

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

TOPWIRE LLC,

Plaintiff,

v.

APPLE INC.,

Defendant.

Civil Action No. 7:25-CV-00551-ADA

JURY TRIAL DEMANDED

DEFENDANT APPLE INC.'S PRELIMINARY PROPOSED CLAIM CONSTRUCTION

Pursuant to currently entered Scheduling Order (D.I. 26), Defendant Apple Inc. (“Apple”) hereby provides to Plaintiff TopWire LLC (“TopWire”) the following preliminary proposed construction for the claim term it identified in its May 5, 2026, Identification of Claim Terms for Construction with respect to claims 1, 2, 3, 4, 6, and 9 of U.S. Patent No. 9,859,202 (collectively the “Asserted Claims” of the “Asserted Patent”). .

Apple has not yet completed its investigation, collection of information, discovery, and analysis relating to this action. Further discovery and investigation may require Apple to supplement, modify, or alter the preliminary claim construction, including in view of any developments that arise during the meet and confer process consistent with the currently entered Scheduling Order (D.I. 26). Accordingly, Apple expressly reserves the right to supplement, modify or alter its preliminary claim construction. Apple reserves all of its rights and does not waive any proposed construction, defense, or position by the submission of this disclosure. In addition, Apple reserves the right to rely on any intrinsic or extrinsic evidence produced by the plaintiff, including testimony and/or declarations of any expert witnesses.

Subject to the above, Apple provides the below preliminary proposed constructions for the claim terms identified by the parties.

<u>Term</u>	<u>Apple’s Proposed Construction</u>
“metal pillars”	Plain and ordinary meaning, but that meaning does not include solder

Dated: May 19, 2026

Respectfully submitted,

By: /s/ Asim Zaidi
Deron R. Dacus
State Bar No. 00790553
The Dacus Firm, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Phone: (903) 705-1117

ddacus@dacusfirm.com

Cosmin Maier (admitted *pro hac vice*)

Yung-Hoon (Sam) Ha (admitted *pro hac vice*)

Joze Welsh (admitted *pro hac vice*)

Asim Zaidi (admitted *pro hac vice*)

DESMARAIS LLP

230 Park Avenue

New York, NY 10169

Tel: 212-351-3400

Fax: 212-351-3401

CMaier@desmaraisllp.com

YHa@desmaraisllp.com

JWelsh@desmaraisllp.com

AZaidi@desmaraisllp.com

Maria A. Tartakovsky (admitted *pro hac vice*)

DESMARAIS LLP

101 California Street, Suite 3070

San Francisco, CA 94111

Tel: (415) 573-1900

Fax: (415) 573-1901

mtartakovsky@desmaraisllp.com

Attorneys for Defendant Apple Inc.

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record are being served with a copy of the foregoing via electronic mail on May 19, 2026.

/s/ Asim Zaidi
Asim Zaidi