

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

AGIS SOFTWARE DEVELOPMENT LLC,	§	Case No. 2:22-cv-00263-JRG-RSP
	§	
Plaintiff,	§	<u>JURY TRIAL DEMANDED</u>
	§	
v.	§	
	§	
SAMSUNG ELECTRONICS CO., LTD. and	§	
SAMSUNG ELECTRONICS, AMERICA,	§	
INC.,	§	
	§	
Defendants.	§	
	§	

**JOINT NOTICE OF SUPPLEMENTAL
CLAIM CONSTRUCTION DISPUTES**

In accordance with the Court’s Order of August 24, 2023 (Dkt. No. 115), Plaintiff AGIS Software Development LLC (“Plaintiff” or “AGIS”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Defendants” or “Samsung”) hereby submit this Joint Notice of Supplemental Claim Construction Disputes. The parties met and conferred for the purposes of narrowing the issues and finalizing preparation of this joint notice.

The parties have identified two additional claim construction disputes.

First, the parties have identified for further construction the term “group” in the ’838, ’829, ’123 patents. Specifically, within the agreed construction of the term “group” to mean “more than two participants associated together,” Defendants request a clarification that “participants” in the construction means “users.” Plaintiff intends to request a clarification that the construction term “participants” comprises devices and is not limited to users.

Second, Defendants have identified for construction the term “participants” in the ’970

Patent. Specifically, Defendants propose construing the term “participants” as “users,” consistent with the term’s plain and ordinary meaning. Plaintiff intends to propose that the term “participants” receive its plain and ordinary meaning and that the plain and ordinary meaning of “participants” comprises devices.

To address these additional disputes prior to the claim construction hearing set for November 3, 2023, the parties have agreed to the following schedule of supplemental proceedings.

October 18, 2023	Revised P.R. 4-5(d) Joint Claim Construction Chart
October 11, 2023	Plaintiff’s Supplemental Reply Claim Construction Brief Addressing Any New Disputed Terms (3-page limit).
October 4, 2023	Defendants’ Supplemental Responsive Claim Construction Brief Addressing Any New Disputed Terms (9-page limit)
September 20, 2023	Plaintiff’s Supplemental Opening Claim Construction Brief Addressing Any New Disputed Terms (9-page limit)

The above schedule will be submitted on or before September 5, 2023, as part of a Joint Motion for Entry of Second Amended Docket Control Order.

Regarding page limits for supplemental briefing, the parties have agreed that the supplemental opening and responsive briefs will be limited to nine (9) pages and the supplemental reply brief will be limited to three (3) pages. The parties will not supplement their expert disclosures on claim construction issues to address these two additional terms, but the parties may rely on other intrinsic and extrinsic evidence not disclosed in their prior P.R. 4-3 Claim Construction and Prehearing Statement (Dkt. 67), as to the two new disputed terms.

Dated: September 5, 2023

Respectfully submitted,

/s/ Alfred R. Fabricant

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***ATTORNEYS FOR DEFENDANTS
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on September 5, 2023.

/s/ Alfred R. Fabricant

Alfred R. Fabricant

CERTIFICATE OF CONFERENCE

I hereby certify that Plaintiff's counsel has met and conferred with counsel for Defendants, and all parties have agreed to submission of the Joint Notice of Supplemental Claim Construction Disputes submitted herewith.

/s/ Alfred R. Fabricant

Alfred R. Fabricant