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

16 **UNITED STATES DISTRICT COURT**
17 **CENTRAL DISTRICT OF CALIFORNIA**

18 MEMORY TECHNOLOGIES, LLC, a
19 Nevada company,

20 Plaintiff,

21 vs.

22 KINGSTON TECHNOLOGY
23 CORPORATION, a California
24 corporation, KINGSTON
TECHNOLOGY COMPANY, INC. a
25 Delaware corporation,

26 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

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

8 This Third Joint Claim Construction Statement and Exhibit A addresses each
9 of the eight patents-in-suit: U.S. Patent Nos. RE45,486 (“the RE486 Patent”);
10 RE45,542 (“the RE542 Patent”); 7,565,469 (“the ’469 Patent”); 7,827,370 (“the
11 ’370 Patent”); 7,739,487 (“the ’487 Patent”); 8,307,180 (“the ’180 Patent”);
12 9,063,850 (“the ’850 Patent”); and 9,367,486 (“the ’486 Patent”).

13 I. AGREED CLAIM CONSTRUCTIONS

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

- 15 • “means for connecting the peripheral device to an electronic device
16 for supplying power to the peripheral device” (claim 18):
 - 17 ○ means-plus-function claim governed by 35 U.S.C. §112, para. 6
 - 18 ○ function: “connecting the peripheral device to an electronic
19 device for supplying power to the peripheral device”
 - 20 ○ structure: connector 11 of FIG. 1 and FIG. 2, 4:43-48; and
21 structural equivalents thereof.
- 22 • “means for setting a [the] maximum power consumption of the
23 peripheral device to a value which is in a range from said default
24 value to said limiting value, said range including said default value
25 and said limiting value” (claims 18 and 28)
 - 26 ○ means-plus-function claim governed by 35 U.S.C. §112, para. 6
 - 27 ○ function: “setting the maximum power consumption of the
28

1 peripheral device to a value which is in a range from said
2 default value to said limiting value, said range including said
3 default value and said limiting value”

- 4 ○ structure: processor 13 of Fig. 1, Fig. 2, Fig. 3, 2:49- 59, 4:57-
5 59, 6:6-30, 6:27-30; and structural equivalents thereof.

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

- 7 • “data register” (claims 1, 5, 12, 14, 25)
8 ○ “a portion of memory containing information about a memory
9 card”
10 • “redefine the command to allow permanent write protection” (claims
11 1, 12, 25)
12 ○ “cause a command that would not result in permanent write
13 protection to result in permanent write protection”
14 • “wherein said at least one bit has a certain predefined value” (claim 2)
15 ○ “wherein the bit is set to a value associated with permanent
16 write protection”
17 • “wherein said at least one bit is reprogrammable” (claim 3)
18 ○ “wherein the at least one bit can be changed”
19 • “memory group” (claims 5, 6, 13, 14, 15)
20 ○ “a segment of memory”

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

- 22 • “within [a / the] command execution” (claim 19)
23 ○ “while performing in accordance with the same command”

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

- 25 • “during power up [process]”
26 ○ “during the power up process of the peripheral device”
27
28

- 1 • “memory module”
 - 2 ○ “memory portion of the peripheral device, or a sub-portion of
 - 3 the memory portion of the peripheral device”
- 4 **E. U.S. Pat. No. 9,367,486**
- 5 • “means for receiving one or more commands to activate at least one
- 6 predefined access profile of two or more predefined access profiles
- 7 associated with the memory device” (claim 15)
 - 8 ○ means-plus-function claim governed by 35 U.S.C. §112, para. 6
 - 9 ○ function: “receiving one or more commands to activate at least
 - 10 one predefined access profile of two or more predefined access
 - 11 profiles associated with the memory device”
 - 12 ○ structure: controller 508, communication interface 512, and
 - 13 interface 506 of Figure 5, 4:38-55; and structural equivalents
 - 14 thereof.
- 15 • “means for configuring, based at least in part on the one or more
- 16 commands, access to the memory device in accordance with the at
- 17 least one predefined access profile” (claim 15)
 - 18 ○ means-plus-function claim governed by 35 U.S.C. §112, para. 6
 - 19 ○ function: “configuring, based at least in part on the one or more
 - 20 commands, access to the memory device in accordance with the
 - 21 at least one predefined access profile”
 - 22 ○ structure: controller 508 of Figure 5, 4:38-55; and structural
 - 23 equivalents thereof.
- 24 • “means for activating, based at least in part on the one or more
- 25 commands, at least two predefined access profiles of the two or more
- 26 predefined access profiles in parallel”
 - 27 ○ means-plus-function claim governed by 35 U.S.C. §112, para. 6
 - 28 ○

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

7 **II. DISPUTED CLAIM CONSTRUCTIONS**

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

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

16 **III. MOST SIGNIFICANT CLAIM TERMS**

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

- 19 1. “maximum power consumption [of / for] the peripheral device” (the
20 RE542 Patent)
- 21 2. “[predefined] access profile(s)” (the ’180 Patent, the ’850 Patent, and
22 the ’486 Patent)

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

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

- 27 3. “expanded addressing method” (the RE486 Patent)

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

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