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

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| **OMNI MEDSCI, INC.,**<br><br>***Plaintiff*,**<br><br>**v.**<br><br>**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,**<br><br>***Defendants.*** | **Civil Action No. 2:24-CV-01070-JRG-RSP**<br><br>**JURY TRIAL DEMANDED** |

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



Omni MedSci Ex. 2049
WHOOP, Inc. v. Omni MedSci - IPR2025-01584

Pursuant to Local Patent Rule 4-3 and the Court's Second Amended Docket Control Order, Dkt. 65, Plaintiff Omni MedSci, Inc. ("Omni," and a "side") and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, "Samsung"); Fossil Group, Inc., Fossil Stores, Inc., and Fossil Partners, L.P. (collectively, "Fossil"); OnePlus Technology (Shenzhen) Co., Ltd.; and Ōura Health Oy's ("Ōura") (collectively, "Defendants," and a "side") hereby submit their Joint Claim Construction and Prehearing Statement for:

- U.S. Patent No. 9,055,868 ("the '868 Patent"): claims 7-9;
- U.S. Patent No. 9,651,533 ("the '533 Patent"): claims 5, 11, 12;
- U.S. Patent No. 10,517,484 ("the '484 Patent"): claim 8;
- U.S. Patent No. 10,874,304 ("the '304 Patent"): claims 11, 14, 19-20;
- U.S. Patent No. 12,193,790 ("the '790 Patent"): claim 7; and
- U.S. Patent No. 12,268,475 ("the '475 Patent"): claim 13.

## I. P.R. 4-3(a)(1) – Agreed Upon Constructions

The parties agree to the construction of the claim terms as set forth in the table below.

| Patents & Claims | Term or Phrase | Agreed Construction |
|---|---|---|
| '868 patent, cls. 7, 8, 9<br><br>'533 patent, cl. 12<br><br>'304 patent, cls. 11, 14, 19, 20 | "beam" | "photons or light transmitted to a particular location in space" |
| '533 patent, cl. 5 | "personal device" | "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" |
| '484 patent, cl. 8<br><br>'790 patent, cl. 7 | "to identify an object" | "to recognize or establish an object as being a particular thing" |

## II. P.R. 4-3(a)(2) – Disputed Constructions

Appendix A includes a chart identifying each disputed term or phrase (and the Claim(s) in which such term or phrase is recited), followed by each party's proposed construction.

The parties dispute the construction of the claim terms as set forth in Appendices B and C. Appendix B reflects Omni's positions and support, and Appendix C reflects Defendants' positions and support. In those Appendices, each side sets forth its proposed claim construction positions 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 each side on which it intends to rely either to support its position or to oppose the other side'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.

Each side reserves the right to rely on any intrinsic or extrinsic evidence identified by the other side. In addition, each side reserves the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by the other side, including any supplements or amendments to contentions served by either side, or for other good cause.

## III. P.R. 4-3(a)(3) – Anticipated Time for Hearing

The parties anticipate a combined total of one (1) hour for presentation at the hearing, with the time evenly divided between the two sides, or as the Court finds necessary or appropriate.

## IV. P.R. 4-3(a)(4) – Witness Testimony

The parties do not anticipate calling witnesses at the hearing.

## V. P.R. 4-3(a)(5) – Other Issues

The parties do not believe a prehearing conference prior to the Claim Construction Hearing is necessary.

Dated: November 21, 2025

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2025, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing *via* electronic mail to all counsel of record.

*/s/ William E. Davis III*
William E. Davis III

## APPENDIX A: The Parties' Proposed Constructions

### I. '533 Patent

| Term or Phrase | Plaintiff's Proposed Construction | Defendants' Proposed Construction |
|---|---|---|
| "one or more filters"<br><br>('533 patent, cl. 11) | Plain and ordinary meaning | "one or more physical components or coatings configured in the device to selectively pass light of a particular wavelength or range(s) of wavelengths" |

### II. '304 Patent

| Term or Phrase | Plaintiff's Proposed Construction | Defendants' Proposed Construction |
|---|---|---|
| "modulating" / "modulation"<br><br>('304 patent, cl. 19)<br><br>*See also:*<br><br>"modulate" / "modulation"<br><br>('475 patent, cl. 13) | "[vary/varying/the varying of] the amplitude, frequency, or phase of the light produced" | No construction necessary apart from the construction of "modulating at least one of the semiconductor sources having an initial light intensity" (see below).<br><br>If construed: "[varying/the varying of] the amplitude, frequency, or phase of the light produced by . . . to include information" |

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|---|---|---|
| "modulating at least one of the semiconductor sources having an initial light intensity"<br><br>('304 patent, cl. 19) | No construction necessary apart from the construction of "modulating" / "modulation" (*see* above)<br><br>('304 patent, cl. 19)<br><br>*See also:*<br><br>"modulate" / "modulation"<br><br>('475 patent, cl. 13) | "varying the amplitude, frequency, or phase of the light produced by at least one of the semiconductor sources having an initial light intensity to include information" |

**III. '475 Patent**

| Term or Phrase | Plaintiff's Proposed Construction | Defendants' Proposed Construction |
|---|---|---|
| "modulate" / "modulation"<br><br>('475 patent, cl. 13)<br><br>*See also:*<br><br>"modulating" / "modulation"<br><br>('304 patent, cl. 19) | "[vary/varying/the varying of] the amplitude, frequency, or phase of the light produced" | No construction necessary apart from the construction of "modulate the light source with a modulation frequency" (see below).<br><br>If construed: "[vary/the varying of] the amplitude, frequency, or phase of the light produced by . . . to include information" |

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| "modulate the light source with a modulation frequency"<br><br>('475 patent, cl. 13) | No construction necessary apart from the construction of "modulate" / "modulation" (*see* above)<br><br>('475 patent, cl. 13)<br><br>*See also:*<br><br>"modulating" / "modulation"<br><br>('304 patent, cl. 19) | "vary the frequency of the light produced by the light source to include information" |

**APPENDIX B: Plaintiff's Proposed Constructions and Citations to Supporting Evidence**

## IV. '533 Patent

| Term or Phrase | Plaintiff's Proposed Construction | Intrinsic Evidence | Extrinsic Evidence |
|---|---|---|---|
| "one or more filters"<br><br>('533 patent, cl. 11) | Plain and ordinary meaning | '533 Patent<br><br>Figs. 16A, 16B, 20, 21, 23<br><br>6:50-53, 6:61-65, 7:4-6, 16:54-17:6, 17:44-64, 21:52-22:7, 23:26-37, 23:55-24:6, 24:23-25:13, 30:38-41, 32:19-22 | None |

## V. '304 Patent

| Term or Phrase | Plaintiff's Proposed Construction | Intrinsic Evidence | Extrinsic Evidence |
|---|---|---|---|
| "modulating" / "modulation"<br><br>('304 patent, cl. 19)<br><br>*See also:*<br><br>"modulate" / "modulation"<br><br>('475 patent, cl. 13) | "[vary/varying/the varying of] the amplitude, frequency, or phase of the light produced" | '304 Patent<br><br>4:37-51, 5:4-8:24, 9:16-50, 13:1-25, 21:10-25, 24:60-25:6, 30:27-45, 38:62-39:40 | Declaration from Dr. Christopher Daft<br><br>Claim Construction Order (Dkt. 211), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00134-RWS (E.D. Tex.) (J. Schroeder)<br><br>Claim Construction Order (Dkt. 152), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00429-RWS (E.D. Tex.) (J. Schroeder)<br><br>The American Heritage Science Dictionary (2011) Published by Houghton Mifflin |

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| | | | Harcourt Publishing Co., available at https://www.dictionary.com/browse/modulate<br><br>IEEE 100<br>The Authoritative Dictionary of IEEE Standards Terms Seventh Term (2000)<br><br>Microsoft Computer Dictionary, Fourth Edition (1999)<br><br>Merriam Webster's Collegiate Dictionary, Eleventh Edition (2011)<br><br>Microsoft Press Computer Dictionary, Third Edition (1997)<br><br>Newton's Telecom Dictionary, Twenty-Sixth Edition (2011) |
| "modulating at least one of the semiconductor sources having an initial light intensity"<br><br>('304 patent, cl. 19) | No construction necessary apart from the construction of "modulating" / "modulation" (*see* above)<br><br>('304 patent, cl. 19)<br><br>*See also:*<br><br>"modulate" / "modulation"<br><br>('475 patent, cl. 13) | <u>'304 Patent</u><br><br>4:37-51, 5:4-8:24, 9:16-50, 13:1-25, 21:10-25, 24:60-25:6, 30:27-45, 38:62-39:40 | Declaration from Dr. Christopher Daft<br><br>Claim Construction Order (Dkt. 211), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00134-RWS (E.D. Tex.) (J. Schroeder)<br><br>Claim Construction Order (Dkt. 152), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00429-RWS (E.D. Tex.) (J. Schroeder)<br><br>The American Heritage Science Dictionary (2011) Published by Houghton Mifflin Harcourt Publishing Co., available at https://www.dictionary.com/browse/modulate |

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| | | | IEEE 100<br>The Authoritative Dictionary of IEEE Standards Terms Seventh Term (2000)<br><br>Microsoft Computer Dictionary, Fourth Edition (1999)<br><br>Merriam Webster's Collegiate Dictionary, Eleventh Edition (2011)<br><br>Microsoft Press Computer Dictionary, Third Edition (1997)<br><br>Newton's Telecom Dictionary, Twenty-Sixth Edition (2011) |

**VI. '475 Patent**

| Term or Phrase | Plaintiff's Proposed Construction | Intrinsic Evidence | Extrinsic Evidence |
|---|---|---|---|
| "modulate" / "modulation"<br><br>('475 patent, cl. 13)<br><br>*See also:*<br><br>"modulating" / "modulation"<br><br>('304 patent, cl. 19) | "[vary/varying/the varying of] the amplitude, frequency, or phase of the light produced" | <u>'475 Patent</u><br><br>5:7-21, 16:22-31, 29:11-27, 38:64-39:6, 48:9-18, 58:1-22, 62:55-64, 70:8-27, 71:35-63, 74:26-49, 84:30-39, 86:60-62 | Declaration from Dr. Christopher Daft<br><br>Claim Construction Order (Dkt. 211), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00134-RWS (E.D. Tex.) (J. Schroeder)<br><br>Claim Construction Order (Dkt. 152), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00429-RWS (E.D. Tex.) (J. Schroeder)<br><br>The American Heritage Science Dictionary (2011) Published by Houghton Mifflin |

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| | | | Harcourt Publishing Co., available at https://www.dictionary.com/browse/modulate<br><br>IEEE 100<br>The Authoritative Dictionary of IEEE Standards Terms Seventh Term (2000)<br><br>Microsoft Computer Dictionary, Fourth Edition (1999)<br><br>Merriam Webster's Collegiate Dictionary, Eleventh Edition (2011)<br><br>Microsoft Press Computer Dictionary, Third Edition (1997)<br><br>Newton's Telecom Dictionary, Twenty-Sixth Edition (2011) |
| "modulate the light source with a modulation frequency"<br><br>('475 patent, cl. 13) | No construction necessary apart from the construction of "modulate" / "modulation" (*see* above)<br><br>('475 patent, cl. 13)<br><br>*See also:*<br><br>"modulating" / "modulation"<br><br>('304 patent, cl. 19) | '475 Patent<br><br>5:7-21, 16:22-31, 29:11-27, 38:64-39:6, 48:9-18, 58:1-22, 62:55-64, 70:8-27, 71:35-63, 74:26-49, 84:30-39, 86:60-62 | Declaration from Dr. Christopher Daft<br><br>Claim Construction Order (Dkt. 211), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00134-RWS (E.D. Tex.) (J. Schroeder)<br><br>Claim Construction Order (Dkt. 152), *Omni MedSci, Inc. v. Apple, Inc.*, Case No. 2:18-cv-00429-RWS (E.D. Tex.) (J. Schroeder)<br><br>The American Heritage Science Dictionary (2011) Published by Houghton Mifflin Harcourt Publishing Co., available at https://www.dictionary.com/browse/modulate |

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| | | | IEEE 100<br>The Authoritative Dictionary of IEEE Standards Terms Seventh Term (2000)<br><br>Microsoft Computer Dictionary, Fourth Edition (1999)<br><br>Merriam Webster's Collegiate Dictionary, Eleventh Edition (2011)<br><br>Microsoft Press Computer Dictionary, Third Edition (1997)<br><br>Newton's Telecom Dictionary, Twenty-Sixth Edition (2011) |

**APPENDIX C: Defendants' Proposed Constructions and Citations to Supporting Evidence**

| Claim Term | Defendants' Proposed Construction | Defendants' Intrinsic and Extrinsic Evidence |
|---|---|---|
| "modulating at least one of the semiconductor sources having an initial light intensity"<br><br>('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 light intensity to include information" | Intrinsic Evidence:<br><br>'304 patent at 4:37-51; 5:4-40; 5:41-6:8; 6:9-47; 6:48-7:14; 7:15-50; 7:51-8:24; 9:16-50; 12:19-35; 13:1-15; 13:16-25; 18:18-29; 21:10-25; 23:59-24:7; 24:31-25:6; 30:27-45; cl. 19<br><br>Extrinsic Evidence:<br><br>Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 798 ("modulate")<br><br>Microsoft Press Computer Dictionary (3rd ed., 1997) at 313 ("modulate")<br><br>U.S. Pat. No. 9,757,040<br><br>U.S. Pat. No. 9,861,286<br><br>U.S. Pat. No. 9,885,698<br><br>U.S. Pat. No. 10,098,546<br><br>U.S. Pat. No. 10,213,113<br><br>U.S. Pat. No. 12,268,475<br><br>*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) |

| Claim Term | Defendants' Proposed Construction | Defendants' Intrinsic and Extrinsic Evidence |
|---|---|---|
| | | *Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019)<br><br>*Apple Inc. v. Omni MedSci, Inc.*, IPR2019-00914, Paper 13 (Nov. 6, 2019)<br><br>Plaintiff's Infringement Contentions.<br><br>Any extrinsic evidence relied upon by Plaintiff. |
| "modulate the light source with a modulation frequency"<br><br>('475 patent, cl. 13) | "vary the frequency of the light produced by the light source to include information" | Intrinsic Evidence:<br><br>'475 patent at 5:7-21; 15:22-41; 16:7-21; 16:22-31; 29:11-27; 30:55-31:3; 31:27-34; 31:35-56; 31:57-32:3; 37:64-38:16; 38:49-63; 38:64-39:6; 43:38-44:7; 47:9-28; 47:61-48:8; 48:9-18; 58:1-22; 59:15-43; 61:54-62:7; 62:40-54; 62:55-64; 70:8-27; 74:26-49; 83:32-47; 84:15-39; cls. 8, 13, 14<br><br>Extrinsic Evidence:<br><br>Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 798 ("modulate")<br><br>Microsoft Press Computer Dictionary (3rd ed., 1997) at 313 ("modulate")<br><br>U.S. Pat. No. 9,757,040<br><br>U.S. Pat. No. 9,861,286<br><br>U.S. Pat. No. 9,885,698<br><br>U.S. Pat. No. 10,098,546 |

| Claim Term | Defendants' Proposed Construction | Defendants' Intrinsic and Extrinsic Evidence |
|---|---|---|
| | | U.S. Pat. No. 10,213,113<br><br>U.S. Pat. No. 10,874,304<br><br>*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)<br><br>*Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019)<br><br>*Apple Inc. v. Omni MedSci, Inc.*, IPR2019-00914, Paper 13 (Nov. 6, 2019)<br><br>Plaintiff's Infringement Contentions.<br><br>Any extrinsic evidence relied upon by Plaintiff. |
| "modulate" / "modulating" / "modulation"<br><br>('304 patent, cl. 19; '475 patent, cl. 13) | No construction necessary apart from the constructions of "modulating at least one of the semiconductor sources having an initial light intensity" and "modulate the light source with a modulation frequency" (see above).<br><br>If construed: "[vary/varying/the varying of] the amplitude, frequency, or phase of the light produced by . . . to include information" | <u>Intrinsic Evidence</u>:<br><br>'304 patent at 4:37-51; 5:4-40; 5:41-6:8; 6:9-47; 6:48-7:14; 7:15-50; 7:51-8:24; 9:16-50; 12:19-35; 13:1-15; 13:16-25; 18:18-29; 21:10-25; 23:59-24:7; 24:31-25:6; 30:27-45; cl. 19<br><br>'475 patent at 5:7-21; 15:22-41; 16:7-21; 16:22-31; 29:11-27; 30:55-31:3; 31:27-34; 31:35-56; 31:57-32:3; 37:64-38:16; 38:49-63; 38:64-39:6; 43:38-44:7; 47:9-28; 47:61-48:8; 48:9-18; 58:1-22; 59:15-43; 61:54-62:7; 62:40-54; 62:55-64; 70:8-27; 74:26-49; 83:32-47; 84:15-39; cls. 8, 13, 14<br><br><u>Extrinsic Evidence</u>: |

| Claim Term | Defendants' Proposed Construction | Defendants' Intrinsic and Extrinsic Evidence |
|---|---|---|
| | | Merriam-Webster's Collegiate Dictionary (11th ed., 2011) at 798 ("modulate")<br><br>Microsoft Press Computer Dictionary (3rd ed., 1997) at 313 ("modulate")<br><br>U.S. Pat. No. 9,757,040<br><br>U.S. Pat. No. 9,861,286<br><br>U.S. Pat. No. 9,885,698<br><br>U.S. Pat. No. 10,098,546<br><br>U.S. Pat. No. 10,213,113<br><br>U.S. Pat. No. 10,874,304<br><br>*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)<br><br>*Omni MedSci, Inc. v. Apple Inc.*, Case No. 2:18-cv-00429-RWS, Dkt. No. 152 (E.D. Tex. Aug. 14, 2019)<br><br>*Apple Inc. v. Omni MedSci, Inc.*, IPR2019-00914, Paper 13 (Nov. 6, 2019)<br><br>Plaintiff's Infringement Contentions.<br><br>Any extrinsic evidence relied upon by Plaintiff. |
| "one or more filters" | "one or more physical components or coatings configured in the device to | Intrinsic Evidence: |

| Claim Term | Defendants' Proposed Construction | Defendants' Intrinsic and Extrinsic Evidence |
|---|---|---|
| ('533 patent, cl. 11) | selectively pass light of a particular wavelength or range(s) of wavelengths" | '533 patent at 16:54-17:6; 17:50-56; 21:52-22:7; 23:26-37; 23:55-24:6; 24:23-25:13; Fig. 16A; Fig. 16B; Fig. 20; Fig. 21; Fig. 23; cls. 11, 18<br><br>Extrinsic Evidence:<br><br>The American Heritage® Medical Dictionary (2007) ("filter") Filter \| definition of filter by Medical dictionary<br><br>The American Heritage® Dictionary of the English Language (5th ed., 2011) at 658 ("filter")<br><br>The Penguin Dictionary of Science (3d ed., 2009) at 251 ("filter")<br><br>Plaintiff's Infringement Contentions.<br><br>Any extrinsic evidence relied upon by Plaintiff. |