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

OMNI MEDSCI, INC., *Plaintiff*, v. SAMSUNG ELECTRONICS, CO. LTD., SAMSUNG ELECTRONICS AMERICA, INC., FOSSIL GROUP, INC., FOSSIL STORES I, INC., FOSSIL PARTNERS, L.P., ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD., and ŌURA HEALTH OY, *Defendants*.	Civil No. 2:24-cv-01070-JRG-RSP JURY TRIAL DEMANDED

DEFENDANTS' PRELIMINARY CONSTRUCTIONS AND EXTRINSIC EVIDENCE

Pursuant to Patent Rule 4-2 and the Court's Docket Control Order (Dkt. No. 65), Defendants Samsung Electronics, Co. Ltd. and Samsung Electronics America, Inc. (collectively "Samsung"), Fossil Group, Inc., Fossil Stores I, Inc., and Fossil Partners, L.P. (collectively "Fossil"), and Oura Health Oy ("Oura") (altogether, "Defendants") respectfully submit their Preliminary Proposed Claim Constructions and Extrinsic Evidence for the claim terms, phrases, or clauses contained in the asserted patents that the parties identified for claim construction purposes pursuant to Patent Rule 4-1. *See* Exhibit A.

Defendants base these constructions upon their current knowledge, understanding, and belief as to the facts and information available as of this date. Defendants reserve the right to further amend these preliminary proposed claim constructions as the parties proceed with discovery and work toward the preparation of a final Joint Claim Construction Statement. In particular, Defendants reserve the right to modify or supplement these Patent Rule 4-2 disclosures

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to facilitate agreement with Plaintiff, to avoid duplication of terms or phrases, to reflect newly-received information, or in response to any changes in Plaintiff's apparent infringement theories. To the extent necessary to clarify the issues for the Court or otherwise avoid ambiguity or confusion, Defendants reserve the right to address a word or phrase separately from the terms listed below if addressing that word or phrase separately will assist in the resolution of the parties' disputes.

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Dated: October 31, 2025

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CERTIFICATE OF SERVICE

This is to certify that on October 31, 2025, a true and correct copy of the foregoing instrument was served on counsel of record for Plaintiff via electronic mail per Paragraph 12(e) of the Discovery Order.

/s/ Jared A. Smith
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EXHIBIT A

Omni MedSci Ex. 2034
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Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
"beam"	'533 patent, cl. 12; '304 patent, cls. 11, 19, 20; '868 patent, cls. 7, 8, 9	"photons or light transmitted to a particular location in space"	Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 106 ("beam") The American Heritage Dictionary (5th ed., 2012) at 74 ("beam") The Biomedical Engineering Handbook (1995) (DEFS-PA_0008726) Mohammed Islam, et al., "Modulation instability initiated high-power all-fiber supercontinuum lasers and their applications," Optical Fiber Technology, Vol. 18 (2012) Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 1109 ("scatter") Newton's Telecom Dictionary (26th ed., 2011) at 299 ("coherent light"), 602 ("incoherent light"), and 1012 ("scattering") U.S. Pat. No. 10,215,698 U.S. Pat. No. 9,891,098 U.S. Pat. No. 9,757,040 U.S. Pat. No. 9,885,698 U.S. Pat. No. 9,861,286

Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			U.S. Pat. No. 10,213,113 U.S. Pat. No. 10,188,299 U.S. Pat. No. 10,098,546 *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00134-RWS, Dkt. No. 211 (E.D. Tex. June 24, 2019) (Claim Construction Order) *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019) (Claim Construction Order) Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions. Any extrinsic evidence relied upon by Plaintiff.
"modulating at least one of the semiconductor sources having an initial light intensity"	'304 patent, cl. 19	"varying the amplitude, frequency, or phase of the light produced by at least one of the semiconductor sources having an initial	Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 798 ("modulate") Microsoft Press Computer Dictionary (3rd ed., 1997) at 313 ("modulate")

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Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
		light intensity to include information"	U.S. Pat. No. 9,757,040 U.S. Pat. No. 9,861,286 U.S. Pat. No. 9,885,698 U.S. Pat. No. 10,098,546 U.S. Pat. No. 10,213,113 U.S. Pat. No. 12,268,475 *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00134-RWS, Dkt. No. 211 (E.D. Tex. June 24, 2019) (Claim Construction Order) *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019) *Apple Inc. v. Omni MedSci, Inc.*, IPR2019-00914, Paper 13 (Nov. 6, 2019) Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions.

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Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			Any extrinsic evidence relied upon by Plaintiff.
"modulate the light source with a modulation frequency"	'475 patent, cl. 13	"vary the frequency of the light produced by the light source to include information"	Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 798 ("modulate") Microsoft Press Computer Dictionary (3rd ed., 1997) at 313 ("modulate") U.S. Pat. No. 9,757,040 U.S. Pat. No. 9,861,286 U.S. Pat. No. 9,885,698 U.S. Pat. No. 10,098,546 U.S. Pat. No. 10,213,113 U.S. Pat. No. 10,874,304 *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00134-RWS, Dkt. No. 211 (E.D. Tex. June 24, 2019) (Claim Construction Order) *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019) *Apple Inc. v. Omni MedSci, Inc.*, IPR2019-00914, Paper 13 (Nov. 6, 2019)

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Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions. Any extrinsic evidence relied upon by Plaintiff.
"modulate" / "modulating" / "modulation"	'304 patent, cl. 19; '475 patent, cl. 13	"var[y/ying] the amplitude, frequency, or phase of the light produced by . . . to include information"	Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 798 ("modulate") Microsoft Press Computer Dictionary (3rd ed., 1997) at 313 ("modulate") U.S. Pat. No. 9,757,040 U.S. Pat. No. 9,861,286 U.S. Pat. No. 9,885,698 U.S. Pat. No. 10,098,546 U.S. Pat. No. 10,213,113 U.S. Pat. No. 10,874,304 *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00134-RWS, Dkt. No. 211 (E.D.

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Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			Tex. June 24, 2019) (Claim Construction Order) *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019) *Apple Inc. v. Omni MedSci, Inc.*, IPR2019-00914, Paper 13 (Nov. 6, 2019) Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions. Any extrinsic evidence relied upon by Plaintiff.
"one or more filters"	'533 patent, cl. 11	"one or more physical components or coatings configured in the device to selectively pass light of a particular wavelength or range(s) of wavelengths"	The American Heritage® Medical Dictionary (2007) ("filter") Filter | definition of filter by Medical dictionary The American Heritage® Dictionary of the English Language (5th ed., 2011) at 658 ("filter") The Penguin Dictionary of Science (3d ed., 2009) at 251 ("filter")

Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions. Any extrinsic evidence relied upon by Plaintiff.
"to identify an object"	'484 patent, cl. 8; '790 patent, cl. 7	"to recognize or establish an object as being a particular thing"	*Apple Inc. v. Omni MedSci, Inc.*, IPR2021-00453, Paper 10 (Nov. 12, 2021) *Apple Inc. v. Omni MedSci, Inc.*, IPR2021-00453, Paper 10, Ex. 2134 (Nov. 12, 2021) (citing Random House Kernerman Webster's College Dictionary (2010) ("identify") Identify - definition of identify by The Free Dictionary) Random House Kernerman Webster's College Dictionary (2010) ("identify") Identify - definition of identify by The Free Dictionary (last visited October 29, 2025) Collins Dictionary (10th ed., 2010) at 819 ("identify") Chambers Concise Dictionary (2d ed., 2009) at 595 ("identify")

Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions. Any extrinsic evidence relied upon by Plaintiff.
"to use artificial intelligence to process"	'484 patent, cl. 10	Indefinite	Cynthia C. Hsieh, et al., "Survey of Artificial Intelligence and Expert Systems in Library and Information Science Literature," Information Technology and Libraries, Vol. 8, Iss. 2 (1989) Saul B. Salia, "Guide to some computerized artificial intelligence methods," Computers in Fisheries Research, Chapter 2 (1996) Ipke Wachmuth, "The Concept of Intelligence in AI," Prerational Intelligence: Adaptive Behavior and Intelligent Systems Without Symbols and Logic, Volume 1 (2000) Shane Legg, et al., "A Universal Measure of Intelligence for Artificial Agents," IJCAI-05, Proceedings of the Nineteenth International Joint Conference on Artificial Intelligence (2005)

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Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			Jean-Paul Haton, "A brief introduction to artificial intelligence," IFAC Proceedings Vol. 39, Issue 4 (2006) Newton's Telecom Dictionary (26th ed. 2011) ("artificial intelligence") International Dictionary of Data Communications (2011) ("Artificial Intelligence (AI)") Dictionary of Computing (6th ed. 2010) ("artificial intelligence" and "AI") Wiley Electrical and Electronics Engineering Dictionary (2004) ("artificial intelligence") McGraw-Hill Concise Encyclopedia of Science & Technology (6th ed. 2009) ("artificial intelligence") Encyclopedia of Computer Science and Technology (Revised ed. 2009) ("artificial intelligence") The Penguin Dictionary of Electronics (4th ed. 2005) ("artificial intelligence (AI)") The Facts on File Dictionary of Computer Science (Revised ed. 2006) ("artificial intelligence (AI)")

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			Merriam-Webster's Collegiate Dictionary (11th ed. 2012) ("artificial intelligence") Bloomsbury English Dictionary (2nd ed. 2004) ("artificial intelligence") Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions. Any extrinsic evidence relied upon by Plaintiff.
"to use artificial intelligence in making decisions"	'475 patent, cl. 5	Indefinite	Cynthia C. Hsieh, et al., "Survey of Artificial Intelligence and Expert Systems in Library and Information Science Literature," Information Technology and Libraries, Vol. 8, Issue 2 (1989) Saul B. Salia, "Guide to some computerized artificial intelligence methods," Computers in Fisheries Research, Chapter 2 (1996) Ipke Wachmuth, "The Concept of Intelligence in AI," Prerational Intelligence: Adaptive Behavior and Intelligent Systems Without Symbols and Logic, Vol. 1 (2000)

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Claim Term	Patent / Claim	Defendants' Preliminary Proposed Construction	Defendants' Preliminary Identification of Extrinsic Evidence
			Shane Legg, et al., "A Universal Measure of Intelligence for Artificial Agents," IJCAI-05, Proceedings of the Nineteenth International Joint Conference on Artificial Intelligence (2005) Jean-Paul Haton, "A brief introduction to artificial intelligence," IFAC Proceedings Vol. 39, Issue 4 (2006) Newton's Telecom Dictionary (26th ed. 2011) ("artificial intelligence") International Dictionary of Data Communications (2011) ("Artificial Intelligence (AI)") Dictionary of Computing (6th ed. 2010) ("artificial intelligence" and "AI") Wiley Electrical and Electronics Engineering Dictionary (2004) ("artificial intelligence") McGraw-Hill Concise Encyclopedia of Science & Technology (6th ed. 2009) ("artificial intelligence") Encyclopedia of Computer Science and Technology (Revised ed. 2009) ("artificial intelligence")

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			The Penguin Dictionary of Electronics (4th ed. 2005) ("artificial intelligence (AI)") The Facts on File Dictionary of Computer Science (Revised ed. 2006) ("artificial intelligence (AI)") Merriam-Webster's Collegiate Dictionary (11th ed. 2012) ("artificial intelligence") Bloomsbury English Dictionary (2nd ed. 2004) ("artificial intelligence") Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence. Plaintiff's Infringement Contentions. Any extrinsic evidence relied upon by Plaintiff.
"personal device"	'533 patent, cl. 5	"a computer or microprocessor-based device having a wireless receiver, a wireless transmitter, a display, a microphone, a speaker, one or more buttons or knobs, a microprocessor, and a touch screen."	*Apple Inc. v. Omni MedSci, Inc.*, IPR2019-00916, Paper 16 (Oct. 18, 2019) (Decision Granting Institution) Expert testimony from Dr. Jeremy R. Cooperstock regarding the term at issue from the perspective of one of skill in the art based on intrinsic record and extrinsic evidence.

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