

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

BYTEWEAVR, LLC,
Plaintiff,

v.

DATABRICKS, INC.,
Defendant.

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CASE NO. 2:24-cv-00162-JRG-RSP
JURY TRIAL DEMANDED

P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to P.R. 4-3 and the Court's Docket Control Order, Plaintiff ByteWeavr, LLC ("Plaintiff") and Defendant Databricks, Inc. ("Defendant") file this Joint Claim Construction and Prehearing Statement.

Pursuant to P.R. 4-3(a), the parties provide the following:

1. The construction of those claim terms, phrases, or clauses on which the parties agree;

The parties have met and conferred and agree on the following construction(s):

Term	Patent and Claims	Agreed Construction
"NAS device"	'827 patent, claims 2 and 14	"a device that makes data storage resources available to network-connected user devices"
"dedicated NAS device"	'827 patent, claims 2 and 14	"a device whose operational purpose is for providing NAS services"

2. Each party's proposed claim construction or indefiniteness position for each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that position, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its position or to oppose any other party's position, including,

but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;

Plaintiff's identification of proposed constructions and supporting evidence is attached hereto as Exhibit A.

Defendant's identification of proposed constructions and supporting evidence is attached hereto as Exhibit B.

3. The anticipated length of time necessary for the Claim Construction Hearing;

The parties respectfully request that the Court hear oral argument on claim construction. The parties have agreed that the parties should be limited to 90 minutes per side (3 hours total) for argument.

4. Whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing;

Neither Plaintiff nor Defendant intends to call any live witnesses at the claim construction hearing.

5. A list of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing, and proposed dates, if not previously set, for any such prehearing conference.

At present, the parties are unaware of any additional issues that would require the scheduling of a pre-hearing conference prior to a Claim Construction Hearing.

Pursuant to P.R. 4-3(b), the parties provide the following:

Neither Plaintiff nor Defendant intends to serve a disclosure of expert testimony.

Patent Scheduling Order – Number of Pages Needed to Brief the Disputed Terms

The parties agree that consistent with Local Patent Rule 4-5(e) and Local Rule CV-7(a), Plaintiff's opening brief shall not exceed 30 pages, Defendant's response brief shall not exceed 30 pages, and Plaintiff's reply brief shall not exceed 10 pages.

Dated: February 28, 2025

Respectfully submitted,

<u>/s/ Jeffrey R. Bragalone</u> Jeffrey R. Bragalone (lead attorney) Texas Bar No. 02855775 Terry A. Saad Texas Bar No. 24066015 Marcus Benavides Texas Bar No. 24035574 Brandon V. Zuniga Texas Bar No. 24088720 Mark M.R. Douglass Texas Bar No. 24131184 Vivek Ramachandran NY Bar No. 5137880 (PHV) BRAGALONE OLEJKO SAAD PC 901 Main Street Suite 3800 Dallas, Texas 75202 Telephone: (214) 785-6670 Facsimile: (214) 785-6680 jbragalone@bosfirm.com tsaad@bosfirm.com mbenavides@bosfirm.com bzuniga@bosfirm.com mdouglass@bosfirm.com vramachandran@bosfirm.com ATTORNEYS FOR PLAINTIFF BYTEWEAVR, LLC	<u>/s/ Vigen Salmastlian</u> Michael J. Sacksteder CA Bar No. 191605 (Admitted E.D. Texas) Email: msacksteder@fenwick.com Gregory Sefian CA Bar No. 341802 (Admitted <i>Pro Hac Vice</i>) Email: gsefian@fenwick.com FENWICK & WEST LLP 555 California Street, 12th Floor San Francisco, California 94104 Telephone: 415.875.2300 Facsimile: 415.281.1350 Vigen Salmastlian CA Bar No. 276846 (Admitted E.D. Texas) Email: vsalmastlian@fenwick.com FENWICK & WEST LLP 801 California Street, Mountain View, CA 94041 Telephone: 650.988.8500 Facsimile: 650.938.5200 Jessica M. Kaempf WA Bar No. 51666 (Admitted E.D. Texas) Email: jkaempf@fenwick.com Jonathan G. Tamimi WA Bar No. 54858 (Admitted E.D. Texas) Email: jtamimi@fenwick.com FENWICK & WEST LLP 401 Union Street, 5th Floor Seattle, WA 98101 Telephone: 206.389.4510 Facsimile: 206.389.4511 Douglas Etts NY Bar No. 6049027 (Admitted <i>Pro Hac Vice</i>) Email: detts@fenwick.com FENWICK & WEST LLP 902 Broadway, 18th Floor New York, NY 10010 Telephone: 212.430.2600 Facsimile: 650.983.5200
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, on February 28, 2025, to be served via the Court's electronic filing system upon all counsel of record.

/s/ Marcus Benavides

Marcus Benavides