

**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

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to Patent Rule 4-3 and the Court’s Third Amended Docket Control Order (Dkt. 48), Plaintiff RightQuestion, LLC (“RightQuestion” or “Plaintiff”) and Defendants Cellco Partnership d/b/a Verizon Wireless, Verizon Business Network Services LLC, Verizon Corporate Services Group Inc., and TracFone Wireless, Inc., (collectively, “Verizon”) and AT&T Corp., AT&T Mobility LLC, AT&T Mobility II LLC, AT&T Services, Inc. (collectively, “AT&T”) (with Verizon and AT&T collectively, “Defendants”) submit the following Joint Claim Construction and Prehearing Statement to the Court, stating as follows:

I. Construction of Claim Terms on Which the Parties Agree

The parties have met and conferred and have not come to agreement on the construction of any of the terms of 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 Asserted Patents”) in dispute.

II. Proposed Constructions of Disputed Terms/Phrases

Exhibit A lists the parties’ proposed constructions for terms/phrases in dispute and/or indefiniteness positions for the Asserted Patents with intrinsic and extrinsic evidence supporting such constructions.

The parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by the other party, and any evidence obtained through claim construction discovery, if any. In addition, each party reserves the right to amend, correct, or supplement its claim construction position and supporting evidence in response to any change of position by the other party, or for other good cause.

III. P.R. 4-3(a)(3) Time for Claim Construction Hearing

The parties believe that no more than three (3) hours (90 minutes per side) should be necessary for the claim construction hearing in this case.

IV. P.R. 4-3(a)(4) Witnesses to be Called at the Claim Construction Hearing

No party will call any live witness at the claim construction hearing.

V. P.R. 4-3(a)(5) Prehearing Conference Prior to Claim Construction Hearing

The parties are not presently aware of any issues which might be taken up at a prehearing conference prior to the claim construction hearing.

Dated: January 27, 2025

Respectfully submitted,

/s/ Nicole Glauser

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CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via CM/ECF on January 27, 2025, pursuant to L.R. CV-5.2.

/s/ Nicole Glauser

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on January 21, 2025 counsel for Plaintiff met and conferred with counsel for Defendants to discuss the substantive issues addressed in this Statement pursuant to Local Rule CV-7(h-i).

/s/ Nicole Glauser

EXHIBIT A

Claim Terms, Phrases, or Clauses	RightQuestion's Proposed Constructions and Support	Defendants' Proposed Constructions and Support
"device fingerprint" ('009 Patent, claims 1, 9, 10, 17; '989 Patent, claims 12, 14)	"device identifier" Intrinsic Evidence: '009 Patent specification at Title, Abstract, col. 1:17-22:45, Figs. 1-14 and associated text, claims 1-23. '989 Patent specification at Title, Abstract, col. 1:17-22:45; Figs. 1-14 and associated text, claims 1, 11-15. Extrinsic Evidence:¹ 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].	"unique device identifier" Intrinsic Evidence: '009 Patent: 9:17-54; 9:55-10:5, 19:4-28, Fig. 5. '989 Patent: 9:17-54; 9:55-10:5, 19:4-28, Fig. 5. '009 Patent File History, 17 June, 2019 Examiner's Non-Final Rejection; 17 October, 2019 Applicant's Amendment/Request for Reconsideration-After Non-Final Rejection Extrinsic Evidence:¹ "Physical-Layer Identification of Wireless Devices [Doctoral dissertation, ETH Zurich]". Boris Danev ETH Zurich Library Collection. (2011). "On physical-layer identification of wireless devices." Boris Danev, Davide Zanetti, and Srdjan Capkun. ACM Comput. Surv. 45, 1, Article 6 (November 2012). "A passive approach to wireless device fingerprinting." Ke Gao, C. Corbett and R. Beyah, IEEE/IFIP International Conference on Dependable Systems & Networks (DSN), Chicago, IL, 2010, pp. 383-392.

¹ The parties have agreed not to submit expert testimony in support of the construction of the "device fingerprint" term.

		“A Potpourri of Authentication mechanisms - The mobile device way.” Martins, Rui & Augusto, Alexandre & Correia, Manuel Eduardo. May 2013, Conference: 8ª Conferència Ibèrica de Sistemes y Tecnologías de Informacions (CISTI 2013). “Identifying unique devices through wireless fingerprinting.” Loh Chin Choong Desmond, Cho Chia Yuan, Tan Chung Pheng, and Ri Seng Lee. In Proceedings of the first ACM conference on Wireless network security (WiSec '08). Association for Computing Machinery, New York, NY, USA, 46–55. (2008) “SSD: A Robust RF Location Fingerprint Addressing Mobile Devices' Heterogeneity.” Hossain, A.K.M. Mahtab & Jin, Yunye & Soh, Wee-Seng & Van, Hien. Mobile Computing, IEEE Transactions on. 12. 65-77. (2013)
“performing a security determination” / “perform a security determination” (’989 Patent, claims 1, 27, 28; ’132 Patent, claims 1)	Plain and ordinary meaning; not means or step plus function limitations subject to 35 U.S.C. § 112(f); not indefinite. Intrinsic Evidence: • ’989 Patent specification at Title, Abstract, col. 1:20-22:45; Figs. 1-14 and associated text, claims 1-28. • ’989 Patent File History: Preliminary Amendment B, dated July 27, 2020. • ’132 Patent specification at Title, Abstract, col. 1:25-22:52; Figs. 1-14 and associated text, claims 1-15, 17-19.	Indefinite. As drafted, the claimed “processors configured to...” (’989 patent) and “method comprising” (’989 patent and ’132 patent) are functional terms, and each patent does not provide adequate details about the structure or acts. Therefore, the claim terms are subject to 35 U.S.C. § 112(f) but indefinite. Intrinsic Evidence: • ’989 Patent: Abstract, 2:42-58, 2:60-3:4, 3:37-44, 3:54-4:5, 4:6-23, 4:32-5:3, 5:30-59, 5:60-6:16, 7:3-25, 7:26-50, 7:51-8:24, 8:31-54, 8:61-9:16, 9:17-54, 10:39-56, 11:42-59, 16:6-18, 16:26-38, 16:39-52, 17:22-32, Figs. 1, 2A, 2B, and 4-14.

	• '132 Patent File History: Amendment D, dated Aug. 31, 2023. Extrinsic Evidence: RightQuestion reserves the right to rely on the testimony of Sam Malek, Ph.D., as disclosed in its P.R. 4-3(b) disclosure and deposition testimony, if any.	• '132 Patent: Abstract, 2:46-62, 2:64-3:8, 3:41-48, 3:58-4:9, 4:10-26, 4:35-5:6, 5:33-62, 5:63-6:19, 7:6-28, 7:29-53, 7:54-8:27, 8:34-57, 8:64-9:19, 9:20-59, 10:43-60, 11:47-64, 16:11-23, 16:31-43, 16:44-57, 17:27-37, Figs. 1, 2A, 2B, and 4-14. Extrinsic Evidence: Defendants reserve the right to rely on the testimony of Dr. Kevin Butler, as disclosed in their P.R. 4-3(b) disclosure and deposition testimony, if any.
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