

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

<p>RIGHTQUESTION, LLC, Plaintiff, v. VERIZON BUSINESS NETWORK SERVICES LLC, et al., Defendants.</p>	<p>Civil Action No.: 2:24-cv-00091-JRG (Lead Case) JURY TRIAL DEMANDED</p>
<p>RIGHTQUESTION, LLC, Plaintiff, v. AT&T CORP., et al, Defendants.</p>	<p>Civil Action No.: 2:24-cv-00094-JRG (Member Case) JURY TRIAL DEMANDED</p>

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to Patent Rule 4-3 and the Court’s Third Amended Docket Control Order (Dkt. 48), Plaintiff RightQuestion, LLC (“RightQuestion” or “Plaintiff”) and Defendants Cellco Partnership d/b/a Verizon Wireless, Verizon Business Network Services LLC, Verizon Corporate Services Group Inc., and TracFone Wireless, Inc., (collectively, “Verizon”) and AT&T Corp., AT&T Mobility LLC, AT&T Mobility II LLC, AT&T Services, Inc. (collectively, “AT&T”) (with Verizon and AT&T collectively, “Defendants”) submit the following Joint Claim Construction and Prehearing Statement to the Court, stating as follows:

I. Construction of Claim Terms on Which the Parties Agree

The parties have met and conferred and have not come to agreement on the construction of any of the terms of U.S. Patent Nos. 10,674,009 (the “’009 Patent”), 11,005,989 (the “’989 Patent”), and 11,856,132 (the “’132 Patent”) (collectively, “the Asserted Patents”) in dispute.

II. Proposed Constructions of Disputed Terms/Phrases

Exhibit A lists the parties’ proposed constructions for terms/phrases in dispute and/or indefiniteness positions for the Asserted Patents with intrinsic and extrinsic evidence supporting such constructions.

The parties reserve the right to rely upon any intrinsic or extrinsic evidence identified by the other party, and any evidence obtained through claim construction discovery, if any. In addition, each party reserves the right to amend, correct, or supplement its claim construction position and supporting evidence in response to any change of position by the other party, or for other good cause.

III. P.R. 4-3(a)(3) Time for Claim Construction Hearing

The parties believe that no more than three (3) hours (90 minutes per side) should be necessary for the claim construction hearing in this case.

IV. P.R. 4-3(a)(4) Witnesses to be Called at the Claim Construction Hearing

No party will call any live witness at the claim construction hearing.

V. P.R. 4-3(a)(5) Prehearing Conference Prior to Claim Construction Hearing

The parties are not presently aware of any issues which might be taken up at a prehearing conference prior to the claim construction hearing.

Dated: January 27, 2025

Respectfully submitted,

/s/ Nicole Glauser

Robert F. Kramer

CA Bar No. 181706 (Admitted E.D. Texas)

rkramer@krameralberti.com

David Alberti

CA Bar No. 220265 (Admitted E.D. Texas)

dalberti@krameralberti.com

Sal Lim

CA Bar No. 211836 (Admitted E.D. Texas)

slim@krameralberti.com

Russell S. Tonkovich

CA Bar No. 233280 (Admitted E.D. Texas)

rtonkovich@krameralberti.com

Robert Mattson (*pro hac vice*)

Virginia Bar No. 43568

rmattson@krameralberti.com

Michele Woodruff Lyons

CA Bar No. 234891 (*pro hac vice*)

mlyons@krameralberti.com

Jeremiah A. Armstrong

CA Bar No. 253705 (*pro hac vice*)

jarmstrong@krameralberti.com

KRAMER ALBERTI LIM

& TONKOVICH LLP

950 Tower Lane, Suite 1725

Foster City, CA 94404

Telephone: (650) 825-4300

Facsimile: (650) 460-8443

Nicole Glauser

Texas Bar No. 24050694

n glauser@krameralberti.com

KRAMER ALBERTI LIM

& TONKOVICH LLP

500 W 2nd Street, Suite 1900

Austin, TX 78701

Telephone: (737) 256-7784

Facsimile: (650) 460-8443

Andrea L. Fair

Texas Bar No. 24078488

andrea@millerfairhenry.com

Claire Abernathy Henry

Texas Bar No. 24053063

claire@millerfairhenry.com
MILLER FAIR HENRY PLLC
1507 Bill Owens Pkwy
Longview, TX 75604
Telephone: (903) 757-6400
Facsimile: (903) 757-2323

Counsel for Plaintiff
RightQuestion, LLC

/s/ Brian H. Pandya
Deron R. Dacus
Texas Bar No. 00790553
E-mail: ddacus@dacusfirm.com
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
903-705-1117 (phone)
903-581-2543 (fax)

Kevin P. Anderson
kpanderson@duanemorris.com
Brian H. Pandya
bhpanya@duanemorris.com
DUANE MORRIS LLP
901 New York Ave. NW, Suite 700-East
Washington, DC 20001
Telephone: 202.776.7800
Facsimile: 202.478.2811

Counsel for Verizon Defendants

/s/ Matthew S. Yungwirth
Matthew S. Yungwirth
msyungwirth@duanemorris.com
Glenn D. Richeson
gdricheson@duanemorris.com
DUANE MORRIS LLP
1075 Peachtree Street NE, Suite 1700
Atlanta, GA 30309
Telephone: 404.253.6900
Facsimile: 404.253.6901

Counsel for AT&T Defendants

CERTIFICATE OF SERVICE

I hereby certify that all counsel of record who have consented to electronic service are being served with a copy of this document via CM/ECF on January 27, 2025, pursuant to L.R. CV-5.2.

/s/ Nicole Glauser

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that on January 21, 2025 counsel for Plaintiff met and conferred with counsel for Defendants to discuss the substantive issues addressed in this Statement pursuant to Local Rule CV-7(h-i).

/s/ Nicole Glauser

EXHIBIT A

Claim Terms, Phrases, or Clauses	RightQuestion’s Proposed Constructions and Support	Defendants’ Proposed Constructions and Support
<p>“device fingerprint”</p> <p>(’009 Patent, claims 1, 9, 10, 17; ’989 Patent, claims 12, 14)</p>	<p>“device identifier”</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> • ’009 Patent specification at Title, Abstract, col. 1:17-22:45, Figs. 1-14 and associated text, claims 1-23. • ’989 Patent specification at Title, Abstract, col. 1:17-22:45; Figs. 1-14 and associated text, claims 1, 11-15. <p>Extrinsic Evidence:¹</p> <p>Definition of “Device fingerprint”, Newton’s Telecom Dictionary, 24th ed., 2008 [RQ0003011-RQ0003014].</p> <p>Peter Eckersley, <i>How Unique Is Your Web Browser?</i> Electronic Frontier Foundation, [RQ0003015-RQ0003033].</p>	<p>“unique device identifier”</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> • ’009 Patent: 9:17-54; 9:55-10:5, 19:4-28, Fig. 5. • ’989 Patent: 9:17-54; 9:55-10:5, 19:4-28, Fig. 5. • ’009 Patent File History, 17 June, 2019 Examiner’s Non-Final Rejection; 17 October, 2019 Applicant’s Amendment/Request for Reconsideration-After Non-Final Rejection <p>Extrinsic Evidence:¹</p> <p>“Physical-Layer Identification of Wireless Devices [Doctoral dissertation, ETH Zurich]”. Boris Danev ETH Zurich Library Collection. (2011).</p> <p>“On physical-layer identification of wireless devices.” Boris Danev, Davide Zanetti, and Srdjan Capkun. <i>ACM Comput. Surv.</i> 45, 1, Article 6 (November 2012).</p> <p>“A passive approach to wireless device fingerprinting,” Ke Gao, C. Corbett and R. Beyah, <i>IEEE/IFIP International Conference on Dependable Systems & Networks (DSN)</i>, Chicago, IL, 2010, pp. 383-392.</p>

¹ The parties have agreed not to submit expert testimony in support of the construction of the “device fingerprint” term.

<p>“performing a security determination” / “perform a security determination” (’989 Patent, claims 1, 27, 28; ’132 Patent, claims 1)</p>		<p>“A Potpourri of Authentication mechanisms - The mobile device way.” Martins, Rui & Augusto, Alexandre & Correia, Manuel Eduardo. May 2013, Conference: 8ª Conferencia Ibérica de Sistemas y Tecnologías de Informaciones (CISTI 2013).</p> <p>“Identifying unique devices through wireless fingerprinting.” Loh Chin Choong Desmond, Cho Chia Yuan, Tan Chung Pheng, and Ri Seng Lee. In Proceedings of the first ACM conference on Wireless network security (WiSec ’08). Association for Computing Machinery, New York, NY, USA, 46–55. (2008)</p> <p>“SSD: A Robust RF Location Fingerprint Addressing Mobile Devices’ Heterogeneity.” Hossain, A.K.M. Mahtab & Jin, Yunye & Soh, Wee-Seng & Van, Hien. Mobile Computing, IEEE Transactions on. 12. 65-77. (2013)</p>
<p>“performing a security determination” / “perform a security determination” (’989 Patent, claims 1, 27, 28; ’132 Patent, claims 1)</p>	<p>Plain and ordinary meaning; not means or step plus function limitations subject to 35 U.S.C. § 112(f); not indefinite.</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> • ’989 Patent specification at Title, Abstract, col. 1:20-22:45; Figs. 1-14 and associated text, claims 1-28. • ’989 Patent File History: Preliminary Amendment B, dated July 27, 2020. • ’132 Patent specification at Title, Abstract, col. 1:25-22:52; Figs. 1-14 and associated text, claims 1-15, 17-19. 	<p>Indefinite. As drafted, the claimed “processors configured to...” (’989 patent) and “method comprising” (’989 patent and ’132 patent) are functional terms, and each patent does not provide adequate details about the structure or acts. Therefore, the claim terms are subject to 35 U.S.C. § 112(f) but indefinite.</p> <p>Intrinsic Evidence:</p> <ul style="list-style-type: none"> • ’989 Patent: Abstract, 2:42-58, 2:60-3:4, 3:37-44, 3:54-4:5, 4:6-23, 4:32-5:3, 5:30-59, 5:60-6:16, 7:3-25, 7:26-50, 7:51-8:24, 8:31-54, 8:61-9:16, 9:17-54, 10:39-56, 11:42-59, 16:6-18, 16:26-38, 16:39-52, 17:22-32, Figs. 1, 2A, 2B, and 4-14.

	<ul style="list-style-type: none"> '132 Patent File History: Amendment D, dated Aug. 31, 2023. <p>Extrinsic Evidence: RightQuestion reserves the right to rely on the testimony of Sam Malek, Ph.D., as disclosed in its P.R. 4-3(b) disclosure and deposition testimony, if any.</p>	<ul style="list-style-type: none"> '132 Patent: Abstract, 2:46-62, 2:64-3:8, 3:41-48, 3:58-4:9, 4:10-26, 4:35-5:6, 5:33-62, 5:63-6:19, 7:6-28, 7:29-53, 7:54-8:27, 8:34-57, 8:64-9:19, 9:20-59, 10:43-60, 11:47-64, 16:11-23, 16:31-43, 16:44-57, 17:27-37, Figs. 1, 2A, 2B, and 4-14. <p>Extrinsic Evidence: Defendants reserve the right to rely on the testimony of Dr. Kevin Butler, as disclosed in their P.R. 4-3(b) disclosure and deposition testimony, if any.</p>
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