

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

NEODRON LTD.,

Plaintiff,

v.

DELL TECHNOLOGIES INC.,

Defendant.

Case No. 1:19-cv-00819-ADA

NEODRON LTD.,

Plaintiff,

v.

HP, INC.,

Defendant.

Case No. 1:19-cv-00873-ADA

NEODRON LTD.,

Plaintiff,

v.

MICROSOFT CORPORATION,

Defendant.

Case No. 1:19-cv-00874-ADA

NEODRON LTD.,

Plaintiff,

v.

AMAZON.COM, INC.,

Defendant.

Case No. 1:19-cv-00898-ADA

NEODRON LTD.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and  
SAMSUNG ELECTRONICS AMERICA, INC.,

Defendant.

Case No. 1:19-cv-00903-ADA

**JOINT CLAIM CONSTRUCTION STATEMENT**

Pursuant to the Court's Order Governing Proceedings - Patent Case (Dkt. 31) the parties submit this Joint Claim Construction Statement. The claim terms identified below as agreed upon or being in-dispute are found in U.S. Patent No. 7,821,502 (the "'502 Patent"), U.S. Patent No. 8,946,574 (the "'574 Patent"), U.S. Patent No. 10,088,960 ( the "'960 Patent"), U.S. Patent No. 9,086,770 (the "'770 Patent"), U.S. Patent No. 9,823,784 ( the "'784 Patent"), U.S. Patent No. 8,451,237 (the "'237 Patent"), U.S. Patent No. 8,502,547 (the "'547 Patent"), U.S. Patent No. 9,489,072 (the "'072 Patent"), U.S. Patent No. 8,102,286 (the "'286 Patent") and U.S. Patent No. 10,365,747 (the "'747 Patent").

**I. AGREED CONSTRUCTIONS, POINTS OF AGREEMENT, AND REQUEST FOR DETERMINATION AS PART OF *MARKMAN* PROCESS**

|   | <b>Claim Term</b>  | <b>Patent(s)<br/>Claim(s)</b>   | <b>Agreed Constructions<sup>1</sup></b>                             |
|---|--|---------------------------------|---|
| 1 | "wherein the plurality of first electrodes are formed from a piece of conductive mesh by creating a plurality of cuts in the piece of conductive mesh" | '770 Patent<br>Claim 7          | "product-by-process limitation, interpreted with its plain meaning" |
| 2 | "electrically coupled"   | '502 Patent<br>Claims 1-2, 5-8, | "connected with an electrical conductor"                            |

<sup>1</sup> The agreement on the constructions applies only to the parties against whom the patents are asserted.

|   |  |  |   |
|---|--|--|---|
|   |  | 11-14, 16                                |   |
| 3 | “sensing cells”  | ’502 Patent<br>Claim 1-2, 5-8, 11-14, 16 | Plain and ordinary meaning, which is “sensing cells”  |
| 4 | “key”  | ’286 Patent<br>All claims                | “a touchable portion of a mechanical to electrical transducing device that is non-bistable in nature. This term specifically excludes conventional mechanical switches in which two or more electrical conductors are moved into or away from contact with each other to make or break an electrical connection. A ‘key’ can also be a dimensional sensing surface such as an XY touch screen or a ‘trackpad’”  |
| 5 | “biased in favor of”   | ’286 Patent<br>Claims 1, 9, 10, 21       | “biased or skewed in favor of, but not locked to”   |
| 6 | “control logic”  | ’286 Patent<br>Claims 1, 9               | Should be construed according to 35 U.S.C. § 112, para. 6<br><br>Function: detect a sensor value of an inactive key surpassing a sensor value of an active key by a select amount and assigning the inactive key as the active key, wherein the key assignment is biased in favor of the currently active key by [increasing/decreasing] sensor values of the [currently active/inactive] keys.<br><br>Corresponding Structure: microprocessor or microcontroller 18 programmed to execute the logical operations of figure 5A as described at 3:2-4, 5:49-55, 7:23-8:23, and 8:36-48, and equivalents thereof. |
| 7 | “sensing element”  | ’547 Patent<br>Claim 1                   | “physical electrical sensing element made of conductive substances”   |
| 8 | “the substrate, with drive or sense electrodes of a touch sensor disposed on a first surface and a second surface of the substrate, the first surface being opposite the second surface, the drive or sense electrodes being made of a conductive mesh conductive material comprising metal” | ’574 Patent<br>Claims 1, 8               | Plain and ordinary meaning, which is “the substrate, having a first surface and a second surface opposite the first surface, with drive electrodes of a touch sensor disposed on one of the first or second surfaces and sense electrodes of the touch sensor disposed on the other surface opposite the drive electrodes, the drive or sense electrodes being made of a conductive mesh conductive material comprising metal.”   |
| 9 | “one or more of the following being true”  | ’960 Patent<br>Claims 1, 9, 17           | For claim 1: either the claim elements at lines 37-45 or the claim elements at lines 46-60 must be true.  |

|    |  |   |  |
|----|--|---|--|
|    |  |   | <p>For claim 9: either the claim elements at lines 26-35 or the claim elements at lines 36-50 must be true.</p> <p>For claim 17: either the claim elements at lines 30-37 or the claim elements at lines 38-52 must be true.</p> |
| 10 | “pitch”  | ’784 Patent<br>Claims 1, 2, 3                   | Plain and ordinary meaning, which is “distance from the center of one electrode to the center of an adjacent electrode”  |
| 11 | “entering a detect mode as a function of whether the received signals are determined to be representative of a finger touch or a stylus touch,” / “entering a detect mode as a function of whether the touch is interpreted as a finger touch or a stylus touch” / “enter a detect mode as a function of the type of touch determined” | ’237 Patent<br>Claims 1, 10, 16                 | Plain and ordinary meaning, which is “entering a particular detect mode depending on whether the received signals are determined to be representative of a finger touch or a stylus touch.”                                      |
| 12 | “acquisition complete signal” / “sense acquisition complete signal”  | ’072 Patent<br>Claims 1, 2, 3, 7, 9, 10, 11, 13 | Plain and ordinary meaning, which is “a signal indicating the completion of the sensor acquisition duty cycle”   |
| 13 | “enter/entering a detect mode...”  | ’237 Patent<br>Claims 1, 9, 10                  | “entering a particular detect mode depending on whether the received signals are determined to be representative of a finger touch or a stylus touch”  |
| 14 | “first variable resistance electrode”  | ’747 Patent<br>Claims 10, 15, 16                | Plain and ordinary meaning, which is “first electrode in which the resistance of the material varies in relation to applied force”   |
| 15 | “conductive mesh [of] conductive material”   | ’574 Patent<br>Claims 1, 8, 15                  | “conductive mesh of conductive material excluding transparent conductive materials such as indium tin oxide (ITO)”   |
| 16 | “conductive mesh of conductive material”   | ’960 Patent<br>Claims 1, 9, 17                  | “conductive mesh of conductive material excluding transparent conductive materials such as indium tin oxide (ITO)”   |
| 17 | “interconnecting mesh segments”  | ’960 Patent<br>Claims 1, 9, 17                  | “interconnecting lines of conductive electrode material forming a mesh pattern, instead of a continuous layer of conductive electrode material”  |

**II. LIST OF DISPUTED CLAIM TERMS**

|   | <b>Claim Term</b>  | <b>Patent(s)<br/>Claim(s)</b>                | <b>Plaintiff's<br/>Proposal</b>   | <b>Defendants'<br/>Proposal</b>  |
|---|--|--|---|--|
| 1 | “wherein the plurality of drive electrodes are substantially area filling within the sensing region relative to the plurality of sense electrodes”   | '784 Patent<br>Claims 1-3                    | Plain and ordinary meaning; no construction necessary:<br>“wherein the plurality of drive electrodes are substantially area filling within the sensing region relative to the plurality of sense electrodes.”   | Indefinite.  |
| 2 | “together, the plurality of sense electrodes and the plurality of isolated conductive elements are substantially area filling within the sensing region relative to the plurality of sense electrodes” | '784 Patent<br>Claims 1-3                    | Plain and ordinary meaning; no construction necessary;<br>“together, the plurality of sense electrodes and the plurality of isolated conductive elements are substantially area filling within the sensing region relative to the plurality of sense electrodes.” | Indefinite.  |
| 3 | “a substrate having a surface with an arrangement of electrodes mounted thereon”   | '502 Patent<br>Claims 1-2, 5-8,<br>11-14, 16 | Plain and ordinary meaning; no construction necessary: “a substrate having a surface with an arrangement of electrodes mounted thereon”   | Plain and ordinary meaning, which is “a substrate having a side with an arrangement of electrodes mounted thereon” |

|    | <b>Claim Term</b>   | <b>Patent(s)<br/>Claim(s)</b>   | <b>Plaintiff's<br/>Proposal</b>  | <b>Defendants'<br/>Proposal</b>  |
|----|---|---|--|--|
| 4  | "sensing area"  | '502 Patent<br>Claims 1-2, 5-8,<br>11-14, 16                          | "an area defined by<br>the sensing cells"  | "an area defined<br>by the sensing<br>electrodes"  |
| 5* | "wherein row sensing electrodes of sensing cells at opposing ends of at least one of the rows are electrically coupled to one another by respective row wrap-around connections made outside of the sensing area" | '502 Patent<br>Claims 1-2, 5-8,<br>11-14, 16                          | Plain and ordinary meaning, which is "wherein row sensing electrodes of sensing cells at opposing ends of at least one of the rows are electrically coupled to one another by respective row wrap-around connections made outside of the sensing area" | Plain and ordinary meaning, which is "wherein row sensing electrodes of sensing cells at opposing ends of at least one of the rows are electrically coupled to one another by respective row wrap-around connections made outside of the sensing area" |
| 6  | "sensor value"  | '286 Patent<br>Claims 1, 3-5, 8-10,<br>12-13, 15-17, 20-<br>21, 23-24 | Plain and ordinary meaning, which is "sensor signal value"   | Plain and ordinary meaning: "value indicating the strength of the sensor signal"   |

\* Defendants' statement: Although Neodron has indicated that it "no longer believes there is any meaningful dispute between the parties" and has agreed to adopt the claim language as its construction, Neodron has also represented that it has not changed its position on this term. Defendants therefore believe that the meaning of this term is still in dispute.

\* Neodron's statement: Based on Defendants' claim construction briefing, Neodron no longer believes there is any meaningful dispute between the parties on the plain meaning of this term. *See, e.g.*, Defs.' Resp. Br. at 25 ("a row wrap-around connection is a connection that wraps around a row..."); Defs.' Reply Br. at 20 ("the claim recites 'row wrap-around connections,' which requires a connection that wraps around the other electrodes in the row (i.e., the electrodes other than the two electrodes connected via the wrap-around connection."); Defs.' Resp. Br. at 25 ("the row-wrap-around connection must be made 'outside of the sensing area....'"). Neodron therefore has agreed to Defendants' proposed claim language, which is the original, verbatim claim language as shown in Row 5 above.

|   | <b>Claim Term</b>   | <b>Patent(s)<br/>Claim(s)</b> | <b>Plaintiff's<br/>Proposal</b>  | <b>Samsung's<br/>Proposal</b>  |
|---|---|-------------------------------|--|--|
| 7 | “to measure a parameter of the first variable resistance electrode” | '747 Patent<br>Claims 10, 16  | Plain and ordinary meaning; no construction necessary: “to measure a parameter of the first variable resistance electrode” | Plain and ordinary meaning: “to measure a value determined by the resistance of the first variable resistance electrode” |

Dated: June 12, 2020

Respectfully submitted by:

/s/ Reza Mirzaie

Reza Mirzaie (CA SBN 246953)  
Email: rmirzaie@raklaw.com  
Marc A. Fenster (CA SBN 181067)  
Email: mfenster@raklaw.com  
Brian D. Ledahl (CA SBN 186579)  
Email: bledahl@raklaw.com  
Paul A. Kroeger (CA SBN 229074)  
Email: pkroeger@raklaw.com  
Philip X. Wang (CA SBN 262239)  
pwang@raklaw.com  
Neil A. Rubin (CA SBN 250761)  
Email: nrubin@raklaw.com  
Amy E. Hayden (CA SBN 287026)  
Email: ahayden@raklaw.com  
Shani Williams (SBN 274509)  
Email: swilliams@raklaw.com  
Kristopher R. Davis (IL SBN 6296190)  
Email: kdavis@raklaw.com  
Christian W. Conkle (CA SBN 306374)  
Email: cconkle@raklaw.com  
Kent N. Shum (CA SBN 259189)  
Email: kshum@raklaw.com  
Jonathan Ma (CA SBN 312773)  
Email: jma@raklaw.com  
RUSS AUGUST & KABAT  
12424 Wilshire Blvd. 12th Floor  
Los Angeles, CA 90025  
Phone: (310) 826-7474  
Fax: (310) 826-6991  
Matthew D. Aichele (VA SBN 77821)  
Email: maichele@raklaw.com  
RUSS AUGUST & KABAT  
800 Maine Avenue, SW, Suite 200  
Washington, DC 20024  
Phone: (310) 826-7474  
Fax: (310) 826-6991

*Attorneys for Plaintiff Neodron Ltd.*

/s/ John M. Guaragna

John M. Guaragna  
Brian Erickson  
DLA PIPER LLP (US)  
401 Congress Avenue, Suite 2500  
Austin, TX 78701-3799  
Telephone: (512) 457-7000  
Facsimile: (512) 457-7001

Sean C. Cunningham (*pro hac vice*)  
Erin P. Gibson (*pro hac vice*)  
Robert Williams (*pro hac vice*)  
David R. Knudson (*pro hac vice*)  
DLA PIPER LLP (US)  
401 B Street, Suite  
1700 San Diego, CA  
92101-4297  
Telephone: (619) 699-2700  
Facsimile: (619) 699-2701

Erik Fuehrer (*pro hac vice*)  
DLA PIPER LLP (US)  
2000 University Avenue  
East Palo Alto, CA 94303-2214  
Telephone: (650) 833-2000  
Facsimile: (650) 833-2001

Barry K. Shelton  
Texas State Bar No.  
24055029 SHELTON  
COBURN LLP 311 RR  
620, Suite 205  
Austin, TX 78734-4775  
bshelton@sheltoncoburn.com  
(512) 263-2165 (Telephone)  
(512) 263-2166 (Facsimile)

*Counsel for Defendants  
Microsoft Corporation and HP Inc.*

/s/ Nicholas J. Whilt

Ryan K. Yagura (Tex. Bar No. 24075933)

ryagura@omm.com

Nicholas J. Whilt (Cal. Bar No. 247738)

nwhilt@omm.com

O'MELVENY & MYERS LLP

400 S. Hope Street

Los Angeles, CA 90071

Telephone: 213-430-6000

Facsimile: 213-430-6407

Marc J. Pensabene (N.Y. Bar No.

2656361)

mpensabene@omm.com

O'MELVENY & MYERS LLP

Times Square Tower, 7 Times Square

New York, NY 10036

Telephone: 212-326-2000

Facsimile: 212-326-2061

John C. Kappos

jkappos@omm.com

O'MELVENY & MYERS LLP

610 Newport Center Drive, 17th Floor

Newport Beach, California 92660

Telephone: 949-823-6900

Facsimile: 949-823-6994

Darin Snyder

dsnyder@omm.com

O'MELVENY & MYERS LLP

Two Embarcadero Center, 28th Floor

San Francisco, CA 94111

Telephone: 415-984-8700

Facsimile: 415-984-8701

*Attorneys for Defendants Samsung*

*Electronics,*

*Co., Ltd. and Samsung Electronics*

*America,*

*Inc.*

By: /s/ Michael J. Newton

Michael J. Newton (TX Bar No.  
24003844)

Brady Cox (TX Bar No. 24074084)

ALSTON & BIRD LLP

2200 Ross Avenue, Suite 2300

Dallas, Texas 75201

Phone: (214) 922-3400

Fax: (214) 922-3899

mike.newton@alston.com

brady.cox@alston.com

Charles A. Naggar (*pro hac vice*)

NY Bar No. 5356449

ALSTON & BIRD LLP

90 Park Avenue, 15th Floor

New York, NY 11230

Phone: (212) 210-9400

Fax: (212) 210-9444

charles.naggar@alston.com

John M. Guaragna (TX Bar No.  
24043308)

Brian K. Erickson (TX Bar No.  
24012594)

DLA Piper LLP (US)

401 Congress Avenue, Suite 2500

Austin, TX 78701-3799

Phone: 512.457.7000

Fax: 512.457.7001

john.guaragna@dlapiper.com

brian.erickson@dlapiper.com

Sean C. Cunningham (*pro hac vice*)

CA Bar No. 98895

Erin Gibson (*pro hac vice*)

CA Bar No. 229305

Robert Williams (*pro hac vice*)

CA Bar No. 246990

DLA Piper LLP (US)

401 B Street, Suite 1700

San Diego, CA 92101-4297

Phone: 619.699.2700

Fax: 619.699.2701

sean.cunningham@dlapiper.com

erin.gibson@dlapiper.com

robert.williams@dlapiper.com

Jeffrey T. Lindgren (*pro hac vice*)  
CA Bar No. 176400  
Vasquez Benisek & Lindgren LLP  
1550 Parkside Drive, Suite 130  
Walnut Creek, CA 94596  
925-627-4250  
Fax: 925-403-0900  
jlindgren@vblaw.com

Richard C. Vasquez (*pro hac vice*)  
CA Bar No. 127228  
Vasquez Benisek & Lindgren LLP  
1550 Parkside Drive, Suite 130  
Walnut Creek, CA 94596  
Phone: 925-627-4250  
Fax: 925-403-0900  
rvasquez@vblaw.com

M. Craig Tyler  
Perkins Coie LLP  
500 W. 2nd Street  
Suite 1900  
Austin, TX 78701  
Phone: 737.256.6100  
Fax: 737.256.6300  
CTyler@perkinscoie.com

Chao (Wendy) Wang (*pro hac vice*)  
CA Bar No. 289325  
NY Bar No. 5002704  
Perkins Coie LLP  
3150 Porter Drive  
Palo Alto, CA 94304-1212  
Phone: 650-838-4500  
Fax: 650-838-4350  
wwang@perkinscoie.com

Tariq Javed (*pro hac vice*)  
DC Bar No. 1618071  
Perkins Coie LLP  
700 Thirteenth Street N.W., Suite 800  
Washington, DC 20005  
Phone: 202-654-6200  
Fax: 202-654-6211  
TJaved@perkinscoie.com

*Attorneys for Defendant Dell  
Technologies Inc.*

/s/ Nathan Sabri

Stefani E. Shanberg (Texas Bar No.  
24009955)

sshanberg@mofo.com

Nathan B. Sabri (*pro hac vice*)

nsabri@mofo.com

Robin Brewer (*pro hac vice*)

rbrewer@mofo.com

MORRISON & FOERSTER LLP

425 Market Street

San Francisco, CA 94105

Tel: (415) 268-7000

*Attorneys for Defendant Amazon.com,  
Inc.*

**CERTIFICATE OF SERVICE**

I certify that the foregoing document was electronically filed on June 12, 2020, pursuant to Local Rule CV-5(a) and has been served on all counsel whom have consented to electronic service. Any other counsel of record will be served by first class U.S. mail on this same date.

/s/ Reza Mirzaie  
Reza Mirzaie