

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

YONDR, INC.,

PLAINTIFF,

V.

1:24-CV-01326-ADA

BE SMARTER, LLC et al.,

DEFENDANTS.

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CLAIM CONSTRUCTION ORDER

The Court provided preliminary claim constructions on September 19, 2025, for terms in U.S. Patent Nos. 9,819,788 (the '788 Patent), and 12,133,078 (the '078 Patent). The Court held a claim construction hearing on September 22, 2025, in which the Court heard argument. After careful consideration of the parties' briefs, oral argument, and the applicable law, the Court enters its final constructions for each term as shown below.

#	Term	Defendant's Proposed Construction	Plaintiff's Proposed Construction	Court's Preliminary Construction
1	locking means '788 Patent, claims 3—4 (and by dependence claims 7—8)	Means-plus-function under 35 U.S.C. § 112(f) <u>Function:</u> at least partially securing the opening so that the user is unable to access his own mobile electronic device contained therein until a predetermined condition is met	Term appears as part of the larger phrase: "locking means for at least partially securing the opening" - <u>Function:</u> At least partially securing the opening <u>Structure:</u> Securely mateable male and female members, opposing plates with securely mateable	Term appears as part of the larger phrase: "locking means for at least partially securing the opening" - <u>Function:</u> At least partially securing the opening <u>Structure:</u> Securely mateable male and female members, opposing plates with securely mateable

		<u>Structure</u> : opposing plates with securably mateable female and male members, magnetic plates, selectively releasable mesh, or lockable zippers	male and female members, magnetic plates, selectively releasable mesh, a lockable zipper, or a key-operated latch, and equivalents thereof	male and female members, magnetic plates, selectively releasable mesh, a lockable zipper, or a key-operated latch, and equivalents thereof
2	means for unlocking '788 Patent, claim 3 (and by dependence claims 4, 7—8)	Means-plus-function under 35 U.S.C. §112(f) - <u>Function</u> : unlocking the case <u>Structure</u> : electronic signal transmitter	<u>Function</u> : Unlocking the case <u>Structure</u> : A key, a magnet, or an electronic article surveillance (EAS) detacher, and equivalents thereof	<u>Function</u> : Unlocking the case <u>Structure</u> : A key, a magnet, or an electronic article surveillance (EAS) detacher, and equivalents thereof
3	configured to unlock '078 Patent, claims 1, 9 (and by dependence claims 2—5 and 10—1)	Programmed to unlock the case upon satisfying a predetermined condition (as defined)	Plain and ordinary meaning, but if the court determines “configured” requires an explanation, then “designed to unlock” or “made to unlock.”	“designed to unlock” or “made to unlock.”
4	predetermined condition All asserted claims	A specific pre-established requirement that must be satisfied before a user can regain access to his or her mobile electronic device/mobile device	Plain and ordinary meaning	Plain and ordinary meaning
5	until a predetermined condition is met / based on a predetermined condition / in accordance with a	The lock is programmed to allow access / unlock if a predetermined condition (as defined) is met	Plain and ordinary meaning	Plain and ordinary meaning

	predetermined condition All asserted claims			
6	a predetermined condition associated with a geographic region '078 Patent, claims 1, 9, 15 (and by dependence claims 2—5, 10—11, and 16, 19)	Indefinite, 35 U.S.C. § 112(b)	Plain and ordinary meaning	Plain and ordinary meaning

Further, the parties have reached agreement on the construction of certain claim terms listed in their Joint Claim Construction Statement. Dkt. 50. The Court adopts the parties' agreed constructions for these claim terms.

SIGNED on September 24, 2025.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE