

HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY

STATEMENT OF ISSUES PRESENTED

1. Whether Defendants’ technical expert reports improperly use the unelected references 802.16e, Koo, or 802.11 to show invalidity.
2. Whether the use of Neo-Avanci negotiations to resolve this litigation in Defendants’ damages expert reports is more prejudicial than probative and violates Federal Rules of Evidence 403, 408, and 703.
3. Whether portions of Dr. Mayo’s report fail to provide the facts or data considered by Dr. Mayo in forming his opinions in violation of Federal Rules of Civil Procedure 26(b)(2)(B).
4. Whether the late disclosure of data in Dr. Mayo’s errata should be excluded under Rule 26(a) and in view of the *Howe* factors.
5. Whether use of inadmissible materials from a separate litigation, reliance on stricken invalidity contentions, and improper factual inference and opinions on intent render Defendants’ technical experts’ unenforceability opinions unreliable, unsupported, and more prejudicial than probative in violation of Rule 402, 403, and 703.

CONCURRENCE PURSUANT TO L.R. 7.1(A)

Pursuant to L.R. 7.1(a), the parties met-and-conferred on June 14, 2024 regarding the relief sought in this Motion. Defendants did not concur on any of the relief requested herein.