

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

WILUS INSTITUTE OF STANDARDS AND TECHNOLOGY INC.,  <i>Plaintiff,</i>  v.  HP INC.,  <i>Defendant.</i>	Case No. 2:24-cv-00752-JRG-RSP [Lead Case]  Case No. 2:24-cv-00764-JRG [Member Case]
WILUS INSTITUTE OF STANDARDS AND TECHNOLOGY INC.,  <i>Plaintiff,</i>  v.  SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC.  <i>Defendants.</i>	Case No. 2:24-cv-00746-JRG [Member Case]  Case No. 2:24-cv-00764-JRG [Member Case]  Case No. 2:24-cv-00765-JRG [Member Case]
WILUS INSTITUTE OF STANDARDS AND TECHNOLOGY INC.,  <i>Plaintiff,</i>  v.  ASKEY COMPUTER CORP., ASKEY INTERNATIONAL CORP.  <i>Defendants.</i>	Case No. 2:24-cv-00766-JRG [Member Case]  Case No. 2:24-cv-00753-JRG-RSP [Member Case]

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

Pursuant to Local Patent Rule 4-3, and the Court’s Docket Control Order (Dkt. 145 in the lead -752 case), Plaintiff Wilus and Defendants HP, Samsung, and Askey (collectively, “Parties”) respectfully submit the following Joint Claim Construction and Prehearing Statement for the above-captioned cases.

**I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(1))**

<b>Claim Term / Asserted Claims</b>	<b>Agreed Construction</b>
“a center 26-tone resource unit”  (U.S. Patent No. 11,470,595, claims 3, 9)	“the center 26-tone resource unit”
“the signaling field of the PPDU”  (U.S. Patent No. 11,129,163, claims 7, 14)	“a signaling field of the PPDU”
“the signaling field of the PPDU”  (U.S. Patent No. 11,700,597, claim 14)	“a signaling field of the PPDU”

**II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(2))**

The Parties’ proposed constructions of disputed terms are provided below. The Parties’ proposed constructions are also set forth in the accompanying **Exhibit A**, along with the intrinsic and extrinsic evidence on which the Parties intend to rely.

**A. U.S. Patent No. 11,159,210**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
1	“a format of user field(s) included in a user specific field of the HE-SIG-B is identified based on a number of MU-MIMO users indicated by a subfield of the HE-SIG-A”  (’210 patent, claims 1, 6)	Plain and ordinary meaning; not indefinite	Indefinite

**B. U.S. Patent No. 10,313,077**

Term #	Claim Term / Asserted Claims	Wilus’s Proposed Construction	Defendants’ Proposed Construction
2	<p>“obtain[ing] length information indicating information on a duration of the non-legacy physical layer frame [after a legacy signaling field], from the legacy signaling field”</p> <p>(’077 patent, claims 1, 8)</p>	<p>Plain and ordinary meaning; not indefinite</p>	<p>Indefinite</p>
3	<p>“obtain[ing] information other than [the] information on the duration of the non-legacy physical layer frame through a remaining value obtained by dividing the length information by a data size transmittable by a symbol of a legacy physical layer frame”</p> <p>(’077 patent, claims 1, 8)</p>	<p>Plain and ordinary meaning; not indefinite</p>	<p>Indefinite</p>
4	<p>“the duration of the non-legacy physical layer frame after the legacy signaling field”</p> <p>(’077 patent, claim 3)</p>	<p>Plain and ordinary meaning; not indefinite</p>	<p>Indefinite</p>
5	<p>“[a] wireless communication terminal”</p> <p>(’077 patent, claims 1, 8)</p>	<p>Plain and ordinary meaning, wherein “terminal” includes a non-access point station, an access point, or both</p>	<p>Plain and ordinary meaning, wherein “wireless communication terminal” means “user equipment for wireless communication.”</p>

**C. U.S. Patent No. 10,687,281**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
6	“obtain[ing] information of an unassigned resource unit via at least one of the bandwidth field of the HE-SIG-A and a subfield of HE-SIG-B of the received packet”  (’281 patent, claims 1, 8)	Plain and ordinary meaning; not indefinite	Indefinite

**D. U.S. Patent No. 11,470,595**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
7	“the total bandwidth information”  (’595 patent, claim 7)	Plain and ordinary meaning; not indefinite, wherein “the total bandwidth information” refers to the total bandwidth information indicated by the bandwidth field	Indefinite

**E. U.S. Patent No. 11,129,163**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
8	“intra-BSS”  (’163 patent, claims 2-3, 6, 10-11, 14)	Plain and ordinary meaning; no further construction necessary	“a BSS including the wireless communication terminal”
9	“inter-BSS”  (’163 patent, claims 2, 10)	Plain and ordinary meaning; no further construction necessary	“a BSS different from the intra-BSS”

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
10	“intra-BSS PPDU”  (’163 patent, claims 2, 6, 10, 14)	Plain and ordinary meaning; no further construction necessary	“a PPDU transmitted from the Intra-BSS”
11	“inter-BSS PPDU”  (’163 patent, claims 2, 10)	Plain and ordinary meaning; no further construction necessary	“a PPDU transmitted from an OBSS”
12	“BSS color collision”  (’163 patent, claims 4, 5, 12, 13)	Plain and ordinary meaning; no further construction necessary	“a case where different BSSs correspond to the same BSS color”
13	“valid signaling field of the MAC frame”  (’163 patent, claims 3, 11)	Plain and ordinary meaning; not indefinite	Indefinite

**F. U.S. Patent No. 11,700,597**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
14	“intra-BSS”  (’597 patent, claims 2-3, 6, 10-11, 14)	Plain and ordinary meaning; no further construction necessary	“a BSS including the wireless communication terminal”
15	“inter-BSS”  (’597 patent, claims 2, 10)	Plain and ordinary meaning; no further construction necessary	“a BSS different from the intra-BSS”
16	“intra-BSS PPDU”  (’597 patent, claims 2, 6, 10, 14)	Plain and ordinary meaning; no further construction necessary	“a PPDU transmitted from the Intra-BSS”

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
17	“inter-BSS PPDU”  (’597 patent, claims 2, 10)	Plain and ordinary meaning; no further construction necessary	“a PPDU transmitted from an OBSS”
18	“BSS color collision”  (’597 patent, claims 4, 5, 12, 13)	Plain and ordinary meaning; no further construction necessary	“a case where different BSSs correspond to the same BSS color”
19	“valid signaling field of the MAC frame”  (’597 patent, claims 3, 11)	Plain and ordinary meaning; not indefinite	Indefinite

**G. U.S. Patent No. 11,116,035**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
20	“when”  (’035 patent, claims 1, 8)	Plain and ordinary meaning; not indefinite	Indefinite
21	“set[ting] a/the . . . timer”  (’035 patent, claims 1, 4, 5, 8)	Plain and ordinary meaning; no further construction necessary	“assign[ing] a duration to a/the timer”

**H. U.S. Patent No. 11,516,879**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
22	“when”  (’879 patent, claims 1, 8)	Plain and ordinary meaning; not indefinite	Indefinite

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
23	“set[ting] a/the . . . timer”  (’879 patent, claims 1, 4, 5, 8)	Plain and ordinary meaning; no further construction necessary	“assign[ing] a duration to a/the timer”

**I. U.S. Patent No. 10,651,992**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
24	“[a] wireless communication terminal”  (’992 patent, claims 1, 7)	Plain and ordinary meaning, wherein “terminal” includes a non-access point station, an access point, or both.	Plain and ordinary meaning, wherein “wireless communication terminal” means “user equipment for wireless communication.”

**J. U.S. Patent No. 11,128,421**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
25	“[a] wireless communication terminal”  (’421 patent, claims 1, 5)	Plain and ordinary meaning, wherein “terminal” includes a non-access point station, an access point, or both.	Plain and ordinary meaning, wherein “wireless communication terminal” means “user equipment for wireless communication.”

**K. U.S. Patent No. 10,820,233**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
26	“[a] wireless communication terminal”  (’233 patent, claim 1)	Plain and ordinary meaning, wherein “terminal” includes a non-access point station, an access point, or both.	Plain and ordinary meaning, wherein “wireless communication terminal” means “user

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
			equipment for wireless communication”
27	“[a] wireless communication method of a terminal”  (’233 patent, claim 6)	Plain and ordinary meaning, wherein “terminal” includes a non-access point station, an access point, or both.	Plain and ordinary meaning, wherein “wireless communication terminal” means “user equipment for wireless communication.”

**L. U.S. Patent No. 10,931,396**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
28	“[a] wireless communication terminal”  (’396 patent, claims 1, 9)	Plain and ordinary meaning, wherein “terminal” includes a non-access point station, an access point, or both.	Plain and ordinary meaning, wherein “wireless communication terminal” means “user equipment for wireless communication.”

**M. U.S. Patent No. 11,664,926**

<b>Term #</b>	<b>Claim Term / Asserted Claims</b>	<b>Wilus’s Proposed Construction</b>	<b>Defendants’ Proposed Construction</b>
29	“[a] wireless communication terminal”  (’926 patent, claims 1, 8)	Plain and ordinary meaning, wherein “terminal” includes a non-access point station, an access point, or both.	Plain and ordinary meaning, wherein “wireless communication terminal” means “user equipment for wireless communication.”

**III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(3))**

The Parties estimate that three hours will be needed for the claim construction hearing. The Parties agree that each side will be allocated half of the total time permitted for the hearing.

**IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(4))**

No Party proposes to call witnesses at the claim construction hearing.

**V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(5))**

The Parties are currently unaware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: September 25, 2025

Respectfully submitted,

/s/ Reza Mirzaie

Reza Mirzaie  
CA State Bar No. 246953  
Marc A. Fenster  
CA State Bar No. 181067  
Dale Chang  
CA State Bar No. 248657  
Neil A. Rubin  
CA State Bar No. 250761  
Adam Hoffman  
CA State Bar No. 218740  
Jacob Buczko  
CA State Bar No. 269408  
Jonathan Ma  
CA State Bar No. 312773  
Mackenzie R. Paladino  
NY State Bar No. 6039366  
RUSS AUGUST & KABAT  
12424 Wilshire Boulevard, 12th Floor  
Los Angeles, CA 90025  
Telephone: 310-826-7474  
Email: rmirzaie@raklaw.com  
Email: mfenster@raklaw.com  
Email: dchang@raklaw.com  
Email: nrubin@raklaw.com

/s/ Ralph A. Phillips

Ruffin B. Cordell  
TX Bar No. 04820550  
cordell@fr.com  
Michael J. McKeon  
DC Bar No. 459780  
mckeon@fr.com  
Ralph A. Phillips  
DC Bar No. 475571  
rphillips@fr.com  
Bryan J. Cannon  
DC Bar No. 1723657  
cannon@fr.com  
Payal Patel  
DC Bar No. 90019320  
ppatel@fr.com  
FISH & RICHARDSON, P.C.  
1000 Maine Ave., S.W., Ste. 1000  
Washington, DC 20024  
Telephone: (202) 783-5070  
Facsimile: (202) 783-2331  
  
Thomas H. Reger II  
Texas Bar No. 24032992  
reger@fr.com

Email: ahoffman@raklaw.com  
Email: jbuczko@raklaw.com  
Email: jma@raklaw.com  
Email: mpaladino@raklaw.com

Andrea L. Fair  
TX State Bar No. 24078488  
MILLER FAIR HENRY PLLC  
1507 Bill Owens Parkway  
Longview, Texas 75604  
Telephone: 903-757-6400  
Email: andrea@millerfairhenry.com

*Counsel for Plaintiff Wilus Institute of  
Standards and Technology Inc.*

Rodeen Talebi  
TX Bar No. 24103958  
talebi@fr.com  
FISH & RICHARDSON P.C.  
1717 Main Street, Suite 5000  
Dallas, TX 78766  
Telephone: (214) 747-5070  
Facsimile: (214) 747-2091

Aleksandr Gelberg  
CA Bar No. 279989  
gelberg@fr.com  
John-Paul Fryckman  
CA Bar No. 317591  
fryckman@fr.com  
FISH & RICHARDSON, P.C.  
12860 El Camino Real, Ste. 400  
San Diego, CA 92130  
Telephone: (858) 678-5070  
Facsimile: (858) 678-5099

Bailey K. Benedict  
TX Bar No. 24083139  
benedict@fr.com  
FISH & RICHARDSON, P.C.  
909 Fannin Street, Ste. 2100  
Houston, TX 77010  
Telephone: (713) 654-5300  
Facsimile: (713) 652-0109

Melissa R. Smith  
Texas Bar No. 24001351  
GILLAM & SMITH, LLP  
303 South Washington Avenue  
Marshall, Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: melissa@gillamsmithlaw.com

*Attorneys for Defendants  
Samsung Electronics Co., Ltd. and  
Samsung Electronics America, Inc.*

/s/ Lawrence R. Jarvis  
Benjamin C. Elacqua (Lead Counsel)  
Texas Bar Number 24055443

elacqua@fr.com  
FISH & RICHARDSON P.C.  
909 Fannin Street, Suite 2100  
Houston, TX 77010  
Telephone: (713) 654-5300  
Facsimile: (713) 652-0109

Lawrence R. Jarvis  
GA Bar No. 102116  
jarvis@fr.com  
Peter Hong  
GA Bar No. 365188  
hong@fr.com  
FISH & RICHARDSON P.C.  
1180 Peachtree St. NE, Fl. 21  
Atlanta, GA 30309  
Telephone: (404) 892-5005  
Facsimile: (404) 892-5002

Melissa R. Smith  
Texas Bar No. 24001351  
GILLAM & SMITH, LLP  
303 South Washington Avenue Marshall,  
Texas 75670  
Telephone: (903) 934-8450  
Facsimile: (903) 934-9257  
Email: melissa@gillamsmithlaw.com

*Attorneys for Defendant HP Inc.*

/s/ Jeffrey D. Smyth  
Ming-Tao Yang (*pro hac vice*)  
Jeffrey D. Smyth (*pro hac vice*)  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, LLP  
3300 Hillview Avenue, 2nd Floor  
Palo Alto, CA 94304  
Tel: (650) 849-6600  
Fax: (650) 849-6666  
Email: ming.yang@finnegan.com  
Email: jeffrey.smyth@finnegan.com

Trey Yarbrough  
Bar No. 22133500

**CERTIFICATE OF SERVICE**

I certify 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.

/s/ Reza Mirzaie  
Reza Mirzaie  
*Counsel for Plaintiff Wilus Institute  
of Standards and Technology Inc.*

**CERTIFICATE OF CONFERENCE**

I certify that that counsel complied with the requirements of Eastern District of Texas Local Rule CV-7(h). The parties agree on filing this joint statement.

/s/ Reza Mirzaie  
Reza Mirzaie  
*Counsel for Plaintiff Wilus Institute  
of Standards and Technology Inc.*