

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

DIALECT LLC,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:24-cv-00207-JRG

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4-3, and the Court’s Docket Control Order (Dkt. 41), Plaintiff Dialect LLC (“Dialect”) and Defendant Bank of America, N.A. (“BoA”) (collectively, “Parties”) respectfully submit the following Joint Claim Construction and Prehearing Statement for U.S. Patent No. 7,640,160 (the “’160 Patent”), U.S. Patent No. 8,195,468 (the “’468 Patent”), U.S. Patent No. 8,447,607 (the “’607 Patent”), U.S. Patent No. 9,263,039 (the “’039 Patent”), and U.S. Patent No. 9,495,957 (the “’957 Patent”).

I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(1))

The Parties’ agreed constructions are provided in the chart below.

Proposed Terms	Asserted Claims	Agreed Constructions
“context”/“contexts”	’160 patent: claims 12-13 ’468 patent: claims 19, 25-30, 32 ’607 patent: claims 12-13 ’039 patent: claims 17-18 ’957 patent: claims 7-8 ¹	“the subject matter area to which a particular user input is directed and which is used to

¹ The ’957 Patent is currently undergoing an *ex parte* reexamination, where claim 7 has been cancelled and a few new claims have been added. A reexamination certificate for the ’957 Patent is expected to be issued soon, and upon the issuance, Plaintiff intends to move to amend its infringement contentions to withdraw claim 7 and assert certain new claims that also include the

Proposed Terms	Asserted Claims	Agreed Constructions
		determine the meaning of the user input”
“context stack”	’160 patent: claims 12-13 ’468 patent: claims 19, 25-30, 32 ’607 patent: claims 12-13 ’039 patent: claims 17-18 ’957 patent: claims 7-8 ²	“a data structure that stores or references contexts in a manner that can be ordered”
“domain agent”	’160 patent: claims 12-13 ’468 patent: claims 19, 25-30, 32 ’607 patent: claims 12-13 ’039 patent: claims 13-15, 17-18	“software with domain-specific behavior and information”
“entry/entries in a context stack” [and “context entries” of a “context stack”]	’468 patent: claims 19, 25-30, and 32 ’607 patent: claims 12-13 ’957 patent: claims 7-8	Plain and ordinary meaning (incorporating “context stack” above)
“knowledge- enhanced speech recognition engine”	’160 patent: claim 12 only	The preamble is limiting

II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(2))

The Parties’ proposed constructions of disputed terms are provided in the chart below.

The Parties’ proposed constructions are also set forth in the accompanying Exhibit A, along with the intrinsic and extrinsic evidence on which the parties intend to rely.

Proposed Terms	Asserted Claims	Dialect Proposed Constructions	BoA Proposed Constructions
“expected contexts stored in a context stack”	’160 patent: claims 12-13	Plain and ordinary meaning	“a subset of the contexts in a context stack”
“context description grammar”	’160 patent: claims 12-13 ’039 patent: claims 13-15,17-18	Plain and ordinary meaning or in the alternative, “a grammar associated with one or more contexts”	“a data structure containing entries constituting or referencing sets of rules, wherein each of those sets describes the structure of natural language in a particular context”

terms “context,” “contexts,” or “context stack,” for all of which the parties have reached agreed constructions. BoA reserves the right to address this issue (including to object) if Dialect should file a motion to amend its infringement contentions to add new claims.

² See n1. *supra*.

Proposed Terms	Asserted Claims	Dialect Proposed Constructions	BoA Proposed Constructions
“knowledge-enhanced speech recognition engine”	’468 patent: claim 28 only	Not indefinite	Indefinite

III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(3))

The Parties estimate that three hours will be needed for the claim construction hearing.

The Parties agree that each side will be allocated half of the total time permitted for the hearing.

IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(4))

No Party proposes to call witnesses at the claim construction hearing.

V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(5))

The Parties are not currently aware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: May 6, 2025

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system.

/s/ Justin Constant
Justin Constant
Attorney for Plaintiff Dialect LLC

CERTIFICATE OF CONFERENCE

I certify that that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties agree on filing this joint statement.

/s/ Justin Constant
Justin Constant
Attorney for Plaintiff Dialect LLC