

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

NEURAL AI, LLC,

Plaintiff,

v.

NVIDIA CORPORATION,

Defendant.

Case No. 7:24-cv-00221-ADA-DTG

**JURY TRIAL DEMANDED**

**DEFENDANT NVIDIA CORPORATION'S  
IDENTIFICATION OF PRELIMINARY CLAIM CONSTRUCTIONS**

Pursuant to the Court's January 23, 2024, Standing Order Governing Proceedings (OGP) 4.4—Patent Cases (“the OGP”) and January 27, 2025, Scheduling Order (Dkt. No. 39), Defendant NVIDIA Corporation (“NVIDIA”), by its undersigned attorneys, provides in Exhibit A, attached hereto, preliminary constructions of each term, phrase, or clause that NVIDIA currently believes requires construction by the Court.<sup>1</sup> NVIDIA reserves the right to amend or supplement these preliminary constructions as set forth below and to the extent permitted by law or rules of this Court.

NVIDIA's preliminary claim constructions are based on the claims that Plaintiff Neural AI, LLC (“Neural AI”) asserts are infringed in the Preliminary Infringement Contentions (“Infringement Contentions”) for U.S. Patent Nos. 8,648,867 (“the '867 Patent”), RE48,438 (“the '438 Patent”), and RE49,461 (“the '461 Patent”) (collectively, the “Asserted Patents”).

<sup>1</sup> Plaintiff has not identified any term, phrase, or clause for construction by the Court.

<b>Asserted Patent</b>	<b>Asserted Claims</b>
'867 Patent	16–19
'438 Patent	1–10, 12–14, 16–18, 20–32, 40–53 <sup>2</sup>
'461 Patent	21–31

Should Neural AI assert that other claims are infringed, or should other claims otherwise become relevant, NVIDIA reserves the right to propose terms for any such claims for construction. Discovery in this action is in its early stages, NVIDIA’s investigation of Neural AI’s claims is ongoing, and these preliminary constructions are thus based on information currently available to NVIDIA without the benefit of full discovery, including third party discovery. In addition, NVIDIA is prejudiced in its ability to provide these preliminary constructions because of the deficient Infringement Contentions that Neural AI served, which fail to reasonably articulate its theories of infringement. NVIDIA’s preliminary constructions are based on its current interpretation of the scope apparently attributed to those terms in Neural AI’s deficient Infringement Contentions, and NVIDIA reserves the right to revise its preliminary constructions, should Neural AI amend, clarify, or otherwise alter its Infringement Contentions or infringement theories. NVIDIA also reserves the right to revise its preliminary constructions as discovery proceeds and in the event NVIDIA obtains or discerns additional information through further investigation, discovery, or disclosure from Neural AI or from third parties. Moreover, should

<sup>2</sup> In the cover document to its Infringement Contentions, Plaintiff purports to assert claim 54 of the '438 Patent and does not assert claim 34. None of the charts accompanying the Infringement Contentions, however, include claim 54, and each of the charts accompanying the Infringement Contentions include claim 34. NVIDIA thus understands that Plaintiff is not asserting claims 34 or 54.

Neural AI assert that other claims are infringed, or should other claims otherwise become relevant, NVIDIA reserves the right to propose terms for any such claims for construction.

NVIDIA's preliminary construction of any term in the asserted claims of the Asserted Patents should not be construed to imply that the claims satisfy the requirements of 35 U.S.C. § 112 or any other statutory requirement for patentability. NVIDIA's preliminary construction of a term shall apply to any identical or substantially identical term in the asserted claims.

Dated: April 29, 2025

By /s/ L. Kieran Kieckhefer

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**Exhibit A**

**Defendant NVIDIA's Preliminary Claim Constructions**

<b>Claim Term</b>	<b>Asserted Claims</b>	<b>Proposed by</b>	<b>NVIDIA's Preliminary Construction</b>
accelerator	'867 patent cl. 16 '438 patent cls. 1, 12, 44	NVIDIA	hardware separate from the central processing unit
accelerator controller / controller	'867 patent cls. 16, 17, 19 '438 patent cls. 1, 7-10, 21, 40, 42, 44, 50-53	NVIDIA	specialized hardware and/or software located on the accelerator
bank	'438 patent cls. 6, 20	NVIDIA	partition
input data at a first rate; and ... sequence of computations at a second rate	'438 patent cls. 3, 14, 46	NVIDIA	input data at an amount of data received per unit time; and ... sequence of computations at a number of computations per unit time
[order of steps]	'867 patent cl. 16 '438 patent cls. 12, 21	NVIDIA	steps must be performed in the order listed
partition	'867 patent cls. 16, 18 '438 patent cls. 26, 27, 40, 43, 49 '461 patent cls. 21, 30	NVIDIA	a separated subdivision of memory designed to hold specified data
swapping the first pointer with the second pointer	'867 patent cl. 16	NVIDIA	swapping, by the accelerator controller, the first pointer with the second pointer

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on April 29, 2025, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF.

*/s/ Vivian Lu* \_\_\_\_\_  
Vivian Lu