/or amend its preliminary constructions and extrinsic evidence for any reason, including in light of further claim construction discovery, as a result of the parties’ meet-and-confer pursuant to Local Patent Rule 4-2(c), in response to Secure Wi-Fi’s proposed constructions and extrinsic evidence, or upon receiving materials that have not yet been produced. Samsung notes that it alleges that the asserted claims are invalid, including for failing to comply with 35 U.S.C. § 112. Samsung’s proposed constructions for terms, phrases, or clauses with respect to claims and limitations should in no way be read to imply that the claims satisfy 35 U.S.C. § 112.

Samsung's inclusion of materials referenced in this disclosure is not an admission that any of these materials constitutes extrinsic evidence as opposed to intrinsic evidence. Samsung reserves all rights to submit any of these materials or similar materials as intrinsic or extrinsic evidence in the event the applicable standard provides for categorization as one or the other. Samsung further reserves the right to rely on extrinsic evidence identified by Secure Wi-Fi and to add additional extrinsic evidence, particularly for constructions on which the parties disagree. Furthermore, Samsung reserves the right to add citations to relevant extrinsic evidence, such as inventor testimony and testimony from attorneys responsible for prosecuting the asserted patents, as well as to identify definitions and prior art.

Samsung intends to rely on a sworn declaration from Dr. Wicker to support its positions. A summary of the substance of Dr. Wicker's testimony follows. Dr. Wicker is available to be deposed regarding his opinions. Samsung may also rely on testimony from one or more expert witnesses, including any identified by Secure Wi-Fi. Such expert evidence may address the relevant field of art, the level of ordinary skill in the art, the indefiniteness of certain terms, and the meaning certain claim terms would have to a person of ordinary skill in the art based on the asserted patents' disclosure and associated prosecution history, including any extrinsic evidence offered by Samsung or Secure Wi-Fi.

Subject to the above reservations of rights, Samsung proposes the following constructions for the proposed claim terms for the Asserted Patents:

Claim Term / Phrase	Proposed Construction	Extrinsic Evidence
<i>“authenticated access point”</i> ’005 patent: all asserted claims ’552 patent: all asserted claims ’384 patent: all asserted claims	“access point that is proven to be genuine based on a process of verifying the identification of the access point using trusted and verifiable information, before granting access to the access point¹”	Samsung’s IPRs and exhibits such as: (1) IPR2024-001366, (2) IPR2024-001367, (3) IPR2024-001368, and (4) IPR2024-001369 Expert testimony addressing the relevant field of art, the level of ordinary skill in the art, and the meaning that “authenticated” would have to a person of ordinary skill in the art based on the asserted patents’ disclosure and associated prosecution history, including any extrinsic evidence offered by Secure Wi-Fi or Samsung. SAMSUNGEDTX00326097 (Merriam-Webster’s Collegiate Dictionary 10th Ed.) SAMSUNGEDTX00326107 (The IEEE Standard Dictionary of Electrical and Electronics Terms 6th Ed.) SAMSUNGEDTX00326092 (Newton’s Telecom Dictionary 17th Updated and Expanded Ed.) SAMSUNGEDTX00326102 (The Authoritative Dictionary of IEEE Standards Terms 7th Ed.)

¹ Subject to construction of “access point”

Claim Term / Phrase	Proposed Construction	Extrinsic Evidence
“<i>actual original</i> MAC address” ’384 patent: 2 “<i>actual</i> MAC address” ’384 patent: 9-15, 17-20, and 22-24 “<i>authentic</i> device identifier” ’005 patent: all asserted claims ’552 patent: all asserted claims ’384 patent: 1-4, 6-15, and 20	The words used to define the claimed identifier or MAC address—i.e., “actual original,” “actual,” and “authentic”—refer to the same thing and are therefore identical in claim scope. If “actual original,” “actual,” and “authentic” do not refer to the same thing, each claim that recites the term is indefinite.	Expert testimony from Dr. Wicker that one skilled in the art would understand “actual original” / “actual” / “authentic” as identifying the same structure and if not, one skilled in the art would understand “actual original” / “actual” / “authentic” as indefinite based on a review of the intrinsic and extrinsic evidence. Samsung’s IPRs and exhibits such as: (1) IPR2024-001366, (2) IPR2024-001367, (3) IPR2024-001368, and (4) IPR2024-001369 SAMSUNGEDTX00326097 (Merriam-Webster’s Collegiate Dictionary 10th Ed.)

Claim Term / Phrase	Proposed Construction	Extrinsic Evidence
“mobile operating <i>server</i> ” ’005 patent: all asserted claims “ <i>server</i> ” ’552 patent: all asserted claims	plain and ordinary meaning where the server cannot be part of or reside within the “device” / “end device”	Samsung’s IPRs and exhibits such as: (1) IPR2024-001366, (2) IPR2024-001367, (3) IPR2024-001368, and (4) IPR2024-001369

Claim Term / Phrase	Proposed Construction	Extrinsic Evidence
“controlled by the mobile operating server” ’005 patent: all asserted claims “controlled by the server” ’552 patent: claims all asserted claims “under control of the server” ’552 patent: claims 15-18, 20-22, 24-25, and 28	Patentee disavowed probing from the claim scope for “controlled by” / “under control of.” Indefinite.	Expert testimony from Dr. Wicker that one skilled in the art would understand “controlled by the mobile operating server” / “controlled by the server” / “under control of the server” to exclude “probing” to the extent the term has any meaning based on a review of the intrinsic and extrinsic evidence. Otherwise, one skilled in the art would understand “controlled by the mobile operating server” / “controlled by the server” / “under control of the server” would understand “controlled by the mobile operating server” / “controlled by the server” / “under control of the server” to be indefinite based on a review of the intrinsic and extrinsic evidence. Samsung’s IPRs and exhibits such as: (1) IPR2024-001366, (2) IPR2024-001367, (3) IPR2024-001368, and (4) IPR2024-001369

Claim Term / Phrase	Proposed Construction	Extrinsic Evidence
“access point” ’005 patent: all asserted claims ’552 patent: all asserted claims ’384 patent: claims all asserted claims	“infrastructure equipment that provides connectivity between a distribution system and remote stations over one or more Wi-Fi networks. Several access points can also provide connectivity over the same Wi-Fi network.”	Samsung’s IPRs and exhibits such as: (1) IPR2024-001366, (2) IPR2024-001367, (3) IPR2024-001368, and (4) IPR2024-001369 SAMSUNGEDTX00326092 (Newton’s Telecom Dictionary 17 th Updated and Expanded Ed.) SAMSUNGEDTX00326111 (See e.g., §§4.3.13.12, 8.3.3.2, 8.3.3.10, 8.4.2.48, 8.4.2.76, Tables 8-103, 8-115) SAMSUNGEDTX00328904 (See e.g., §§5.2.12.12, 7.2.3.1, 7.2.3.9, 7.3.2.46, 7.3.2.74, Tables 7-35, 7-43b) SAMSUNGEDTX00329337 (See e.g., §§5.2.2.1, 7.3.2.1)

Dated: January 27, 2025

By: /s/ Paul Zeineddin

R. Paul Zeineddin
Paul.Zeineddin@BlankRome.com
D.C. Bar No. 474734 (Admitted E.D. Tex.)
BLANK ROME LLP
1825 Eye Street NW
Washington, DC 20006
(202) 470-2781

Melissa R. Smith
State Bar No. 24001351
melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 S Washington Avenue
Marshall, TX 75670
Tel.: (903) 934-8450
Fax: (903) 934-9527

Andrew R. Kopsidas
Andrew.Kopsidas@BlankRome.com
D.C. Bar No. 476237 (Admitted E.D. Tex.)
Walter D. Davis Jr.
Walter.Davis@BlankRome.com
Ameya V. Paradkar
Arun.Paradkar@BlankRome.com
Jonathan England
Jonathan.England@BlankRome.com
Sean Damon
D.C. Bar No. 1014471 (Admitted E.D. Tex.)
Sean.Damon@BlankRome.com
Eda Stark
Eda.Stark@BlankRome.com
Sydney A. Salters
Sydney.Salters@BlankRome.com
Benjamin Reyes
Benjamin.Reyes@BlankRome.com
Camila Thorpe
Camila.Thorpe@BlankRome.com
BLANK ROME LLP
1825 Eye Street NW
Washington, DC 20006
(202) 420-2200

Joshua S. Reisberg
Josh.Reisberg@BlankRome.com
Michael S. Rubin
Michael.Rubin@Blankrome.com
BLANK ROME LLP
1271 Avenue of the Americas
New York, NY 10020
(212) 885-5000

Cory R. Edwards
Cory.Edwards@BlankRome.com
BLANK ROME LLP
444 West Lake Street Suite 1650
Chicago, IL 60606
(312) 776-2600

*Attorneys for Defendants Samsung
Electronics Co., Ltd. and Samsung
Electronics America, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that on this 27th day of January, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via email.

/s/ Abraham Sandoval
Abraham Sandoval