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

PROXENSE, LLC, Plaintiff v. INTEL CORP., Defendant.	Civil Action No. 6:24-cv-00283-ADA

JOINT MOTION FOR ENTRY OF STIPULATED JUDGMENT OF NON-INFRINGEMENT

Plaintiff Proxense, LLC ("Proxense") and Defendant Intel Corporation ("Intel") submit this joint motion for entry of judgment of non-infringement and dismissal without prejudice of certain counterclaims in this action. Proxense and Intel hereby stipulate and agree as follows:

Among other patents, Proxense has asserted in this case United States Patent Nos. 8,219,129; 8,457,672; and 9,265,043 (collectively, the "'129 Family Patents"). On May 8, 2025, this Court issued its Final Claim Construction Order. Dkt. 42. The Parties stipulate that under the Court's Final Construction Order, the products that Proxense has accused of allegedly infringing the '129 Family Patents do not infringe. The Court construed the term "class [] associated with one or more of the [] client device and [a/the] user of the [] client device" (the "class" term) as used in all asserted claims of the '129 Family Patents as "Plain and ordinary meaning in which the class is associated with the client device or user of the client device, not data items or network characteristics." Dkt. 42 at 1. Proxense's Final Infringement Contentions accuse QoS data (a type of data item) of meeting the "class" term. Both parties agree that QoS data does not satisfy the

"class" term under the Court's Final Claim Construction Order because QoS data is a data item. The parties thus stipulate to non-infringement of all asserted claims of the '129 Family Patents.[1]

Thus, the Parties jointly request that this Court enter a Stipulated Judgment in the form attached hereto as **Exhibit A**.

Contingent on the Court's entry of judgment of non-infringement as to the '129 Family Patents, Intel agrees to dismiss without prejudice Counts 5-7 of its counterclaims (Dkt. 13) for declaratory judgment of invalidity of the '129 Family Patents. Intel expressly reserves the right to seek costs and fees associated with Proxense's allegations relating to the '129 Family Patents.

[1] Intel maintains all other non-infringement arguments concerning the '129 Family Patents, including that the products at issue do not satisfy other claim constructions issued by the Court.

Dated: June 17, 2025

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing document via the Court's CM/ECF system on June 17, 2025.

/s/ Brittany Amadi
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EXHIBIT A

UNITED STATES DISTRICT COURT
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ORDER FOR JUDGMENT OF NON-INFRINGEMENT

Before the Court is the Joint Motion for Entry of Stipulated Judgment of Non-infringement ("Stipulation") filed jointly by Plaintiff Proxense, LLC ("Proxense") and Defendant Intel Corporation ("Intel") (collectively, the "Parties"). Pursuant to the Stipulation, the Parties agree to, and seek to have, the following order entered by the Court.

It is hereby ordered and decreed that:

1. Among other patents, Proxense has asserted in this case United States Patent Nos. 8,219,129; 8,457,672; and 9,265,043 (collectively, the "'129 Family Patents").

2. Each of the asserted claims of the '129 Family Patents requires "class [] associated with one or more of the [] client device and [a/the] user of the [] client device" ('129 Patent, claims 1 and 18; '672 Patent, claim 1; '043 Patent, claim 1) (the "class" term).

3. On May 8, 2025, this Court issued its Final Claim Construction Order (Dkt. 42) construing the "class" term as "[p]lain and ordinary meaning in which the class is associated with the client device or user of the client device, not data items or network characteristics." Dkt. 42 at 1.

Proxense's Final Infringement Contentions identify QoS data as allegedly meeting the "class" term. Both Parties agree that QoS data is a data item that does not satisfy the "class" term under the Court's Final Claim Construction Order. As a result, the Court finds that the products that Proxense accused of infringement do not infringe any of the '129 Family Patents.

4. Accordingly, judgment is entered in favor of Intel and against Proxense on Claims 1-3 of Proxense's Amended Complaint (Dkt. 11) and Counts 1-3 of Intel's Counterclaims (Dkt. 13).

5. Counts 5-7 of Intel's Counterclaims (Dkt. 13) for declaratory judgment of invalidity of the '129 Family Patents are dismissed without prejudice.

IT IS SO ORDERED

Dated: June __, 2025

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Honorable Alan D. Albright
United States District Judge