DSS Technology Mgmt., Inc. v. Intel Corp. et al., Case No. 6:15-cv-00130-RWS (E.D. Tex.)

<u>Claim Construction Dates</u>

	EVENT
Dec. 7, 2015	Opening Claim Construction Brief
Dec. 23, 2015	Responsive Claim Construction Brief
Jan. 4, 2016	Reply Claim Construction Brief
Jan. 11, 2016	Joint Claim Construction Chart
Jan. 25, 2016	Claim Construction Hearing

INTEL 1025

Local Patent Rule 4-3

Joint Claim Construction Statement

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

DSS Technology Management, Inc.,
 	
                                Plaintiff,
    v.
 	
Intel Corporation, et al.,
 	
                                Defendants.
	Civil Action No. 6:15-cv-130-RWS

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Rule 4-3 of the Local Patent Rules ("P.R.") of the Eastern District of Texas

and the Docket Control Order (Dkt. 161), Plaintiff DSS Technology Management, Inc. and

Defendants Intel Corporation, Dell, Inc., GameStop Corp., Conn's, Inc., Conn Appliances, Inc.,

Wal-Mart Stores, Inc., Wal-Mart Stores Texas, LLC, and AT&T Mobility LLC (collectively

referred to as "Defendants") file this Joint Claim Construction and Prehearing Statement.

I.   AGREED CLAIM CONSTRUCTIONS [P.R. 4-3(a)]

Pursuant to P.R. 4-3(a), the parties have agreed on proposed constructions of the

following claim terms, phrases, or clauses, of the patents-in-suit, U.S. Patent No. 5,965,924 ("the

'924 patent") and U.S. Patent No. 6,784,552 ("the '552 patent"):

THE '552 PATENT	
TERM	**AGREED CONSTRUCTION**
"contact region"	contact openings and/or vias

This construction is also reflected in the table attached as Exhibits A (U.S. Patent No.

6,784,552). If the parties are able to reach further agreement concerning the constructions of any

of the remaining claim terms, phrases, or clauses at issue, they will supplement the present Joint Claim Construction and Prehearing Statement.

II.   DISPUTED CLAIM CONSTRUCTIONS [P.R. 4-3(b)]

Pursuant to P.R. 4-3(b), the parties' proposed constructions of disputed claim terms, phrases, or clauses are also reflected in the tables attached as Exhibits A and B, together with all references from the specification or prosecution history that support the construction and an identification of any extrinsic evidence. The parties expressly reserve the right to rely on any intrinsic and extrinsic evidence identified by the other party, and any evidence obtained, or that may be obtained, through claim construction discovery. The parties expressly reserve the right to amend, correct, or supplement their claim construction positions and supporting evidence in response to any change of position by the other party, in response to information received through claim construction discovery, including inventor depositions and expert depositions concerning claim construction declarations, or for other good cause.

III.   LENGTH OF CLAIM CONSTRUCTION HEARING [P.R. 4-3(c)]

Defendants anticipate that the claim construction hearing will require a total of four hours. This would allow Plaintiff and Defendants two hours per side.

Plaintiff anticipates that the claim construction hearing will require a total of three hours. This would allow Plaintiff and Defendants an hour and a half per side.

IV.   LIVE WITNESS TESTIMONY AT CLAIM CONSTRUCTION HEARING [P.R. 4-3(d)]

Neither party intends to call witnesses live at the claim construction hearing. However, the parties have agreed that deposition testimony and affidavits of expert and fact witnesses may be used as exhibits to the Claim Construction Briefs required by P.R. 4-5.

V.   OTHER ISSUES [P.R. 4-3(e)]

According to the Docket Control Order, there is no prehearing conference scheduled before the claim construction hearing. The parties do not at this time have any other issues that might be appropriately taken up at either a prehearing conference before or at the claim construction hearing. Should any party become aware of such issues that it believes necessitates a prehearing conference, it will notify the other party and the Court and propose dates for a prehearing conference.

Dated: November 2, 2015   Respectfully submitted by:

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