

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

USTA TECHNOLOGY, LLC,

Plaintiff,

v.

AT&T MOBILITY LLC,
AT&T MOBILITY II LLC, and AT&T
SERVICES, INC.,

Defendants.

C.A. No. 4:24-cv-513-SDJ

PLAINTIFF USTA TECHNOLOGY, LLC'S 4-2 DISCLOSURES

Pursuant to P.R. 4-2 and the Scheduling Order in this matter (Dkt. No. 41 at 1), Plaintiff USTA Technology, LLC ("Plaintiff" or "USTA") through its undersigned counsel, hereby discloses the following for U.S. Patent Nos. RE47,720 ("the '720 patent").

USTA provides these disclosures pursuant to Eastern District of Texas Patent Rule 4-2. These disclosures are made without prejudice to, and expressly subject to, USTA's right to supplement, amend, or modify the positions stated herein in light of Defendants' claim construction positions, subsequent disclosures, discovery, expert analysis, or rulings by the Court.

Nothing in these disclosures shall be construed as a waiver of USTA's right to rely on any portion of the intrinsic or extrinsic record—including the claims, specification, prosecution history, and any patents or non-patent literature expressly or implicitly referenced therein—to support the plain and ordinary meaning of the terms. USTA further reserves the right to offer additional evidence, testimony, and argument concerning the construction of any claim term,

phrase, or clause at any stage of this proceeding, including trial and on appeal, and to respond to any new claim construction issues or theories raised by Defendants or the Court.

1. Preliminary Proposed Constructions – L.R. 4-2(a)

USTA contends that all claim terms, phrases, or clauses which the parties collectively have identified for claim construction purposes should be given their plain and ordinary meaning as they would be understood by a person of ordinary skill in the art at the time of the invention. Accordingly, USTA is not presently seeking construction from the Court for any identified claim terms, phrases, or clauses.

USTA reserves the right to rely on the intrinsic record—including the claims, specification, prosecution history, and all patents and non-patent literature expressly or implicitly referenced therein (including materials incorporated by reference and those cited in any priority application in the family)—to demonstrate how a person of ordinary skill in the art would understand these terms. Such reliance is not for the purpose of importing limitations into the claims, but rather to illustrate the plain and ordinary meaning through consistent usage, definitions, and contextual evidence in the intrinsic record.

In addition, USTA identifies certain extrinsic evidence below—including technical standards (*e.g.*, IEEE 802.11) and patents/publications—solely to further illustrate how a person of ordinary skill in the art would understand the plain and ordinary meaning of the identified terms in light of the intrinsic record. This extrinsic evidence is not offered to alter or depart from the plain and ordinary meaning, but to provide additional context consistent with the intrinsic record.

USTA expressly reserves the right to introduce or rely upon additional extrinsic evidence, including expert testimony, dictionaries, technical references, and other materials, should

Defendants introduce such evidence or should it otherwise become necessary to respond to Defendants' positions.

2. Extrinsic Evidence to be Relied Upon – L.R. 4-2(b)

To the extent the Court determines consideration of extrinsic evidence is necessary to understand the context and meaning of the identified claim terms, USTA intends to rely on the following materials. These materials, which form part of the broader technical record, are consistent with and support the plain and ordinary meaning of the claim terms as understood by a person of ordinary skill in the art at the time of the invention. They are provided solely to illustrate and confirm such meaning, and not to alter or depart from the intrinsic record. A production of these materials is being provided concurrently with these disclosures in accordance with P.R. 4-2. To the extent any of the below items are incorporated by reference into the '720 patent, USTA does not concede that those items are not part of the intrinsic record; they are merely listed out of an abundance of caution.

- Inst. of Elec. & Elecs. Eng'rs, *Supplement to IEEE Standard for Information Technology—Telecommunications and Information Exchange Between Systems—Local and Metropolitan Area Networks—Specific Requirements, Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications, High-speed Physical Layer in the 5 GHz Band*, in IEEE Std 802.11a-1999(R2003) (2003)
- Inst. of Elec. & Elecs. Eng'rs, *IEEE Standard for Information Technology—Telecommunications and Information Exchange Between Systems—Local and Metropolitan Area Networks—Specific Requirements, Part 11: Wireless LAN Medium Access Control (MAC) and Physical Layer (PHY) Specifications, Amendment 4: Further Higher Data Rate Extension in the 2.4 GHz Band*, in IEEE Std 802.11g-2003 (2003)
- RUDOLPH F. GRAF, MODERN DICTIONARY OF ELECTRONICS (7th ed. 1999)
- INST. OF ELEC. & ELECS. ENG'RS, THE IEEE STANDARD DICTIONARY OF ELECTRICAL AND ELECTRONICS TERMS (6th ed. 1996)
- MIRRIAM-WEBSTER'S COLLEGIATE DICTIONARY (11th ed. 2003) (2004 reprint)
- U.S. Provisional Patent Application No. 60/420,930
- U.S. Patent No. 7,483,711

- A. PAPOULIS, PROBABILITY, RANDOM VARIABLES, AND STOCHASTIC PROCESSES (McGraw Hill 1991)

USTA reserves the right to provide additional constructions once Defendants' positions are clear and/or to offer evidence and argument regarding the construction of any additional term that is identified by Defendants.

3. Expert Witness Disclosure – P.R. 4-2(b)

USTA identifies Dr. Konstantinos Psounis (kpsounis@usc.edu) as an expert witness who may provide testimony in support of Plaintiff's preliminary proposed claim constructions and related positions on definiteness, if Defendants contend that any of the identified terms are indefinite. Dr. Psounis is expected to offer opinions regarding how a person of ordinary skill in the art ("POSITA") as of the relevant priority dates would have understood the claim terms at issue, including but not limited to the following:

- The plain and ordinary meaning of the identified claim terms in the context of the intrinsic record;
- The use and meaning of terms in the relevant technical literature, including related standards documents;
- The significance of consistency in terminology across the specification, priority applications, and referenced materials; and
- The interpretation of terms in light of wireless networking practices and standards-based usage at the time.

Dr. Psounis may also explain how the intrinsic record—including patents and non-patent literature incorporated or referenced therein—would be understood by a POSITA without importing additional limitations and may identify and rely upon extrinsic sources (e.g., technical dictionaries, standards, academic publications, and patents) to confirm and illustrate such plain

and ordinary meanings.

USTA reserves the right to rely on testimony from Dr. Psounis or other evidence in rebuttal of Defendants' proposed constructions and any written description or indefiniteness allegations.

Dated: September 30, 2025

Respectfully submitted,

DEVLIN LAW FIRM LLC

/s/ Andrew Sherman

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 30, 2025, all counsel of record who are deemed to have consented to electronic service are being served with a copy of the above and foregoing document via electronic mail in accordance with Local Rule CV-5(a)(3).

/s/ Andrew Sherman

Andrew Sherman