

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Vervain, LLC

Plaintiff,

v.

KINGSTON TECHNOLOGY COMPANY, INC.,
KINGSTON DIGITAL, INC., and
KINGSTON TECHNOLOGY CORPORATION

Defendants.

Civil Action No. 1:24-cv-254-ADA

JURY TRIAL DEMANDED

Vervain, LLC

Plaintiff,

v.

PHISON ELECTRONICS CORPORATION

Defendant.

Civil Action No. 1:24-cv-259-ADA

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the scheduling orders (1:24-cv-254-ADA, Dkt. 19 and 1:24-cv-259-ADA, Dkt. 16), Plaintiff Vervain, LLC (“Vervain”); Defendants Kingston Technology Company, Inc., Kingston Digital, Inc., Kingston Technology Corporation (“Kingston”); and Phison Electronics Corporation (“Phison”) submit this Joint Claim Construction Statement.

DISPUTED CLAIM TERMS

#	Claim(s)	Terms	Id'd ¹	Vervain	Kingston	Phison
1	298:1, 4 385:1, 4, 12-13 240:1, 2, 6-7 300:1, 3-4, 8-12 546:1, 3-4 612:1, 3-4 369:1, 3-4 370:1, 4, 14-16, 18	MLC non-volatile memory	V	Plain and ordinary meaning, where the plain and ordinary meaning is “non-volatile memory that stores multiple bits of information per cell”	non-volatile memory structured to store multiple bits per cell	non-volatile memory cells arranged with circuitry capable of storing multiple logical pages in a single physical page of cells
2	298:1, 4 385:1, 4, 12-13 240:1, 6 546:1 612:1 369:1, 10	MLC non-volatile memory module MLC memory modules	P	Plain and ordinary meaning		modules comprising “MLC non-volatile memory”
3	298:1 385:1, 12-13 240:1, 6 300:1, 12 546:1	Blocks	V, K	in a non-volatile memory, a physical group of memory cells	Indefinite	
4	298:1, 5 385:1, 5, 12 240:1, 2, 6-7 300:1, 3-4, 7-8, 10, 12 546:1, 3-4, 6 612:1, 3-4 369:1, 3-4 370:1, 5, 14-16, 18	SLC non-volatile memory	V	Plain and ordinary meaning, where the plain and ordinary meaning is “nonvolatile memory that stores one bit of information per cell”	non-volatile memory structured to store only one bit per cell	non-volatile memory cells arranged with circuitry incapable of storing multiple logical pages in a single physical page of cells

¹ This column indicates whether the term was identified by Vervain (“V”), Kingston (“K”), or Phison (“P”).

#	Claim(s)	Terms	Id'd ¹	Vervain	Kingston	Phison
5	298:1, 5 385:1, 5, 12 240:1, 6 546:1 612:1 369:1, 9-10	SLC non-volatile memory module SLC memory module	P	Plain and ordinary meaning		modules comprising "SLC non-volatile memory"
6	298:1, 11 385:1 240:1, 6 300:1, 3, 7, 12 546:1, 3 369:1, 3, 8 370:1, 11, 16-18 385:1, 11-13	"controller" adapted to perform its claimed functions "FTL" adapted to perform its claimed functions	K	Plain and ordinary meaning	35 U.S.C. § 112, ¶6 applies, indefinite for lack of disclosed structure	
7	298:1 385:1 240:1, 6 300:1, 7, 12 546:1 612:1 369:1 370:1, 17-18	data integrity test	P	Plain and ordinary meaning		a test that compares stored data to retained data
8	300:1, 10, 12 546:1 612:1 369:1 370:1, 18	memory space	K, P	Plain and ordinary meaning	Indefinite	

#	Claim(s)	Terms	Id'd ¹	Vervain	Kingston	Phison
9	300:1, 12 546:1 369:1	controller...maintain... controlling... performing controller...maintain... controlling... transferring... performing... reading...comparing	P	Plain and ordinary meaning	Indefinite under <i>IPXL Holdings</i>	
10	300:1, 3-4, 7-8, 12 546:1, 3-6 612:1, 3-6 369:1, 3-6 370:1, 4-5, 11, 14-18	memory element	P	Plain and ordinary meaning		Indefinite
11	300:1, 12 546:1 612:1 369:1 370:1, 14-15, 18	stored data	K	Plain and ordinary meaning	received data that is stored in non-volatile memory	
12	300:1, 12 546:1 612:1 369:1	retained data	K	Plain and ordinary meaning	a copy of received data	
13	300:1, 12 546:1 612:1 369:1	the mapping is performed as necessitated by the...system to maximize lifetime	K, P	Not indefinite. Plain and ordinary meaning	Indefinite	
14	300:1, 12	remapping...and transfer of data...to achieve enhanced endurance	K, P	Not indefinite. Plain and ordinary meaning	Indefinite	

Dated: November 27, 2024.

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record via the Court's ECF system on November 27, 2024.

/s/ Alan L. Whitehurst

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