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Sent: Friday, August 18, 2023 6:00 PM
To: DL BBMSISTA; EXT Smith, Melissa (T-Mobile)
Cc: KLG-STA-Motorola; Wesley Hill; Andrea Fair; Garrett Parish
Subject: PR 4-2 disclosure

[EXTERNAL EMAIL]

Counsel:

Pursuant to P. R. 4-2, STA states as follows:

All claim terms in the asserted patents should have their plain and ordinary meanings.



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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

STA GROUP LLC,)	
)	
Plaintiff,)	
)	Case No. 2:22-CV-00381-JRG-RSP
v.)	
)	JURY TRIAL DEMANDED
MOTOROLA SOLUTIONS, INC.,)	
)	
Defendant.)	
<hr/>		
MOTOROLA SOLUTIONS, INC.)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
STA GROUP LLC, DILLON KANE)	
GROUP LLC, and INSTANT CONNECT)	
SOFTWARE LLC,)	
)	
Counterclaim Defendants.)	

**MOTOROLA SOLUTIONS, INC.’S P.R. 4-2 DISCLOSURE OF
PRELIMINARY PROPOSED CONSTRUCTIONS OF CLAIM TERMS AND
PRELIMINARY IDENTIFICATION OF EXTRINSIC EVIDENCE**

Pursuant to Patent Rule 4-2, Defendant and Counterclaim Plaintiff Motorola Solutions, Inc. (“MSI”) provides the following preliminary proposed claim constructions and identification of extrinsic evidence for the asserted claims of U.S. Patents Nos. 7,324,802 (the “802 Patent”), 8,489,134 (the “134 Patent”), 8,994,830 (the “830 Patent”) and 8,831,664 (the “664 Patent”) (collectively the “Asserted Patents”).

Pursuant to P.R. 4-2(a), MSI provides “a preliminary proposed construction of each claim term, phrase, or clause which the parties collectively have identified for claim construction

purposes” in each party’s respective Patent Rule 4-1 Disclosures. *See* Exhibits A-D (attached). MSI includes proposed constructions only for claim terms, phrases, and/or clauses that appear in the asserted claims identified in Plaintiff’s operative Patent Rule 3-1(a) disclosures, served on January 5, 2023:

Patent	Asserted Claims
'802	1-5, 7, 9, 10
'134	8, 9
'664	1-3, 5
'830	1, 5, 8, 11

MSI reserves the right to address any additional asserted claims and to revise the disclosures below if the STA Entities are allowed to amend their infringement contentions to add asserted claims, infringement theories, or accused products. In addition, these preliminary proposed constructions are based upon information presently available to and located by MSI. MSI reserves the right to revise its proposed claim constructions for any other terms or phrases (including within such terms and phrases) that Plaintiff and Counterclaim Defendants STA Group LLC, Dillon Kane Group LLC, and Instant Connect Software LLC (collectively, “STA Entities”) may identify as requiring construction, and to otherwise amend its proposed claim terms including in response to the proposed claim terms of the STA Entities, as a result of the meet and confer process with the STA Entities, and/or as discovery continues.

Pursuant to P.R. 4-2(b), MSI also provides “a preliminary identification of extrinsic evidence, including without limitation, dictionary definitions, citations to learned treatises and prior art” that it contends supports its preliminary proposed claim constructions. MSI will produce copies of this evidence concurrently with this disclosure.

MSI's preliminary proposed claim constructions and identification of extrinsic evidence are based upon information currently available to MSI.¹ MSI has not completed discovery; therefore, MSI reserves the right to amend or otherwise supplement its preliminary proposed claim constructions as appropriate in light of the plain and ordinary meaning of the identified terms, in light of the proposed constructions of the STA Entities, and in light of the negotiations between the parties regarding claim construction. Nothing in this submission should be construed to be an admission by MSI. MSI specifically reserves the right to argue, to the extent appropriate, that any of the claim terms identified herein need not be construed by the Court.

In addition, MSI reserves the right to amend, use additional, not use, or otherwise supplement the identification of extrinsic evidence, including expert testimony, that may be used to support, describe, or explain MSI's preliminary proposed claim constructions, including as appropriate in light of the plain and ordinary meaning of the identified terms, in light of the proposed constructions of the STA Entities, and in light of the negotiations between the parties regarding claim construction. MSI further reserves the right to amend, use additional, not use, or otherwise supplement the identification of extrinsic evidence, including expert testimony, to offer in rebuttal to the proposed constructions of the STA Entities. MSI further reserves the right to identify additional extrinsic evidence that is obtained through further discovery in this matter, including deposition testimony obtained from any third parties, such as named inventors and/or any expert witnesses.

MSI will identify intrinsic support at the time identified by the Court's scheduling order

¹ MSI's inclusion of materials referenced in this disclosure is not an admission that any of these materials constitutes extrinsic evidence as opposed to intrinsic evidence. MSI reserves all rights to submit any of these materials or similar materials as intrinsic or extrinsic evidence in the event the applicable standard provides for categorization as one or the other.

and patent local rules, including references of the claims of the Asserted Patents, specifications, prosecution histories, and prior art cited on the face of the Asserted Patents.

The following preliminary proposed constructions do not waive any argument, such that a claim is indefinite or is otherwise invalid under one or more of 35 U.S.C. §§ 102, 103, and 112, as detailed by the invalidity contentions served by MSI in these cases. For example, MSI reserves the right to argue that a particular claim term is indefinite regardless of whether the term has been proposed for construction, has not be proposed for construction, and/or was proposed for construction but has since been dropped from the terms proposed for construction.

Claim construction discovery is ongoing, and MSI reserves the right to supplement or amend its preliminary proposed claim constructions and evidence in light of further such discovery, and/or in response to MSI's preliminary proposed claim constructions that are being concurrently provided. Further, if the STA Entities later amend or supplement their infringement contentions, or seek an improper interpretation of a term, phrase, or clause that has not been identified by the parties, MSI reserves the right to seek construction of that term, phrase, or clause.

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