

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

NINGDE AMPEREX
TECHNOLOGY LIMITED,

Plaintiff,

v.

ZHUHAI COSMX BATTERY CO., LTD.,

Defendant.

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Civil Action No.: 2:24-CV-728-JRG

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
PURSUANT TO PATENT RULE 4-3

Pursuant to Patent Rule 4-3 and the Court's Docket Control Order, Plaintiff Ningde Amperex Technology Limited ("ATL" or "Plaintiff") and Zhuhai CosMX Battery Co., Ltd ("Defendant" or "CosMX") hereby submit this Joint Claim Construction and Prehearing Statement.

I. Claim Terms, Phrases, and Clauses the Parties Agree On

Claim Term	Patent Claim(s)	Agreed Construction
"a dinitrile compound"	'910 patent: 1-2, 12, 16, 20-21 '131 patent: 1, 4-5, 14, 17	"a compound with two cyano groups"
"a trinitrile compound"	'910 patent: 1-2, 12, 16, 20-21 '131 patent: 1, 6, 14	"a compound with three cyano groups"
"is one selected from the group consisting of ... and any combination thereof"	Asserted Claims '910 patent: 1, 12, 20 '131 patent: 1, 5, 10, 14, 17	Limiting The dinitrile/trinitrile compounds in the electrolyte consist of only the named compounds and no others.

II. Each Party's Proposed Construction of Each Disputed Term, Phrase, or Clause, Together With an Identification of Intrinsic and Other Evidence

Exhibits A and B, attached hereto, identify the disputed claim terms. Exhibit A contains Plaintiff's proposed constructions for each disputed claim term and intrinsic and other evidence in support. Exhibit B contains Defendant's proposed constructions for each disputed claim term and intrinsic and other evidence in support.

III. The Anticipated Length of Time Necessary for the Claim Construction Hearing

The Parties anticipate that the length of time necessary for the Claim Construction Hearing is 3 hours, with the time being split equally between Plaintiff and Defendant.

IV. Witnesses at Claim Construction Hearing

The Parties do not presently intend to call any witnesses at the Claim Construction Hearing.

V. Other Issues That Might Appropriately Be Taken Up at a Prehearing Conference Prior to the Claim Construction Hearing

The Parties are not aware of any other issues that should be taken up at a pre-hearing conference before the Claim Construction Hearing.

DATED: October 21, 2025

Respectfully submitted,

By: /s/ Michael D. Powell

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DATED: October 21, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was filed electronically in compliance with Local Rule CV-5(a). Therefore, this document was served on all counsel who are deemed to have consented to electronic service by email on this October 21, 2025.

October 21, 2025

/s/ Michael D. Powell
Michael D. Powell

EXHIBIT A

ATL's P.R. 4-3 Disclosures: Exhibit A

Claim Term, Phrase, or Clause (Asserted Claims)	Plaintiff's Proposed Construction	Intrinsic Evidence ¹	Extrinsic Evidence ²
1. "a weight percentage of the dinitrile compound is X"/"a weight percentage of the trinitrile compound is Y" '910 Patent: Claims 1, 4, 6, 12, 18-20, 22-25 '131 Patent: Claims 1, 7, 14	Plain and ordinary meaning	'910 Patent: 1:64-2:24; 6:01-8:33; Tables 1-1 and 1-2; Claims 1-26 '131 Patent: 1:63-2:24; 6:01-8:27; Tables 1-1 and 1-2; Claims 1-17 '910 Patent File History: Apr. 20, 2023 Office Action; Jul 20, 2023 Office Action Response; Aug. 2, 2023 Notice of Allowance; Petition and Patent Owner Preliminary Response from IPR2025-00405 '131 Patent File History: Apr. 20, 2023 Office Action; Jul 20, 2023 Office Action Response; Sept. 7, 2023	N/A

¹ Plaintiff reserves the right to rely on or respond to any intrinsic evidence cited by Defendant in support of Defendant's proposed claim constructions.

² Plaintiff reserves the right to rely on or respond to any extrinsic evidence cited by Defendant in support of Defendant's proposed claim constructions.

ATL's P.R. 4-3 Disclosures: Exhibit A

		Notice of Allowance; Petition and Patent Owner Preliminary Response from IPR2025-00431	
2. "only a single-sided coating or a double-sided coating present [sic] on the same electrode" '910 Patent: Claim 14	Plain and ordinary meaning, in addition "only a single-sided coating or a double- sided coating present on the same electrode" should be judicially corrected to "only a single-sided coating or a double- sided coating is present on the same electrode"	'910 Patent: 2:58-3:8; 20:45-21:16; 21:40- 22:10; FIGs. 2-4; Tables 7 and 8; Claims 1-26 '910 Patent File History: Sept. 7, 2023 Notice of Allowance; Petition and Patent Owner Preliminary Response from IPR2025-00405	Expert testimony from Dr. Quinn Horn (see Declaration of Dr. Quinn Horn).
3. "wherein the electrode comprises an anode" '910 Patent: Claim 15	Plain and ordinary meaning, in addition, claim 15 should be judicially corrected to refer back to claim 12, not claim 13.	'910 Patent: 2:58-3:8; 20:45-21:16; 21:40- 22:10; Tables 7 and 8; Claims 1-26 '910 Patent File History: Sept. 7, 2023 Notice of Allowance; Petition and Patent Owner Preliminary Response from IPR2025-00405	Webster's New World College Dictionary Fifth Edition; Expert testimony from Dr. Quinn Horn (see Declaration of Dr. Quinn Horn).

ATL's P.R. 4-3 Disclosures: Exhibit A

4. "the pores at least comprises a part of the inorganic particles" '148 Patent: Claims 1, 10	Plain and ordinary meaning. In addition, "the pores at least comprises" should be judicially corrected to "the pores at least comprise"	'148 Patent: 1:44-49; 2:65-67; 3:64-67; 8:33-58; FIG. 2; Claims 1-19 '148 Patent File History: Oct. 04, 2022 Notice of Allowance; Petition and Patent Owner Preliminary Response from IPR2025-00432	Expert testimony from Dr. Quinn Horn (see Declaration of Dr. Quinn Horn).
5. "the positive plate"/"the negative plate" '498 Patent: Claims 1, 9, 17, 20-22	Plain and ordinary meaning. Judicially corrected to "positive electrode" / "negative electrode".	'498 Patent: Abstract, 2:12-3:5, 3:23-32, 4:38-5:17, 5:50-6:53, Figs. 1-5, Claims 1-22 '498 Patent File History: Initial Filed Claims, August 8, 2022 Amended Claims, October 24, 2022 Final Rejection, January 24, 2023 Amended Claims, June 29, 2023 Applicant Remarks, Petition from IPR2025-00389 '498 patent, code (56): U.S. Pat. No. 11,329,352, U.S. Pat. Pub. No. 2012/0052295	Expert testimony from Dr. Quinn Horn (see Declaration of Dr. Quinn Horn).

ATL's P.R. 4-3 Disclosures: Exhibit A

6. "a first layer comprising a first material"/"a second layer comprising a second material" '118 Patent: Claims 1, 10, 19	Plain and ordinary meaning.	'118 Patent: FIGS. 1, 2; Abstract, 1:45-2:43, 2:58-6:53, 6:63-7:17, 7:37-41, 8:28-50, 9:1-14:17, 17:39-18:59, Table 1, Claims 1-20 '118 Patent File History: May 31, 2023 office action response; Oct. 26, 2023 Final Office Action; Dec. 26, Office action response; Feb. 14, 2024 Notice of allowance; Patent Owner Preliminary Response from IPR2025-00524.	N/A
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EXHIBIT B

EXHIBIT B

**DEFENDANT COSMX'S P.R. 4-3 PROPOSED CONSTRUCTIONS OF CLAIM TERMS
WITH INTRINSIC AND EXTRINSIC EVIDENCE**

I. U.S. Patent No. 11,769,910 (“the ’910 patent”)

Claim Term	'910 Patent Claim(s)	Proposed Construction	Defendant's Supporting Evidence
“a weight percentage of the dinitrile compound is X”	1, 4, 6, 12, 18-20, 22-25	a weight percentage of all dinitrile compounds present in the electrolyte is X	The '910 Patent claims, specification, and file history, including at least the following: Abstract, 1:46-48, 1:64-2:24, 5:66-67, 6:1-57, 6:59-7:43, 23:48-58, 25:9-26:11, 26:40-43, 26:48-27:39 (Tables 1-1 and 1-2), 28:61-64, 29:1-19 (Table 2) '910 Patent File History – March 23, 2023 Non-Final Rejection, pages 5-7. '910 Patent File History – April 10, 2023, Arguments/Remarks Made in Amendment, page 2. '910 Patent File History – April 20, 2023, Non-Final Rejection, pages 3-11, 14. '910 Patent File History – July 18, 2023, Examiner Interview. '910 Patent File History – July 20, 2023, Amendment And Response, page 9.

Claim Term	'910 Patent Claim(s)	Proposed Construction	Defendant's Supporting Evidence
"a weight percentage of the trinitrile compound is Y"	1, 4-6, 12, 18-20, 22-26	a weight percentage of all trinitrile compounds present in the electrolyte is Y	The '910 Patent claims, specification, and file history, including at least the following: Abstract, 1:48-49, 1:64-2:24, 5:66-67, 6:1-57, 7:45-8:33, 23:48-58, 25:9-26:11, 26:40-43, 26:48-27:39 (Tables 1-1 and 1-2), 28:61-64, 29:1-19 (Table 2)
"only a single-sided coating or a double-sided coating present on the same electrode."	14	Indefinite	The '910 Patent claims, specification, and file history, including at least the following: 2:58-3:7, 21:4-16, 21:40-22:9, claim 14, claim 13, claim 12. '910 Patent File History – December 7, 2022, Original Claims '910 Patent File History – July 20, 2023, Amended Claims '910 Patent File History – July 24, 2023, Examiner Interview Summary
"wherein the electrode comprises an anode"	15	Indefinite	The '910 Patent claims, specification, and file history, including at least the following: 3:3-7, 22:1-10, claim 13

Claim Term	'910 Patent Claim(s)	Proposed Construction	Defendant's Supporting Evidence
			'910 Patent File History – December 7, 2022, Original Claims '910 Patent File History – July 20, 2023, Amended Claims '910 Patent File History – July 24, 2023, Examiner Interview Summary

II. U.S. Patent No. 11,799,131 (“the ’131 Patent”)

Claim Term	'131 Patent Claim(s)	Proposed Construction	Defendant's Supporting Evidence
“a weight percentage of the dinitrile compound is X”	1, 7, 14	a weight percentage of all dinitrile compounds present in the electrolyte is X	The '131 Patent claims, specification, and file history, including at least the following: Abstract, 1:45-47, 1:63-2:24, 5:66-67, 6:1-55, 6:56-7:39, 23:11-20, 24:44-26:16, 26:17-20, 26:25-27:10 (Tables 1-1 and 1-2), 28:22-25, 28:29-48 (Table 2). '131 Patent File History – August 11, 2022, Original Claims. '131 Patent File History – April 20, 2023, Non-Final Rejection, pages 3-6. '131 Patent File History – July 20, 2023, Applicant Arguments/Remarks, pages 12-18. '131 Patent File History – July 20, 2023, Amended Claims. '131 Patent File History – July 24, 2023, Examiner Interview Summary. '131 Patent File History – September 7, 2023, Notice of Allowance.

Claim Term	'131 Patent Claim(s)	Proposed Construction	Defendant's Supporting Evidence
"a weight percentage of the trinitrile compound is Y"	1, 7, 14	a weight percentage of all trinitrile compounds present in the electrolyte is Y	The '131 Patent claims, specification, and file history, including at least the following: Abstract, 1:47-48, 1:63-2:24, 5:66-67, 6:1-55, 7:40-8:27, 23:11-20, 24:44-26:16, 26:17-20, 26:25-27:10 (Tables 1-1 and 1-2), 28:22-25, 28:29-48 (Table 2) '131 Patent File History – August 11, 2022, Original Claims. '131 Patent File History – April 20, 2023, Non-Final Rejection, pages 3-6. '131 Patent File History – July 20, 2023, Applicant Arguments/Remarks, pages 12-18. '131 Patent File History – July 20, 2023, Amended Claims. '131 Patent File History – July 24, 2023, Examiner Interview Summary. '131 Patent File History – September 7, 2023, Notice of Allowance.

III. U.S. Patent No. 10,964,927 (“the ’927 patent”)

Subject to CosMX’s reservations of rights set forth above, CosMX does not contend that any term of this patent requires construction at this time.

IV. U.S. Patent No. 11,575,148 (“the ’148 patent”)

Claim Term	’148 Patent Claim(s)	Proposed Construction	Defendant’s Supporting Evidence
“the pores at least comprises a part of the inorganic particles”	1, 10	Indefinite	The ’148 Patent claims, specification, and file history, including at least the following: Abstract, 1:45-50, 2:61-64, 2:65-67, 3:1-3, 3:52-4:49, 5:50-60, 23:65-24:3, 24:3-8, 24:9-57, 25:1-11, FIGs 1-3. U.S. Pat. No. 10,833,355 File History (parent of ’148 Patent) – April 22, 2020, Office Action. U.S. Pat. No. 10,833,355 File History (parent of ’148 Patent) – July 22, 2020, Amendment. U.S. Pat. No. 10,833,355 File History (parent of ’148 Patent) – August 24, 2020, Notice of Allowance. IPR2025-00432 – Patent Owner’s Discretionary Denial Brief, pages 23-26. IPR2025-00432 – Decision Granting Institution of IPR (Paper 10), pages 18-19.

V. U.S. Patent No. 11,923,498 (“the ’498 patent”)

Claim Term	'498 Patent Claim(s)	Proposed Construction	Defendant's Supporting Evidence
“the positive plate”	1, 9, 17, 20-22	Indefinite	The ’498 Patent claims, specification, and file history, including at least the following: ’498 Patent, claims 1, 9, 17, 20-22. ’498 Patent File History – May 17, 2022, Original Claims. ’498 Patent File History – August 8, 2022, Amended Claims. ’498 Patent File History – October 24, 2022, Final Rejection. ’498 Patent File History – January 24, 2023, Request for Continued Examination, Amendment/Remarks, Claims ’498 Patent File History – January 30, 2024, Examiner Interview Summary Record ’498 Patent File History – March 31, 2023, Non-Final Rejection ’498 Patent File History – May 11, 2023, Examiner Interview Summary Record

			'498 Patent File History – June 29, 2023, Amendment/Remarks, Claims '498 Patent File History – July 9, 2023, Notice of Allowance
“the negative plate”	1, 9, 17, 20-22	Indefinite	The '498 Patent claims, specification, and file history, including at least the following: '498 Patent, claims 1, 9, 17, 20-22. '498 Patent File History – May 17, 2022, Original Claims. '498 Patent File History – August 8, 2022, Amended Claims. '498 Patent File History – October 24, 2022, Final Rejection '498 Patent File History – January 24, 2023, Request for Continued Examination, Amendment/Remarks, Claims. '498 Patent File History – January 30, 2024, Examiner Interview Summary Record. '498 Patent File History – March 31, 2023, Non-Final Rejection.

			'498 Patent File History – May 11, 2023, Examiner Interview Summary Record. '498 Patent File History – June 29, 2023, Amendment/Remarks, Claims. '498 Patent File History – July 9, 2023, Notice of Allowance.
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VI. U.S. Patent No. 12,015,118 (“the ’118 patent”)

Claim Term	’118 Patent Claim(s)	Proposed Construction	Defendant’s Supporting Evidence
“a first layer comprising a first material”	1-4, 7, 9-13, 16, 18-19	a first layer comprising a first active material	The ’118 Patent claims, specification, and file history, including at least the following: Abstract, 1:36-59, 2:8-43, 2:58-3:3, 4:18-31, 4:32-54, 6:20-27, 8:26-14:50 (Examples 1-50), Table 1, FIGs 1-2. IPR2025-00524, Patent Owner’s Discretionary Denial Brief, pages 10-11. IPR2025-00524, Patent Owner’s Preliminary Response, page 5.
“a second layer comprising a second material”	1, 3, 8, 10, 12, 17, 19	a second layer comprising a second active material	The ’118 Patent claims, specification, and file history, including at least the following: Abstract, 1:36-59, 2:8-43, 2:58-3:3, 4:18-31, 4:32-54, 6:20-27, 8:26-14:50 (Examples 1-50), Table 1, FIGs 1-2. IPR2025-00524, Patent Owner’s Discretionary Denial Brief, pages 10-11. IPR2025-00524, Patent Owner’s Preliminary Response, page 5.