

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

IRON OAK TECHNOLOGIES, LLC, v.	Civil Action No. 3:18-md-2835-M
FUJITSU AMERICA, INC.,	Civil Action No. 3:16-cv-3319-M
TOSHIBA AMERICA INFORMATION SYSTEMS INC. and TOSHIBA CORPORATION,	Civil Action No. 3:16-cv-3320-M
ASUSTEK COMPUTER INC.,	Civil Action No. 3:16-cv-3322-M
SAMSUNG ELECTRONICS AMERICA, INC. and SAMSUNG ELECTRONICS CO., LTD.,	Civil Action No. 3:17-cv-1259-M
SHARP ELECTRONICS CORPORATION and SHARP CORPORATION,	Civil Action No. 3:17-cv-2699-M
MICROSOFT CORPORATION,	Civil Action No. 3:18-cv-0222-M
LENOVO (UNITED STATES) INC. and LENOVO HOLDING COMPANY, INC.,	Civil Action No. 3:18-cv-1539-M
DELL INC.,	Civil Action No. 3:18-cv-1542-M
ACER AMERICA CORPORATION and ACER INC.	Civil Action No. 3:18-cv-1543-M

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Paragraph 4-3 of the Amended Miscellaneous Order No. 62 (“the Order”), all parties to the above-captioned actions hereby submit their Joint Claim Construction and Prehearing Statement regarding claim 1 of U.S. Patent No. 5,699,275 (“the ’275 patent”) and claim 1 of U.S. Patent No. 5,966,658 (“the ’658 patent”).

For each patent, any construction given by the Court to a term, phrase, or clause shall be used in any phrase or clause using such term or phrase.

I. Constructions of Claim Terms, Phrases, or Clauses on which Parties Agree

Pursuant to Paragraphs 4-1(b) and 4-2(c) of the Order, the parties met and conferred several times to narrow the terms presented to the Court for construction. The parties agree that, except for the claim terms below and in Appendix 1, the remaining claim terms do not need construction, and that the jury will use the plain and ordinary meaning of those terms, phrase, or clauses. To the extent that it later becomes clear to a party or the Court that there is an issue of claim construction that is necessary to resolve a substantive issue, the parties reserve the right to request a construction of such term, phrase, or clause whether or not previously identified in the Paragraph 4-1 or 4-2 disclosures.

Pursuant to Paragraph 4-3(a) of the Order, the parties did not agree to constructions for any terms for the '658 patent. The parties did agree to the following construction for the '275 patent.

Claim Term	Agreed Construction
<i>operating code</i>	“code used to operate the mobile unit”

II. Each Party’s Proposed Construction of Each Disputed Claim Term

Pursuant to Paragraph 4-3(b) of the Order, the parties attach Appendix 1, which shows plaintiff and defendants’ proposed constructions for each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the presenting party on which the party intends to rely, either to support its proposed construction or to oppose any other party’s proposed construction. The parties reserve the right to rely on any parties’ intrinsic and extrinsic evidence cited in Appendix 1 in support of their proposed constructions.

III. Anticipated Length of Time Necessary for Claim Construction Hearing

Pursuant to Paragraph 4-3(c) of the Order, the parties anticipate that they will need a combined total of six hours for presentation at the Claim Construction Hearing.

IV. Witnesses at Claim Construction Hearing

Pursuant to Paragraph 4-3(d) of the Order, the parties do not intend to call any witnesses at the claim construction hearing.

V. Other Issues at Prehearing Conference Prior To Claim Construction Hearing

Pursuant to Paragraph 4-3(e) of the Order, the parties are unaware of any other issues that would be appropriate for a prehearing conference.

July 23, 2018

/s/ Al Deaver

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Respectfully submitted,

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