

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

PANTECH CORPORATION and PANTECH
WIRELESS, LLC

Plaintiffs,

v.

ONEPLUS TECHNOLOGY (SHENZHEN)
CO., LTD.,

Defendant.

Case No. 5:24-cv-00038-RWS-JBB

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

In accordance with the First Amended Docket Control Order (Dkt. 47) and P.R. 4-3, Plaintiffs Pantech Corporation and Pantech Wireless, LLC (collectively, “Pantech”) and Defendant OnePlus Technology (Shenzhen) Co., Ltd. (“OnePlus”) hereby provide the following joint claim construction and prehearing statement.

The claim terms listed below occur in U.S. Patent Nos. 9,288,824 (the ’824 Patent); 11,212,838 (the ’838 Patent); 9,763,283 (the ’283 Patent); 10,863,573 (the ’573 Patent); 9,369,251 (the ’251 Patent); 8,995,372 (the ’372 Patent); and 10,764,803 (the ’803 Patent), which are asserted against OnePlus.

I. AGREED CLAIM CONSTRUCTIONS

The parties have agreed to the constructions as set forth in the following chart:

No.	Term	Agreed Construction
1.	A user equipment (UE) for receiving multi-flow data with respect to one	Preamble is limiting

No.	Term	Agreed Construction
	evolved packet system (EPS) bearer through a macro base station (macro eNB) and a small base station (small eNB) serving a single cell in a wireless communication system supporting dual connectivity '573 Patent, Claim 8	

II. POSITIONS OF EACH PARTY ON DISPUTED CLAIM TERMS, PHRASES, OR CLAUSES

Set forth below is each party’s proposed construction of each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that construction, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction of the claim or to oppose any other party’s proposed construction of the claim, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses. Each party reserves the right to rely on any evidence identified by the other party. Each party reserves the right to rely on any other portion of a patent’s specification for at least rebuttal purposes.

No.	Term	Proposed Constructions	Evidence
1.	time period '824 Patent, Claim 1	<u>Pantech’s Construction</u> Plain and ordinary meaning <u>OnePlus’s Construction</u> an amount of time	<u>Pantech’s Evidence</u> '824 Patent at 14:48-63, Fig. 2a. 3GPP TS 36.321 v8.0.0 3GPP TS 36.300 v8.2.0 3GPP TS 36.331 v8.0.0 In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech’s proposed construction.

			<p><u>OnePlus's Evidence</u></p> <p>'824 Patent, 1:20–25, 2:51–3:3, 3:24–41, 14:48–63, claims 7, 8, 10.</p> <p>Free Dictionary, https://www.thefreedictionary.com/time+period</p> <p>Cambridge Dictionary, https://dictionary.cambridge.org/us/dictionary/english/period</p> <p>OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>
<p>2.</p>	<p>wherein the time period starts at a time point after an end time of transmitting the random access preamble, and a subframe number corresponding to the time point is obtained by adding an offset to a subframe number corresponding to the end time of transmitting the random access preamble, and the offset equals three</p>	<p><u>Pantech's Construction</u></p> <p>Plain and ordinary meaning</p> <p><u>OnePlus's Construction</u></p> <p>Indefinite</p>	<p><u>Pantech's Evidence</u></p> <p>'824 Patent at 3:24-41, 13:52-14:2, 14:48-63, Fig 13.</p> <p>3GPP TS 36.321 v8.0.0</p> <p>3GPP TS 36.300 v8.2.0</p> <p>3GPP TS 36.331 v8.0.0</p> <p>In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction.</p> <p><u>OnePlus's Evidence</u></p> <p>'824 Patent, 1:20–25, 2:51–3:3, 3:24–41, 14:48–63, claims 7, 8, 10.</p> <p>Free Dictionary, https://www.thefreedictionary.com/time+period</p> <p>Cambridge Dictionary, https://dictionary.cambridge.org/us/dictionary/english/period</p> <p>OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>

	'824 Patent, Claim 7		
3.	<p>uplink resources</p> <p>'838 Patent, Claims 1-4</p>	<p><u>Pantech's Construction</u></p> <p>Plain and ordinary meaning</p> <p><u>OnePlus's Construction</u></p> <p>Resources that include at least an indication of a spreading code</p>	<p><u>Pantech's Evidence</u></p> <p>'838 Patent at 1:37-57, 3:22-30.</p> <p>3GPP TS 36.321 v8.0.0</p> <p>3GPP TS 36.331 v8.0.0</p> <p>3GPP TS 36.300 v8.1.0</p> <p>In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction.</p> <p><u>OnePlus's Evidence</u></p> <p>'838 Patent, Abstract, 1:37-46, 2:19-25, 2:29-35, 3:12-30, Claim 1.</p> <p>'838 Patent Prosecution History, Great-Grandparent U.S. Patent No. 8,774,104, Abstract.</p> <p>3GPP TS 25.401 v6.7.0</p> <p>3GPP TS 25.401 v9.1.0</p> <p>3GPP TS 36.300, v8.9.0</p> <p>OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>
4.	<p>master base station (master eNB, MeNB)</p> <p>'283 Patent, Claims 1-3</p>	<p><u>Pantech's Construction</u></p> <p>Plain and ordinary meaning</p> <p><u>OnePlus's Construction</u></p> <p>Master eNB</p>	<p><u>Pantech's Evidence</u></p> <p>'283 Patent at 1:19-22, 3:1-13, 4:21-56.</p> <p>3GPP TS 36.300 v11.5.0</p> <p>3GPP TS 36.321 v11.2.0</p> <p>3GPP TS 36.331 v11.3.0</p> <p>In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction.</p>

			<p><u>OnePlus’s Evidence</u></p> <p>’283 Patent, 2:42–45, 2:58–67, 4:21–28, 4:43–63, 7:1–18, FIG. 1.</p> <p>3GPP TS 25.401 v6.7.0</p> <p>3GPP TS 25.401 v9.1.0</p> <p>3GPP TS 36.300, v8.9.0</p> <p>3GPP TS 38.300, v15.7.0</p> <p>3GPP TS 38.331, v0.0.1</p> <p>“5G Physical Layer Principles, Models and Technology” Components, Zaidi et al., Academic Press (2018)</p> <p>OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus’s proposed construction.</p>
5.	<p>secondary base station (secondary eNB, SeNB)</p> <p>’283 Patent, Claim 1</p>	<p><u>Pantech’s Construction</u></p> <p>Plain and ordinary meaning</p> <p><u>OnePlus’s Construction</u></p> <p>Secondary eNB</p>	<p><u>Pantech’s Evidence</u></p> <p>’283 Patent at 1:19-22, 3:1-13, 4:21-56.</p> <p>3GPP TS 36.300 v11.5.0</p> <p>3GPP TS 36.321 v11.2.0</p> <p>3GPP TS 36.331 v11.3.0</p> <p>In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech’s proposed construction.</p> <p><u>OnePlus’s Evidence</u></p> <p>’283 Patent, 2:42–45, 2:58–67, 4:21–28, 4:43–63, 7:1–18, FIG. 1.</p> <p>3GPP TS 25.401 v6.7.0</p> <p>3GPP TS 25.401 v9.1.0</p> <p>3GPP TS 36.300, v8.9.0</p> <p>3GPP TS 38.300, v15.7.0</p> <p>3GPP TS 38.331, v0.0.1</p> <p>“5G Physical Layer Principles, Models and Technology”</p>

			<p>Components, Zaidi et al., Academic Press (2018)</p> <p>OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus’s proposed construction.</p>
6.	<p>macro base station</p> <p>’573 Patent, Claim 8</p>	<p><u>Pantech’s Construction</u></p> <p>Plain and ordinary meaning</p> <p><u>OnePlus’s Construction</u></p> <p>Macro eNB</p>	<p><u>Pantech’s Evidence</u></p> <p>’573 Patent at Background, Summary, 1:22-25, 1:48-64, 2:57-61, 4:18-48, 8:35-39, 9:38-12:63, Figs. 5, 7-12, 15.</p> <p>3GPP TS 36.300 v11.5.0</p> <p>3GPP TS 36.321 v11.2.0</p> <p>3GPP TS 36.331 v11.3.0</p> <p>3GPP TS 36.323 v.11.2.0</p> <p>In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech’s proposed construction.</p> <p><u>OnePlus’s Evidence</u></p> <p>’573 Patent, 2:34–40, 3:3–15, 4:18–29, 4:37–48, FIG. 1.</p> <p>3GPP TS 25.401 v6.7.0</p> <p>3GPP TS 25.401 v9.1.0</p> <p>3GPP TS 36.300, v8.9.0</p> <p>3GPP TS 38.300, v15.7.0</p> <p>3GPP TS 38.331, v0.0.1</p> <p>“5G Physical Layer Principles, Models and Technology” Components, Zaidi et al., Academic Press (2018)</p> <p>OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus’s proposed construction.</p>

<p>7.</p>	<p>small base station '573 Patent, Claim 8</p>	<p><u>Pantech's Construction</u> Plain and ordinary meaning <u>OnePlus's Construction</u> Small eNB</p>	<p><u>Pantech's Evidence</u> '573 Patent at Background, Summary, 1:22-25, 1:48-64, 2:57-61, 4:18-48, 8:35-39, 9:38-12:63, Figs. 5, 7-12, 15. 3GPP TS 36.300 v11.5.0 3GPP TS 36.321 v11.2.0 3GPP TS 36.331 v11.3.0 3GPP TS 36.323 v.11.2.0 In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction. <u>OnePlus's Evidence</u> '573 Patent, 2:34-40, 3:3-15, 4:18-29, 4:37-48, FIG. 1. 3GPP TS 25.401 v6.7.0 3GPP TS 25.401 v9.1.0 3GPP TS 36.300, v8.9.0 3GPP TS 38.300, v15.7.0 3GPP TS 38.331, v0.0.1 "5G Physical Layer Principles, Models and Technology" Components, Zaidi et al., Academic Press (2018) OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>
<p>8.</p>	<p>the mapping process including a muting for zero power transmission '251 Patent, Claim 12</p>	<p><u>Pantech's Construction</u> Plain and ordinary meaning <u>OnePlus's Construction</u> Indefinite</p>	<p><u>Pantech's Evidence</u> '251 Patent at 1:26-35, 11:41-12:59 3GPP TS 36.300 v9.4.0 3GPP TS 36.331 v9.3.0 3GPP TS 36.211 v9.1.0 In addition, Pantech will present expert testimony from Dr. Todor</p>

			<p>Cooklev in support of Pantech’s proposed construction.</p> <p><u>OnePlus’s Evidence</u></p> <p>’251 Patent, 1:59–2:15, 2:24–31, 12:26–30, Claims 1-7, FIGs. 2-16.</p> <p>OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus’s proposed construction.</p>
<p>9.</p>	<p>a uplink timing group configuring unit to configure a uplink (UL) timing group including at least one of component carriers (CCs) having a difference in center frequencies within a threshold range, CCs having the same beamforming scheme, CCs having the same timing advance (TA) value, and CCs having the same reference downlink (DL) CC to be used for obtaining a TA value, from among a</p>	<p><u>Pantech’s Construction</u></p> <p>Plain and ordinary meaning</p> <p><u>OnePlus’s Construction</u></p> <p>Means plus function claim limitation under 35 U.S.C. § 112 ¶ 6(f)</p> <p>Function: configure a uplink (UL) timing group including at least one of component carriers (CCs) having a difference in center frequencies within a threshold range, CCs having the same beamforming scheme, CCs having the same timing advance (TA) value, and CCs having the same reference downlink (DL) CC to be used for obtaining a TA value, from among a plurality of CCs</p> <p>Structure: indefinite</p>	<p><u>Pantech’s Evidence</u></p> <p>’372 Patent at 30:24-41, 9:9-10:31, Figs. 4-8, 14.</p> <p>Wiley Electrical and Electronics Engineering Dictionary, IEEE Press (2004) at 605</p> <p>Dictionary of Computer Science, Revised Edition (2006) at 179</p> <p>Dictionary of Computer and Internet Terms, Tenth Edition (2009) at 380</p> <p>Dictionary of Computer and Internet Terms, Tenth Edition (2009) at 118</p> <p>Dictionary of Computing, Sixth Edition, A&C Black (2010) at 213</p> <p>3GPP TS 36.300 v9.2.0</p> <p>3GPP TS 36.321 v9.1.0</p> <p>3GPP TS 36.331 v9.1.0</p> <p>3GPP TS 36.213 v9.0.1</p> <p>In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech’s proposed construction.</p> <p><u>OnePlus’s Evidence</u></p> <p>’372 Patent, 1:48–54, 8:51–60, 9:9–56, 31:20–26, 31:53–60, FIGs. 4, 14, 15.</p> <p>OnePlus will also present expert testimony from Apostolos K.</p>

	<p>plurality of CCs '372 Patent, Claim 8</p>		<p>Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>
<p>10.</p>	<p>a delegate CC setting unit to set a CC satisfying at least one of a CC having a lowest center frequency value, a CC having a center frequency value that is closest to a mean value, a CC having a highest center frequency, a CC having a broadest frequency band, a CC in which a radio link monitoring (RLM) is defined, in the configured UL timing group as a delegate CC '372 Patent, Claim 8</p>	<p><u>Pantech's Construction</u> Plain and ordinary meaning <u>OnePlus's Construction</u> Means plus function claim limitation under 35 U.S.C. § 112 ¶6/(f) Function: set a CC satisfying at least one of a CC having a lowest center frequency value, a CC having a center frequency value that is closest to a mean value, a CC having a highest center frequency, a CC having a broadest frequency band, a CC in which a radio link monitoring (RLM) is defined, in the configured UL timing group as a delegate CC Structure: indefinite</p>	<p><u>Pantech's Evidence</u> '372 Patent at 30:24-41, 9:9-10:31, Figs. 4-8, 14. Wiley Electrical and Electronics Engineering Dictionary, IEEE Press (2004) at 605 Dictionary of Computer Science, Revised Edition (2006) at 179 Dictionary of Computer and Internet Terms, Tenth Edition (2009) at 380 Dictionary of Computer and Internet Terms, Tenth Edition (2009) at 118 Dictionary of Computing, Sixth Edition, A&C Black (2010) at 213 3GPP TS 36.300 v9.2.0 3GPP TS 36.321 v9.1.0 3GPP TS 36.331 v9.1.0 3GPP TS 36.213 v9.0.1 In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction. <u>OnePlus's Evidence</u> '372 Patent, 1:48-54, 8:51-60, 9:9-56, 10:19-31, 30:49-55, 31:20-26, 31:53-60, FIGs. 4, 14, 15. OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>

<p>11.</p>	<p>wireless network node '803 Patent, Claim 1</p>	<p><u>Pantech's Construction</u> Plain and ordinary meaning <u>OnePlus's Construction</u> NodeB</p>	<p><u>Pantech's Evidence</u> '803 Patent at 3:51-54. 3GPP TS 25.321 v3.15.0 3GPP TS 25.133 v6.2.0 3GPP TS 25.212 v3.11.0 3GPP TS 25.331 v4.10.0 In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction. <u>OnePlus's Evidence</u> '803 Patent, 1:23–25, 1:50–55; 8:42 – 9:32, FIGs. 8A-8B. OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>
<p>12.</p>	<p>primary cell '803 Patent, Claims 1, 5, 6</p>	<p><u>Pantech's Construction</u> Plain and ordinary meaning <u>OnePlus's Construction</u> a cell from a group of cells associated with the NodeB designated as a primary cell</p>	<p><u>Pantech's Evidence</u> '803 Patent at 3:51-54, 3:62-65, 9:4-10. 3GPP TS 25.321 v3.15.0 3GPP TS 25.133 v6.2.0 3GPP TS 25.212 v3.11.0 3GPP TS 25.331 v4.10.0 In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction. <u>OnePlus's Evidence</u> '803 Patent, 1:23–25, 1:50–55; 8:42 – 9:32, FIGs. 8A-8B. OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>

<p>13.</p>	<p>one or more non-primary cells '803 Patent, Claim 1</p>	<p><u>Pantech's Construction</u> Plain and ordinary meaning <u>OnePlus's Construction</u> one or more cells from the group of cells associated with the NodeB designated as one or more nonprimary cells</p>	<p><u>Pantech's Evidence</u> '803 Patent at 3:51-54, 3:62-65, 9:4-10. 3GPP TS 25.321 v3.15.0 3GPP TS 25.133 v6.2.0 3GPP TS 25.212 v3.11.0 3GPP TS 25.331 v4.10.0 In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction. <u>OnePlus's Evidence</u> '803 Patent, 1:23-25, 1:50-55; 8:42 - 9:32, FIGs. 8A-8B. OnePlus will also present expert testimony from Apostolos K. Kakaes, Ph.D. supporting OnePlus's proposed construction.</p>
<p>14.</p>	<p>downlink shared channel transmission '803 Patent, Claim 1</p>	<p><u>Pantech's Construction</u> Plain and ordinary meaning <u>OnePlus's Construction</u> downlink shared channel transmission during a hand over</p>	<p><u>Pantech's Evidence</u> '803 Patent at 8:64-9:3. 3GPP TS 25.321 v3.15.0 3GPP TS 25.133 v6.2.0 3GPP TS 25.212 v3.11.0 3GPP TS 25.331 v4.10.0 Wireless Communications, Andreas F. Molisch, IEEE Press, John Wiley & Sons, Ltd. (2005) at 520-521 In addition, Pantech will present expert testimony from Dr. Todor Cooklev in support of Pantech's proposed construction. <u>OnePlus's Evidence</u> '803 Patent, 1:23-25, 1:50-55; 8:42 - 9:32, FIGs. 8A-8B. OnePlus will also present expert testimony from Apostolos K.</p>

			Kakaes, Ph.D. supporting OnePlus's proposed construction.
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III. ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING

The parties respectfully request 4 hours as the total length of time for the Claim Construction Hearing.

IV. PROPOSED WITNESSES AT CLAIM CONSTRUCTION HEARING

At this time, neither Pantech nor OnePlus expects to call any witnesses.

V. OTHER ISSUES

The parties have no other issues to address at this time.

Dated: March 26, 2025

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2025, all counsel of record who are deemed to have consented to electronic service are being served a copy of this JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT via the Court's CM/ECF system.

Dated: March 26, 2025

/s/ Clark S. Bakewell

Clark S. Bakewell