

**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

Samuel F. Baxter
Texas State Bar No. 01938000
sbaxter@mckoolsmith.com
Jennifer Truelove
jtruelove@mckoolsmith.com
MCKOOL SMITH, P.C.
104 East Houston, Suite 300
Marshall, Texas 75670
Telephone: (903) 923-9000
Facsimile: (903) 923-9099

Kevin Burgess
kburgess@mckoolsmith.com
Seth R. Hasenour
shasenour@mckoolsmith.com
MCKOOL SMITH, P.C.
300 W. 6th Street, Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8704

Radu Lelutiu
rlelutiu@mckoolsmith.com
Kevin Schubert
kschubert@mckoolsmith.com
Lauren Fornarotto
lfornarotto@mckoolsmith.com
MCKOOL SMITH, P.C.
One Manhattan West
395 9th Avenue, 50th Floor
New York, NY 10001
Telephone: (212) 402-9400

Eric Hansen
ehansen@mckoolsmith.com
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000

**ATTORNEYS FOR PLAINTIFF
SEVEN NETWORKS, LLC**

Dated: December 20, 2019

Respectfully submitted,

By: /s/ Ruffin Cordell
Ruffin Cordell (Lead Counsel)
cordell@fr.com
Texas Bar Number 04820550
Indranil Mukerji
mukerji@fr.com
Massachusetts Bar Number 644059
FISH & RICHARDSON P.C.
1000 Maine Avenue SW, Suite 1000
Washington, DC 20024
Telephone: 202-783-5070
Facsimile: 202-783-2331

Benjamin C. Elacqua
Texas Bar Number 24055443
elacqua@fr.com
John P. Brinkmann
Texas Bar Number 24068091
brinkmann@fr.com
Kathryn Quisenberry
Texas Bar Number 24105639
quisenberry@fr.com
FISH & RICHARDSON P.C.
1221 McKinney Street, Suite 2800
Houston, TX 77010
Telephone: 713-654-5300
Facsimile: 713-652-0109

Betty Chen
Texas Bar No. 24056720
bchen@fr.com
FISH & RICHARDSON P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063
Telephone: 650-839-5070
Facsimile: 650-839-5071

Noah Graubart
Georgia Bar Number 141862
graubart@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree Street NE, 21st Floor
Atlanta, GA 30309
Telephone: 404-582-5005

Facsimile: 404-582-5002

Melissa Smith
Texas Bar No.24001351
melissa@gillamsmithlaw.com
GILLAM & SMITH, LLP
303 South Washington Avenue
Marshall, Texas 75670
Telephone: 903-934-8450
Facsimile: 903-934-9257

**ATTORNEYS FOR DEFENDANT
APPLE INC.**

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