

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

RIGHTQUESTION, LLC,

Plaintiff,

v.

VERIZON BUSINESS NETWORK
SERVICES LLC, et al.,

Defendants.

Civil Action No.: 2:24-cv-00091-JRG
(Lead Case)

JURY TRIAL DEMANDED

RIGHTQUESTION, LLC,

Plaintiff,

v.

AT&T CORP., et al,

Defendants.

Civil Action No.: 2:24-cv-00094-JRG
(Member Case)

JURY TRIAL DEMANDED

PLAINTIFF’S PATENT RULE 4-2 DISCLOSURES

Pursuant to Patent Rule 4-2 and the Court’s Second Amended Docket Control Order (Dkt. 45), Plaintiff RightQuestion, LLC (“RightQuestion” or “Plaintiff”) hereby provides its preliminary claim constructions and citations to extrinsic evidence with regard to the claim terms and phrases from U.S. Patent Nos. 10,674,009 (the “’009 Patent”), 11,005,989 (the “’989 Patent”), and 11,856,132 (the “’132 Patent”) (collectively, the “Patents-in-Suit”) that have been identified by RightQuestion and/or Defendants as potentially requiring construction. RightQuestion’s preliminary proposed constructions and identification of extrinsic evidence are attached hereto as Exhibit A.

This disclosure pursuant to Patent Rule 4-2 is preliminary in nature. In addition to the evidence referenced herein, RightQuestion reserves the right to rely upon all extrinsic evidence

identified by Defendants and any and all forms of intrinsic evidence, including but not limited to prior art cited in the prosecution histories. See *Tate Access Floors, Inc. v. Interface Architectural Res., Inc.*, 279 F.3d 1357, 1372 n.4 (Fed. Cir. 2002); *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1583 (Fed. Cir. 1996).

RightQuestion may also rely on prior art or other documents regarding the general field or background of the inventions produced by the parties and third parties in this case, as well as documents related to the conception and reduction to practice of these patents as disclosed in RightQuestion's 3-1 and 3-2 disclosures. RightQuestion further reserves the right to provide additional extrinsic evidence, such as in the form of percipient and expert testimony, learned treatises, or appropriate dictionaries, in response to or to rebut evidence introduced by Defendants or to rebut any proposed claim construction from Defendants.

If Defendants identify testimony from any percipient or expert witness to support their proposed claim constructions, RightQuestion reserves the right to provide additional percipient or expert witness testimony to support, describe, or explain RightQuestion's preliminary proposed claim constructions, and to rebut any claim construction or support for such construction (including testimony or other forms of extrinsic evidence) identified by Defendants.

Discovery is ongoing, and Defendants have delayed or refused to produce relevant technical information and source code relating to the accused instrumentalities in this case. RightQuestion's preliminary proposed constructions and identification of extrinsic evidence are based upon its current knowledge and investigation to date. RightQuestion reserves the right to amend its disclosures if Defendants amend their contentions, supplement their production, or if other terms of the asserted claims become relevant.

RightQuestion reserves the right to revise its preliminary proposed constructions to clarify the issues to be resolved by the Court or to facilitate reaching agreements with Defendants through the course of the meet-and-confer process. For certain claim terms, RightQuestion may also rely on testimony to support its proposed claim constructions in the form of a declaration filed with the Court. Such testimony may be used to demonstrate that one of ordinary skill in the art during the relevant time period would construe the claim terms identified by the parties in the manner proposed by RightQuestion, based on the intrinsic evidence

The testimony may include, but is not limited to:

1. A description of the state of the art at the relevant time period.
2. A description of one of ordinary skill in the art with respect to the patents-in-suit.
3. A discussion of how a proposed construction comports with or deviates from the plain and ordinary meaning of the claim term.
4. An explanation of how the patent specifications describe the claimed inventions with sufficient clarity and detail for one skilled in the art to understand the scope of the inventions and confirm the inventors' possession of the claimed inventions.

January 8, 2025

Respectfully submitted,

/s/ Nicole Glauser

Robert F. Kramer

CA Bar No. 181706 (Admitted E.D. Texas)

rkramer@krameralberti.com

David Alberti

CA Bar No. 220265 (Admitted E.D. Texas)

dalberti@krameralberti.com

Sal Lim

CA Bar No. 211836 (Admitted E.D. Texas)

slim@krameralberti.com

Russell S. Tonkovich

CA Bar No. 233280 (Admitted E.D. Texas)

rtonkovich@krameralberti.com

Robert Mattson (*pro hac vice*)
Virginia Bar No. 43568
rmattson@krameralberti.com
Michele Woodruff Lyons
CA Bar No. 234891 (*pro hac vice*)
mlyons@krameralberti.com
Jeremiah A. Armstrong
CA Bar No. 253705 (*pro hac vice*)
jarmstrong@krameralberti.com
**KRAMER ALBERTI LIM
& TONKOVICH LLP**
950 Tower Lane, Suite 1725
Foster City, CA 94404
Telephone: (650) 825-4300
Facsimile: (650) 460-8443

Nicole Glauser
Texas Bar No. 24050694
nglauser@krameralberti.com
**KRAMER ALBERTI LIM
& TONKOVICH LLP**
500 W 2nd Street, Suite 1900
Austin, Texas 78701
Telephone: (737) 256-7784
Facsimile: (650) 460-8443

Andrea L. Fair
Texas Bar No. 24078488
andrea@millerfairhenry.com
Claire Abernathy Henry
Texas Bar No. 24053063
claire@millerfairhenry.com
MILLER FAIR HENRY PLLC
1507 Bill Owens Pkwy
Longview, TX 75604
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

Attorneys for Plaintiff
RightQuestion, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that counsel of record is being served with a copy of the foregoing document via electronic mail on January 8, 2025.

/s/ Nicole Glauser

EXHIBIT A
RIGHTQUESTION'S P.R. 4-2 DISCLOSURES

Claim Terms, Phrases, or Clauses	Plaintiff's Proposed Construction	Extrinsic Evidence
Device fingerprint ('009 Patent, claims 1, 9, 10, 17; '989 Patent, claims 12, 14)	Device identifier	Definition of "Device fingerprint", Newton's Telecom Dictionary, 24th ed., 2008 [RQ0003011-RQ0003014]. Peter Eckersley, <i>How Unique Is Your Web Browser?</i> Electronic Frontier Foundation, [RQ0003015-RQ0003033]. RightQuestion reserves the right to rely on the testimony of Sam Malek. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand this term in light of the claim language, intrinsic evidence, and extrinsic evidence. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand statements in the specification and file history. Mr. Malek is expected to testify that one of ordinary skill in the art would understand this term to be a limitation and give life, meaning, and vitality to the claims. Mr. Malek is also expected to testify about the knowledge of one of ordinary skill in the art and the background of the art relevant to the construction of this term. Mr. Malek will further rebut any expert testimony offered by Defendants. RightQuestion reserves the right to rely on additional extrinsic evidence to rebut Defendants' proposed constructions.
Backchannel ('009 Patent, claims 2, 11, 18)	No construction necessary; plain and ordinary meaning.	RightQuestion reserves the right to rely on the testimony of Sam Malek. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand this term in light of the claim language, intrinsic evidence, and extrinsic evidence. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand statements in the

EXHIBIT A
RIGHTQUESTION'S P.R. 4-2 DISCLOSURES

		specification and file history. Mr. Malek is expected to testify that one of ordinary skill in the art would understand this term to be a limitation and give life, meaning, and vitality to the claims. Mr. Malek is also expected to testify about the knowledge of one of ordinary skill in the art and the background of the art relevant to the construction of this term. Mr. Malek will further rebut any expert testimony offered by Defendants. RightQuestion reserves the right to rely on additional extrinsic evidence to rebut Defendants' proposed constructions.
Security determination ('009 Patent, claims 1, 3, 10, 12, 17, 19; '989 Patent, claims 1, 8, 9, 11, 25, 27, 28; '132 Patent, claims 1, 2, 5, 9, 10, 12, 13, 16, 19)	No construction necessary; plain and ordinary meaning.	RightQuestion reserves the right to rely on the testimony of Sam Malek. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand this term in light of the claim language, intrinsic evidence, and extrinsic evidence. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand statements in the specification and file history. Mr. Malek is expected to testify that one of ordinary skill in the art would understand this term to be a limitation and give life, meaning, and vitality to the claims. Mr. Malek is also expected to testify about the knowledge of one of ordinary skill in the art and the background of the art relevant to the construction of this term. Mr. Malek will further rebut any expert testimony offered by Defendants. RightQuestion reserves the right to rely on additional extrinsic evidence to rebut Defendants' proposed constructions.

EXHIBIT A
RIGHTQUESTION'S P.R. 4-2 DISCLOSURES

Performing a security determination / Perform a security determination ('989 Patent, claims 1, 27, 28; '132 Patent, claims 1)	No construction necessary; plain and ordinary meaning.	RightQuestion reserves the right to rely on the testimony of Sam Malek. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand this term in light of the claim language, intrinsic evidence, and extrinsic evidence. Mr. Malek is expected to testify regarding how one of ordinary skill in the art would understand statements in the specification and file history. Mr. Malek is expected to testify that one of ordinary skill in the art would understand this term to be a limitation and give life, meaning, and vitality to the claims. Mr. Malek is also expected to testify about the knowledge of one of ordinary skill in the art and the background of the art relevant to the construction of this term. Mr. Malek will further rebut any expert testimony offered by Defendants. RightQuestion reserves the right to rely on additional extrinsic evidence to rebut Defendants' proposed constructions.
--	--	---