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

AGIS SOFTWARE DEVELOPMENT) (
LLC) (CIVIL DOCKET NO.
) (2:17-CV-513-JRG
VS.) (MARSHALL, TEXAS
) (
HUAWEI DEVICE USE INC.,) (SEPTEMBER 13, 2018
ET AL.) (1:36 P.M.

CLAIM CONSTRUCTION HEARING
BEFORE THE HONORABLE CHIEF JUDGE RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE

APPEARANCES:

FOR THE PLAINTIFF: (See Attorney Attendance Sheet docketed
in minutes of this hearing.)

FOR THE DEFENDANTS: (See Attorney Attendance Sheet docketed
in minutes of this hearing.)

COURT REPORTER: Shelly Holmes, CSR, TCRR
Official Reporter
United States District Court
Eastern District of Texas
Marshall Division
100 E. Houston Street
Marshall, Texas 75670
(903) 923-7464

(Proceedings recorded by mechanical stenography, transcript
produced on a CAT system.)

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I N D E X

September 13, 2018

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1 COURT SECURITY OFFICER: All rise.

2 THE COURT: Be seated, please.

3 All right. Counsel, this is the time set for claim
4 construction in the AGIS Software Development versus
5 Huawei/Apple, et al, matter. This is Case No. 2:17-CV-513.

6 Let me call for announcements.

7 What says the Plaintiff?

8 MR. BAXTER: Your Honor, Sam Baxter, McKool Smith,
9 along with Jennifer Truelove, Fred Fabricant, Peter
10 Lambrianakos, Vincent Rubino, and Amy Park, and we're ready,
11 Your Honor.

12 THE COURT: All right. Thank you, Mr. Baxter.

13 What's the announcement from Defendants, beginning
14 with Huawei?

15 MR. MANN: Good afternoon, Your Honor. Mark Mann
16 on behalf of the Huawei Defendants. And my colleagues today
17 with me are Kent Baldauf and Steven Geiszler from the
18 general counsel's office at Huawei. And we're ready to
19 proceed.

20 THE COURT: All right. Thank you, Mr. Mann.

21 Announcements from Apple.

22 MS. SMITH: Good afternoon, Your Honor. Melissa
23 Smith on behalf of Apple. I'm joined by Mr. Ameet Modi --

24 MR. MODI: Good afternoon, Your Honor.

25 MS. SMITH: -- Ms. Kerri-Ann Limbeek --

1 MS. LIMBEEK: Good afternoon, Your Honor.

2 MS. SMITH: -- Mr. Cosmin Maier --

3 MR. MAIER: Good afternoon.

4 MS. SMITH: -- Mr. Franco Silletta, and our
5 in-house counsel, Ms. Tanya de la Funte. And, Your Honor,
6 Apple is ready to proceed.

7 THE COURT: Thank you, Ms. Smith.

8 All right. Any other announcements?

9 If not, I think the parties are aware that the
10 Court's intention is to take these disputed terms up on a
11 term-by-term basis.

12 We'll hear from Plaintiff on each term, followed by
13 argument from Defendants. Understanding we have multiple
14 Defendants before the Court, the Court anticipates hearing
15 one argument from the Defendants to correspond with one
16 argument from Plaintiff.

17 And I'm aware that some of the previously disputed
18 terms have been resolved by agreement. When we come to
19 those in the order that you have before you, my intention is
20 to make sure that we have an announcement of what those
21 agreed constructions are so that we can clearly identify
22 those in the record.

23 But we'll begin with the Claim 54 out of the '838
24 patent and the related claims, and I'll hear from Plaintiff
25 on this point of argument first.

1 And given that we're going to probably have
2 multiple lawyers for each side arguing, let me ask everyone
3 when they go to the podium, even if it's your second or
4 third trip, just identify yourself for the record before you
5 begin.

6 Go ahead.

7 MR. LAMBRIANAKOS: Good afternoon, Your Honor.
8 Peter Lambrianakos on behalf of AGIS.

9 THE COURT: Good afternoon.

10 MR. LAMBRIANAKOS: The first set of claims that
11 we're intending to address this afternoon are what we call
12 the non-means claims. AGIS's position is that these claims
13 are not means-plus-function claims, and they should be given
14 their plain and ordinary meaning.

15 Defendants' position is that these are
16 means-plus-function claims, and they're indefinite.

17 This is an exemplary claim. The claims are
18 structured similarly. They're structured as devices that
19 are programmed to perform certain algorithms.

20 The steps in the algorithms include detail
21 regarding the operation that needs to be performed, as well
22 as the specific data which the operation is to be performed.

23 I would just like to go over this claim quickly to
24 demonstrate the algorithm.

25 So the first step in the algorithm is joining a

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