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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORY TECHNOLOGIES, LLC, a Nevada company,

Plaintiff,

vs.

KINGSTON TECHNOLOGY CORPORATION, a California corporation, KINGSTON TECHNOLOGY COMPANY, INC. a Delaware corporation,

Defendants.

Case No. 8:18-cv-00171-JLS-JDE

THIRD JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT (N.D. CAL. PATENT L.R. 4-3)

Claim Construction Hearing:
November 27, 2018 at 9 AM

Honorable Josephine L. Staton

Plaintiff Memory Technologies, LLC ("MTL" or "Plaintiff") and Defendants Kingston Technology Corporation and Kingston Technology Company, Inc. (collectively, "Kingston" or "Defendants") submit this Third Joint Claim Construction Statement because the parties have agreed to a construction for the only claim term in dispute for U.S. Pat. No. 7,739,487 ("the '487 Patent"), obviating the need to discuss the '487 Patent during the November 27, 2018 Claim Construction Hearing and Technology Tutorial.

This Third Joint Claim Construction Statement and Exhibit A addresses each of the eight patents-in-suit: U.S. Patent Nos. RE45,486 ("the RE486 Patent"); RE45,542 ("the RE542 Patent"); 7,565,469 ("the '469 Patent"); 7,827,370 ("the '370 Patent"); 7,739,487 ("the '487 Patent"); 8,307,180 ("the '180 Patent"); 9,063,850 ("the '850 Patent"); and 9,367,486 ("the '486 Patent").

I. AGREED CLAIM CONSTRUCTIONS

A. U.S. Pat. No. RE45,542

- "means for connecting the peripheral device to an electronic device for supplying power to the peripheral device" (claim 18):
  - means-plus-function claim governed by 35 U.S.C. §112, para. 6
  - function: "connecting the peripheral device to an electronic device for supplying power to the peripheral device"
  - structure: connector 11 of FIG. 1 and FIG. 2, 4:43-48; and structural equivalents thereof.
- "means for setting a [the] maximum power consumption of the peripheral device to a value which is in a range from said default value to said limiting value, said range including said default value and said limiting value" (claims 18 and 28)
  - means-plus-function claim governed by 35 U.S.C. §112, para. 6
  - function: "setting the maximum power consumption of the

peripheral device to a value which is in a range from said default value to said limiting value, said range including said default value and said limiting value"

- structure: processor 13 of Fig. 1, Fig. 2, Fig. 3, 2:49- 59, 4:57-59, 6:6-30, 6:27-30; and structural equivalents thereof.

B. U.S. Pat. No. 7,827,370

- "data register" (claims 1, 5, 12, 14, 25)
  - "a portion of memory containing information about a memory card"
- "redefine the command to allow permanent write protection" (claims 1, 12, 25)
  - "cause a command that would not result in permanent write protection to result in permanent write protection"
- "wherein said at least one bit has a certain predefined value" (claim 2)
  - "wherein the bit is set to a value associated with permanent write protection"
- "wherein said at least one bit is reprogrammable" (claim 3)
  - "wherein the at least one bit can be changed"
- "memory group" (claims 5, 6, 13, 14, 15)
  - "a segment of memory"

C. U.S. Pat. No. 7,565,469

- "within [a / the] command execution" (claim 19)
  - "while performing in accordance with the same command"

D. U.S. Pat. No. 7,739,487

- "during power up [process]"
  - "during the power up process of the peripheral device"

- "memory module"
  - "memory potion of the peripheral device, or a sub-portion of the memory potion of the peripheral device"

E. U.S. Pat. No. 9,367,486

- "means for receiving one or more commands to activate at least one predefined access profile of two or more predefined access profiles associated with the memory device" (claim 15)
  - means-plus-function claim governed by 35 U.S.C. §112, para. 6
  - function: "receiving one or more commands to activate at least one predefined access profile of two or more predefined access profiles associated with the memory device"
  - structure: controller 508, communication interface 512, and interface 506 of Figure 5, 4:38-55; and structural equivalents thereof.
- "means for configuring, based at least in part on the one or more commands, access to the memory device in accordance with the at least one predefined access profile" (claim 15)
  - means-plus-function claim governed by 35 U.S.C. §112, para. 6
  - function: "configuring, based at least in part on the one or more commands, access to the memory device in accordance with the at least one predefined access profile"
  - structure: controller 508 of Figure 5, 4:38-55; and structural equivalents thereof.
- "means for activating, based at least in part on the one or more commands, at least two predefined access profiles of the two or more predefined access profiles in parallel"
  - means-plus-function claim governed by 35 U.S.C. §112, para. 6

- function: "activating, based at least in part on the one or more commands, at least two predefined access profiles of the two or more predefined access profiles in parallel"
- structure: controller 508, physical memory 502, memory registers 504, communication interface 512, and interface 506 of Figure 5, 4:38-55; and structural equivalents thereof.

II. DISPUTED CLAIM CONSTRUCTIONS

Those claim terms or phrases for which the parties were unable to reach agreement are disclosed in Exhibit A. Exhibit A also identifies the Parties' proposed constructions and intrinsic and extrinsic evidence for each disputed claim term or phrase. The parties note that there are no claim terms in dispute for U.S. Pat. No. 7,827,370 or U.S. Pat. No. 7,739,487.

The parties respectfully reserve the right to amend, correct, or supplement their respective claim construction positions in response to any change of position by another party or for other good cause.

III. MOST SIGNIFICANT CLAIM TERMS

The parties jointly believe that the following terms, up to a maximum of ten, are most significant to the resolution of the case:

1. "maximum power consumption [of / for] the peripheral device" (the RE542 Patent)

2. "[predefined] access profile(s)" (the '180 Patent, the '850 Patent, and the '486 Patent)

MTL does not believe any additional terms are most significant to the resolution of the case.

Kingston believes the following additional terms are most significant to the resolution of this case:

3. "expanded addressing method" (the RE486 Patent)

4. "the memory card further configured to have stored therein an

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