

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

SEVEN NETWORKS, LLC

Plaintiff,

v.

APPLE INC.

Defendant.

Civil Action No. 2:19-cv-115-JRG

JURY TRIAL DEMANDED

P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Patent Rule 4-3 and the Court's Docket Control Order (Dkt. 39), Plaintiff SEVEN Networks, LLC ("Plaintiff" or "SEVEN") and Defendant Apple Inc. ("Defendant" or "Apple") hereby file this Joint Claim Construction and Prehearing Statement.

I. TERMS ON WHICH THE PARTIES AGREE [P.R. 4-3(A)(1)]

In accordance with Patent Rule 4-2(c), the parties met and conferred to narrow the list of disputed claim terms and phrases for their P.R. 4-1 lists and P.R. 4-2 exchange of preliminary claim construction and extrinsic evidence. The parties were able to reach an agreement on the meaning of the claim terms or phrases set forth in **Exhibit A**.

II. PROPOSED CONSTRUCTIONS AND EVIDENCE FOR DISPUTED TERMS [P.R. 4-3(A)(2)]

Exhibit B sets forth Plaintiff's and Apple's proposed respective constructions or indefiniteness positions for each disputed claim term, phrase, or clause of the patents-in-suit. Included in Exhibit B is an identification of all references from the specification or prosecution history that support each party's position, and an identification of any extrinsic evidence known

to a party on which it intends to rely either to support its position or to oppose any other party's position, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses.

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

The Claim Construction hearing is scheduled for March 16, 2020 at 1:30 p.m. The parties expect to use the time that the Court makes available on that day.

IV. WITNESSES, INCLUDING EXPERTS, FOR THE CLAIM CONSTRUCTION HEARING [P.R. 4-3(A)(4)]

The parties do not expect to present live testimony of witnesses at the Claim Construction Hearing. As noted in Exhibit B, the parties may submit expert declarations from Dr. Mark Jones, Dr. Hugh Smith, and/or Dr. Michael Goodrich (in support of Plaintiffs) and Dr. Henry Houh, Dr. Adam Porter, and/or Dr. Stephen Wicker (in support of Apple). Per P.R. 4-3(b), each party has served today on the other party a disclosure of any expert testimony consistent with Fed. R. Civ. P. 26(a)(2)(B)(i)-(ii) or 26(a)(2)(C) for any expert on which it intends to rely to support its proposed claim construction or indefiniteness position or to oppose any other party's proposed claim construction or indefiniteness position as referenced in the parties' 4-2 disclosure.

V. OTHER ISSUES [P.R. 4-3(A)(5)]

The parties are currently unaware of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing.

Dated: December 20, 2019

Respectfully submitted,

/s/ Sam Baxter

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Dated: December 20, 2019

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