EXHIBIT 12

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

DEMARAY LLC, Plaintiff, v. **INTEL CORPORATION,** Defendant.	**Case No. 6:20-cv-00634-ADA** **JURY TRIAL DEMANDED**
DEMARAY LLC, Plaintiff, v. **SAMSUNG ELECTRONICS CO., LTD (A KOREAN COMPANY), SAMSUNG ELECTRONICS AMERICA, INC., SAMSUNG SEMICONDUCTOR, INC., and SAMSUNG AUSTIN SEMICONDUCTOR, LLC,** Defendants.	**Case No. 6:20-cv-00636-ADA** **JURY TRIAL DEMANDED**

PLAINTIFF DEMARAY LLC'S
REPLY CLAIM CONSTRUCTION BRIEF

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* Unless otherwise noted, internal citations and subsequent history are omitted, and emphasis is added.

The "Demaray Patents" are U.S. Patent Nos. 7,381,657 and 7,544,276 ("'657 patent" and "'276 patent," respectively) (Exs. 1-2). All exhibits are attached to the previously filed Declaration of C. Maclain Wells ("Wells"). Also referenced is the previously filed Declaration of Dr. Alexander Glew ("Glew").

Defendants eschew established claim construction principles and, rather than engage with the claim language itself, seek to import limitations into the claims based upon extrinsic evidence. To the limited extent defendants cite the intrinsic record at all, they fail to identify any clear, unambiguous statements giving rise to lexicography or disclaimers. For these reasons, the Court should give the claim terms at issue the full scope of their plain and ordinary meaning.

I. "Substrate" ('657 Patent, cls. 1, 2, 7, 11; '276 Patent, cls. 1, 2, 6, 10)

Defendants admit "there appears to be no disagreement on what constitutes a 'substrate' in practice." Resp. 5. The term has a plain and ordinary meaning in the context of the patents and no construction is needed. Defendants do not even attempt to dispute Demaray's evidence that the patents embrace all substrates, including those comprising insulating layers (*see* Br. 6; Ex. 1, 2:61–62 ("substrate can be any material and, in some embodiments, is a silicon wafer.")), nor do defendants present ***any*** contrary intrinsic evidence. Defendants' proposed construction is instead patched together from cherry-picked, then edited, and then augmented, extrinsic definitions.

Rather than address the term in the full context of the claims, defendants only address an "insulating substrate" in the preamble to claim 1 of the '657 patent. Resp. 3 n.2. But defendants fail to overcome the presumption that preambles are not limiting. Defendants do not disagree with Demaray's point that the body of claim 1 recites all the material steps of the invention independent of the term "insulating substrate." *See, e.g.*, Ex. 1, cl. 1. Defendants' argument that the preamble was relied upon to distinguish the claims during prosecution is incorrect. The amendment to which defendants point included "narrow band rejection filter" and "RF bias" limitations that the file history makes clear were the basis for allowance. Ex. 4 at -2514–15. The applicants argued that "claim 62 is allowable" because the prior art combination "does not teach or suggest the

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