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17		DISTRICT COURT ISTRICT OF CALIFORNIA			
18	TOR THE TORTHER D	is interest California			
19	BROADCOM CORPORATION AND	Case No. 3:20-cv-4677-JD			
20	AVAGO TECHNOLOGIES				
21	INTERNATIONAL SALES PTE. LIMITED,	PLAINTIFFS' PRELIMINARY CLAIM			
22	Plaintiffs,	CONSTRUCTIONS AND EXTRINSIC EVIDENCE UNDER PATENT L.R. 4-2			
23	V.	EVIDENCE UNDER FAIENT L.R. 4-2			
24	NEIFLIX, INC.,				
25	Defendant.				
26	——————————————————————————————————————				
27					
28					

Netflix, Inc. - Ex. 1025, Page 000001 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

Case No. 3:20-cv-4677-JD

Pls.' Patent L.R. 4-2 Disclosures

In accordance with Patent L.R. 4-2 and the agreed schedule in the Joint Case 2 Management Statement, Plaintiffs propose the following Preliminary Claim Constructions of the terms identified by either party for claim construction:

U.S. Patent No. 7,266,079

Term	Claim(s)	Plaintiffs' Preliminary	Intrinsic, and Extrinsic
"a compute program"	38	"a computer program"	'079 Patent at [57] (Abstract), 4:42–43, 20:7–21:12. '079 Patent File History Notice of Allowance (May 3, 2007). Dr. Polish may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '079 Patent, the meaning of this term, as well as rebuttal testimony (if appropriate).

1	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
2			Ciaim Construction	'079 Patent at 4:48–67,
3				7:17–22.
4				'079 Patent File History
5				Office Action (Feb. 9, 2005), Response Under
6				37 CFR § 1.111 (Apr. 11,
7				2005), Office Action
8				(July 13, 2005), Response Under 37 CFR § 1.111
9				(Nov. 14, 2005), Office
10			No construction	Action (Sept. 21, 2006), Response Under 37 CFR
11			necessary.	§ 1.116 (Oct. 20, 2006),
12	"transmission	1, 4, 38,	Plain and ordinary	Office Action (Nov. 13, 2006), Response Under
13	unit"	41	meaning which, in the context of the patent, is	37 CFR § 1.111 (Feb. 1,
14			"ordered sequence of data bits"	2007), Notice of Allowability (May 3,
15			data ons	2007).
16				Dr. Polish may provide
17				expert testimony regarding the level of skill
18				of a person having
19				ordinary skill in the art for the field of the
20				'079 Patent, the plain and
21				ordinary meaning of this term, as well as rebuttal
22				testimony (if appropriate).
23				

Netflix, Inc. - Ex. 1025, Page 000003 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4			Claim Constitution	'079 Patent at 4:45–48, 5:59–6:4, Figs. 3–4, 6A– 6B, 9.
5 6 7 8 9 10 11 12 13 14	"flow"	1, 38	No construction necessary. Plain and ordinary meaning which, in the context of the patent, is "sequence of transmission units transmitted from a particular source to a	'079 Patent File History Office Action (Feb. 9, 2005), Response Under 37 CFR § 1.111 (Apr. 11, 2005), Office Action (July 13, 2005), Response Under 37 CFR § 1.111 (Nov. 14, 2005), Office Action (Sept. 21, 2006), Response Under 37 CFR § 1.116 (Oct. 20, 2006), Office Action (Nov. 13, 2006), Response Under 37 CFR § 1.111 (Feb. 1, 2007).
15 16 17 18 19 20 21 22			particular source to a particular destination"	Dr. Polish may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '079 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000004 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 U.S. Patent No. 8,259,121

2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	"network for processing data" / "data processing network"	1–4,33,35,36	No construction necessary. Plain and ordinary meaning.	Data, Newton's Telecom Dictionary (16th ed. 2000). Network, Newton's Telecom Dictionary (16th ed. 2000). Data processing, Modern Dictionary of Electronics (7th ed. 1999). Data processing, Microsoft Computer Dictionary (5th ed. 2002). Dr. Polish may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '121 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000005 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3				'121 Patent at 6:42–50, 7:36–38, 8:46–54, Fig. 4.
4				'121 Patent File History Response (Dec. 9, 2008).
5 6			No construction necessary.	Dr. Polish may provide
7	"display	1–4, 33,	Plain and ordinary	expert testimony regarding the level of skill
8	pipeline"	35, 36	meaning which, in the context of the patent, is	of a person having
9			"chain of multiple nodes"	ordinary skill in the art for the field of the
10 11				'121 Patent, the plain and ordinary meaning of this
12				term, as well as rebuttal testimony (if appropriate).
13				'121 Patent at 7:15–19,
14				8:25–33.
15 16			No construction	'121 Patent File History Response (Dec. 9, 2008).
17			necessary.	Dr. Polish may provide
18	"nodes"	1, 33, 35, 36	Plain and ordinary meaning which, in the	expert testimony regarding the level of skill
19		33,30	context of the patent, is "modules that process	of a person having ordinary skill in the art for
20			video information"	the field of the '121 Patent, the plain and
21				ordinary meaning of this
22				term, as well as rebuttal testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000006 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
			'121 Patent at 4:59–65, 12:45–53.
		No construction necessary.	Dr. Polish may provide expert testimony regarding the level of skill
"independent	1	•	of a person having
data fato		context of the patent, is	ordinary skill in the art for the field of the
		another data rate"	'121 Patent, the plain and ordinary meaning of this
			term, as well as rebuttal
			testimony (if appropriate). '121 Patent at 15:41–48.
"flow	1 25	This term is not subject to 35 U.S.C. § 112(6). No construction necessary.	Dr. Polish may provide expert testimony regarding the level of skill of a person having
module"	1, 35	Plain and ordinary meaning which, in the context of the patent, is "valve to control data flow"	ordinary skill in the art for the field of the '121 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).
"controller"	1–2, 33, 35, 36	This term is not subject to 35 U.S.C. § 112(6). No construction necessary. Plain and ordinary meaning.	Dr. Polish may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '121 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).
	"flow control module"	"flow control nodule" 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	"independent data rate" 1 Plain and ordinary meaning which, in the context of the patent, is "data rate not tied to another data rate" This term is not subject to 35 U.S.C. § 112(6). No construction necessary. Plain and ordinary meaning which, in the context of the patent, is "valve to control data flow" This term is not subject to 35 U.S.C. § 112(6). This term is not subject to 35 U.S.C. § 112(6). This term is not subject to 35 U.S.C. § 112(6). No construction necessary. Plain and ordinary meaning which, in the context of the patent, is "valve to control data flow" This term is not subject to 35 U.S.C. § 112(6). Plain and ordinary meaning which, in the context of the patent, is "valve to control data flow"

Netflix, Inc. - Ex. 1025, Page 000007 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

Pls.' Patent L.R. 4-2 Disclosures

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1 U.S. Patent No. 8,959,245

2			DI 1 1100 1 D 11 1	
	Term	Claim(s)	Plaintiffs' Preliminary	Intrinsic, and Extrinsic
3			Claim Construction	Evidence
4				'245 Patent at [54] (Title), 1:1–2, 1:12–15, 1:41–47,
5				1:56–59, 2:13–40, 2:62– 3:5, 3:33–36, 3:50–60,
6				Fig. 1.
7				Route, Modern
8				DICTIONARY OF ELECTRONICS (7th ed.
9				1999).
10				Route, Newton's
11			No construction necessary.	TELECOM DICTIONARY (16th ed. 2000).
12			•	(10th ed. 2000).
13	"route"	1, 6	Plain and ordinary meaning which, in the	Route, Oxford Dictionary of
14			context of the patent, is	COMPUTING (6th ed.
15			"network pathway"	2008).
16				Dr. Polish may provide expert testimony
17				regarding the level of skill
18				of a person having
19				ordinary skill in the art for the field of the
20				'245 Patent, the plain and
21				ordinary meaning of this term, as well as rebuttal
22				testimony (if appropriate).
23				

Netflix, Inc. - Ex. 1025, Page 000008 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

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U.S. Patent No. 8,270,992

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
preamble	1, 6	No construction necessary. Plain and ordinary meaning.	Dr. Polish may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '992 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000009 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13 14 15	"network connection"	1, 6, 9	No construction necessary. Plain and ordinary meaning.	Connection, Newton's Telecom Dictionary (16th ed. 2000). Network, Newton's Telecom Dictionary (16th ed. 2000). Network, Webster's New World Computer Dictionary (10th ed. 2003). Network, Oxford Dictionary of Computing (6th ed. 2008). Dr. Polish may provide expert testimony regarding the level of skill
16				of a person having ordinary skill in the art for
17				the field of the
18				'992 Patent, the plain and ordinary meaning of this
19 20				term, as well as rebuttal testimony (if appropriate).

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1 U.S. Patent No. 6,341,375

2			Dlaintiffa? Dualiminary	Intrinsia and Extrinsia
3	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
5 5 6				'375 Patent at [57] (Abstract), 1:63–67, 2:42– 66, 3:5–49, 4:14–16, 4:29–40, 4:50–5:7, 6:66– 8:18, Figs. 2–5.
7				'375 Patent File History
8				Amendment (Mar. 23,
9				2000), Amendment After Final (Aug. 2, 2000),
10			Plain and ordinary meaning which, in the	Amendment (Apr. 12,
11			context of the patent, is	2001).
12			"devices configured to present decoded audio	Order re Claim Construction, <i>Broadcom</i>
13	"decoder devices"	15, 18	signals or decoded video	Corp. v. Amazon.com,
14	devices		signals"	Inc., No. 8:16-cv-01774 JVS JCG (C.D. Cal.
15			NB "decoders" is synonymous with	Sept. 1, 2017), ECF
16			"decoder devices" in the	No. 118.
17			claims.	Dr. Polish may provide expert testimony
18				regarding the level of skill
19				of a person having ordinary skill in the art for
20				the field of the
21				'375 Patent, the plain and ordinary meaning of this
22				term, as well as rebuttal
23				testimony (if appropriate).
24				

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1	Term	Claim(s)	Plaintiffs' Preliminary	Intrinsic, and Extrinsic
2	101111		Claim Construction	Evidence
3				'375 Patent at [57] (Abstract), 1:63–67, 2:42–
4				66, 3:5–49, 4:14–16,
5				4:29–40, 4:50–5:7, 6:66– 8:18, Figs. 2–5.
6				'375 Patent File History
7				Amendment (Mar. 23,
8				2000), Amendment After Final (Aug. 2, 2000),
9			"decoders" is synonymous with "decoder devices" in	Amendment (Apr. 12, 2001).
10			the claims.	,
11			Plain and ordinary	Order re Claim Construction, <i>Broadcom</i>
12	"decoders"	15	meaning which, in the	Corp. v. Amazon.com,
13			context of the patent, is	Inc., No. 8:16-cv-01774 JVS JCG (C.D. Cal.
14			"devices configured to present decoded audio	Sept. 1, 2017), ECF
15			signals or decoded video	No. 118.
16			signals"	Dr. Polish may provide
17				expert testimony regarding the level of skill
18				of a person having
19				ordinary skill in the art for the field of the
20				'375 Patent, the plain and
21				ordinary meaning of this
22				term, as well as rebuttal testimony (if appropriate).
				/

Netflix, Inc. - Ex. 1025, Page 000012 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	"drive server"	Claim(s)	Plaintiffs' Preliminary Claim Construction No construction necessary. Plain and ordinary meaning which, in the context of the patent, is "server to present a plurality of compressed data streams in response to control signals"	Intrinsic, and Extrinsic Evidence '375 Patent at [57] (Abstract), 1:54–60. '375 Patent File History Amendment (Mar. 23, 2000), Amendment After Final (Aug. 2, 2000), Amendment (Apr. 12, 2001). Order re Claim Construction, Broadcom Corp. v. Amazon.com, Inc., No. 8:16-cv-01774 JVS JCG (C.D. Cal. Sept. 1, 2017), ECF No. 118. Dr. Polish may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '375 Patent, the plain and ordinary meaning of this
19 20				ordinary meaning of this term, as well as rebuttal testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000013 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1	Term	Claim(s)	Plaintiffs' Preliminary	Intrinsic, and Extrinsic
2			Claim Construction	Yarant at [57]
3				(Abstract), 1:54–60.
4				'375 Patent File History
5			This term is not subject to 35 U.S.C. § 112(6).	Amendment (Mar. 23, 2000), Amendment After
6 7			No construction	Final (Aug. 2, 2000), Amendment (Apr. 12,
8			necessary.	2001).
9	"control server"	15	Plain and ordinary meaning which, in the	Dr. Polish may provide
10			context of the patent, is "server to present a	expert testimony regarding the level of skill
11			plurality of compressed	of a person having ordinary skill in the art for
12			data streams in response to request signals"	the field of the
13			1 &	'375 Patent, the plain and ordinary meaning of this
14				term, as well as rebuttal testimony (if appropriate).
15				· · · · · · · · · · · · · · · · · · ·
16				'375 Patent File History Office Action (July 5,
17				2001).
18	"further		NI.	Dr. Polish may provide
19	responds to one or more second control signals"		No construction necessary.	expert testimony regarding the level of skill
20		19	Plain and ordinary	of a person having
21			meaning.	ordinary skill in the art for the field of the
22				'375 Patent, the plain and
23				ordinary meaning of this term, as well as rebuttal
24				testimony (if appropriate).
25				

Netflix, Inc. - Ex. 1025, Page 000014 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

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1 U.S. Patent No. 8,572,138

2	Term	Claim(s)	Plaintiffs' Preliminary	Intrinsic, and Extrinsic
3	Term		Claim Construction	Evidence
4		1, 5–9, 12, 19,	No construction necessary.	MICROSOFT COMPUTER DICTIONARY 554 (5th ed.
5		22, 23,	Plain and ordinary	2002).
6		24, 26	meaning.	INTRODUCTION TO
7				VMWARE Infrastructure 44
8				(2006-2007).
9				'138 Patent at 32:65-67;
10	"virtual			32:67-33:2; 33:2-6; 33:21- 24.
11	machine"			Dr. Goodrich may provide
12				expert testimony
13				regarding the level of skill of a person having
14				ordinary skill in the art for
15				the field of the '138 Patent, the plain and
16				ordinary meaning of this
17				term, as well as rebuttal
18				testimony (if appropriate).

1	1 Claim(s)		DI -: 4: CC? D!:	I.A I E.A
	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
2		1, 6–8,	No construction	MICROSOFT COMPUTER
3		19, 26	necessary.	DICTIONARY 327 (5th ed.
4			Plain and ordinary	2002).
5			meaning.	INTRODUCTION TO
			B	VMware
6				Infrastructure 44
7				(2006-2007).
8				MERRIAM-WEBSTER
9	"virtual			DICTIONARY [706, 1993]
	machine			'138 Patent at 32:60-62.
10	manager"			
11				Dr. Goodrich may provide expert testimony
12				regarding the level of skill
13				of a person having
14				ordinary skill in the art for
				the field of the '138
15				Patent, the plain and ordinary meaning of this
16				term, as well as rebuttal
17				testimony (if appropriate).
18				
18				

1	Тотто	Claim(s)	Plaintiffs' Preliminary	Intrinsic, and Extrinsic
2	Term	, ,	Claim Construction	Evidence
		1–4, 6,	No construction	MICROSOFT COMPUTER
3		8, 19,	necessary.	DICTIONARY 267 (5th ed.
4		20, 21, 26	Plain and ordinary	2002).
5		20	meaning.	INTRODUCTION TO VMware
6				INFRASTRUCTURE 42
7				(2006-2007).
8				'138 Patent at 5:13-16;
9				5:45-53; 5:57-58; 6:6-7; 33:32-35, 33:61-63;
10	"image			35:35-39.
11	instance"			U.S. Patent No. 8,387,037
12				at 8:35-41
13				Dr. Goodrich may provide expert testimony
14				regarding the level of skill
15				of a person having
16				ordinary skill in the art for the field of the '138
17				Patent, the plain and
18				ordinary meaning of this term, as well as rebuttal
19				testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000017 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
2		11, 14,	No construction	MICROSOFT COMPUTER
3		19	necessary.	DICTIONARY 193 (5th ed. 2002).
4			Plain and ordinary	,
5 6			meaning.	'138 Patent at 22:56-58; 25:60-65; 27:15-21; 27:30-34.
7	· 1			Dr. Goodrich may provide
8	"rules engine"			expert testimony
9				regarding the level of skill of a person having
10				ordinary skill in the art for
11				the field of the '138 Patent, the plain and
12				ordinary meaning of this
13				term, as well as rebuttal testimony (if appropriate).
14		16	No construction	MICROSOFT COMPUTER
15		10	necessary.	DICTIONARY 78 (5th ed.
16			Plain and ordinary	2002).
17			meaning.	'138 Patent at 6:43-53; 6:24-29; 20:11-14; 19:54-
18				57; and 20:23-24; 20:33-
19				35; 23:44-49.
20	"business			Dr. Goodrich may provide
21	logic tier"			expert testimony regarding the level of skill
22				of a person having
23				ordinary skill in the art for the field of the '138
24				Patent, the plain and
25				ordinary meaning of this term, as well as rebuttal
26				testimony (if appropriate).
27		<u> </u>		

1 U.S. Patent No. 6,744,387

3	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13 14 15	"means for determining if a code symbol index value is less than a threshold value" (35 U.S.C. § 112(6))	3	·	See e.g., '387 patent at: 4:1-13; 6:26–8:23; Tables 3-4; Figs. 2, 4; Claims 1-2. Dr. Richardson may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '387 Patent, the meaning of this term, binarization modules within encoders, as well as rebuttal
16 17			through Col. 8, line 23; and Claim 1.	testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000019 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	"means for constructing a codeword using a unary binarization if said code symbol index value is less than said threshold value" (35 U.S.C. § 112(6))	3	Governed by 35 U.S.C. § 112(6). Function: constructing a codeword using a unary binarization if said code symbol index value is less than said threshold value Structure is disclosed in Fig. 2, which describes an encoder, and in particular binarization block 62 in conjunction with Fig. 4, and Fig. 4, steps 102, 104 and 112, Col. 4, lines 1- 13, Tables 3 and 4, Col. 6, line 26 through Col. 8, line 23; and Claim 1.	See e.g., '387 patent at: 4:1-13; 4:52–54; 6:26–8:23; Tables 3-4; Figs. 2, 4; Claims 1-2. Dr. Richardson may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '387 Patent, the meaning of this term, binarization modules within encoders, as well as rebuttal testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000020 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3			Governed by 35 U.S.C. § 112(6).	
4 5			Function:	See e.g., '387 patent
6			constructing a codeword using a	at: 4:1–13; 4:52–54; 6:26–8:23; Tables 3-
7			exp-Golomb binarization if said	4; Figs. 2, 4; Claims 1-2.
8	"means for		code symbol index	Dr. Richardson may
9	constructing a codeword using a		value is not less than said threshold value	provide expert
10	exp-Golomb			testimony regarding the level of skill of a
11	binarization if said code symbol index	3	Structure is disclosed in Fig. 2, which	person having
12	value is [not] less		describes an encoder,	ordinary skill in the art for the field of the
13	than said threshold value" (35 U.S.C. §		and in particular binarization block 62	'387 Patent, the
14	112(6))		in conjunction with	meaning of this term, binarization modules
15			Fig. 4, and Fig. 4, steps 102, 106, 108,	within encoders, as
16			110, 112; Col. 4, lines	well as rebuttal
17			1-13, Tables 3 and 4, Col. 6, line 26	testimony (if appropriate).
18			through Col. 8, line	
19			23; and Claims 1-2.	

Netflix, Inc. - Ex. 1025, Page 000021 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13 14 15 16	"said exp-Golomb binarization comprises means for"	4	Governed by 35 U.S.C. § 112(6). Function: "a) forming b) determining d) determining and e) appending " Structure: binarization module 62 configured to carry out at least the steps of claim 4.	See e.g., '387 patent at: 4:1–13; 4:52–54; 6:26–8:23; Tables 3-4; Figs. 2, 4; Claims 1–2, 4. Dr. Richardson may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '387 Patent, the meaning of this term, binarization modules within encoders, as well as rebuttal testimony (if appropriate).
17 18 19 20 21 22	"determining the least significant bits, of v-(N=2)-2**γ"	4, 6	"determining the least significant bits, of v-(N-2)-2**γ"	See, e.g., '387 patent at: 7:40–60; Claim 2. '387 Patent File History, Response to Office Action mailed September 17, 2003 (November 12, 2003), at 2-6.

Netflix, Inc. - Ex. 1025, Page 000022 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3			Construction	See, e.g., '387 patent
4 5			"determining the	at: 7:40–60; Claim 2. '387 Patent File
6	"determining the		number of bits, $\gamma+1$, required to represent	History, Response to Office Action mailed
7	number of bits, $\gamma+1$,		$v-(N-2)$ where $\gamma = \frac{\log 2(v-(N-2))^{-1}}{\sqrt{N-2}}$,	September 17, 2003
8	required to represent v-(N=2) where		v is the code symbol	(November 12, 2003), at 2-6.
9	$\gamma = \frac{\log 2(v - (N-2))^{J}}{v}$, v is the code symbol		index value, and N is the threshold value,	Dr. Richardson may
10	index value, and N is	4	and then transforming	provide expert
11	the threshold value, and then		γ into a unary representation to	testimony regarding the level of skill of a
12	transforming y into a		create a result"	person having ordinary skill in the
13	unary representation to create a result"		No further	art for the field of the
14			construction is necessary regarding	'387 Patent, the meaning of this term,
15			order of limitations.	as well as rebuttal
16				testimony (if appropriate).
17				appropriate).
18				

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3				See, e.g., '387 patent
4			66 1 - 4	at: 7:40–60; Claim 2.
5			"determining the number of bits, $\gamma+1$,	'387 Patent File History, Response to
6	"determining the		required to represent	Office Action mailed
7	number of bits, $\gamma+1$,		$v-(N-2)$ where $\gamma = \frac{\log 2(v-(N-2))^{-1}}{\sqrt{N-2}}$,	September 17, 2003
8	required to represent v-(N=2) where		v is the code symbol	(November 12, 2003), at 2-6.
9	$\gamma = \frac{\log 2(v - (N-2))^{-1}}{1 + \log 2(v - (N-2))^{-1}}$		index value, and N is the threshold value,	Dr. Richardson may
10	v is the code symbol index value, and N is	6	and then transforming	provide expert
11	the threshold value,		γ into a unary representation to	testimony regarding the level of skill of a
12	and then transforming γ into a		create a result"	person having
13	unary representation		No further	ordinary skill in the art for the field of the
14	to create a result"		construction is	'387 Patent, the
15			necessary regarding order of limitations.	meaning of this term, as well as rebuttal
16				testimony (if
17				appropriate).
18				

Netflix, Inc. - Ex. 1025, Page 000024 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3			Construction	See, e.g., '387 patent
4				at: [57] (Abstract);
5				Claim 4; Tables 3 and 4; 5:54-67; 7:40-60; 8:24-28
6				
7				Append, Newton's Telecom
8				DICTIONARY (16th ed.
9				2000).
10		4, 6	No construction necessary. Plain and ordinary meaning.	Append, MICROSOFT
11	"appending the result			COMPUTER DICTIONARY (5th ed. 2002).
12	of step b) to the			
13	result of step a)"			Dr. Richardson may
14				provide expert
15				testimony regarding the level of skill of a
16				person having
17				ordinary skill in the art for the field of the
18				'387 Patent, the plain
19				and ordinary meaning of this term, as well
20				as rebuttal testimony
21				(if appropriate).

1 U.S. Patent No. 6,982,663

3	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
4 5 6 7 8 9 10 11 12 13 14 15 16 17	Entire Claim ¹	12	The preamble of claim 12 is limiting. The claim should be given its plain and ordinary meaning, in the context of the patent. No further construction is necessary regarding order of limitations.	See e.g., '663 patent at: 1:38–62, 3:21–39, 4:42–50, 5:41–54, 6:24–28, 6:44–7:13; Fig. 4; Tables 1 and 2; Claims 1, 11–13, 18–19, 21. Dr. Richardson may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '663 Patent, the lack of any inherent order of limitations, as well as rebuttal testimony (if appropriate).

Netflix, Inc. - Ex. 1025, Page 000026 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

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¹ Broadcom objects to Netflix's identification of the "Entire Claim" to the extent Netflix seeks to construe anything other than order of steps. P.L.R. 4-1 requires identification of "claim terms" not claims. Without the required particularity, Broadcom cannot reasonably propose constructions for all of the terms within the "Entire Claim" nor identify all intrinsic and extrinsic evidence in support of such constructions. Broadcom expressly reserves the right to supplement its intrinsic and extrinsic evidence should Netflix seek to construe other aspects of claim 12.

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13	"a fourth pattern in said first portion based on said index value in response to said index value being below said threshold"	13	Plain and ordinary meaning. No construction of "[generating] a fourth pattern in said first portion based on said index value in response to said index value being below said threshold" needed.	See e.g., '663 patent at: Tables 3–4, 6:50–7:13. Dr. Richardson may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '663 Patent, the meaning of this term, as well as rebuttal testimony (if appropriate).
14 15 16				

Netflix, Inc. - Ex. 1025, Page 000027 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3				See e.g., '663 patent at: Tables 3–4, 6:50–7:13.
5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	"wherein said [second/third] portion is void in response to said index value being below said threshold"	18, 19	Plain and ordinary meaning, which in the context of the patent is "wherein said [second/third] portion does not contribute any bins to the codeword in response to said index value being below said threshold."	7:13. Void, MERRIAM- WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1993). Void, THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 2000). Dr. Richardson may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '663 Patent, the meaning of this term, as well as rebuttal testimony (if
21				appropriate).

Netflix, Inc. - Ex. 1025, Page 000028 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	"wherein said codeword in compatible with at least one of an International Organization for Standardization/ International Electrotechnical Commission 14496-10 standard and an International Telecommunication Union- Telecommunications Standardization Sector Recommendation H.264"	20	Plain and ordinary meaning, which in the context of the patent is "wherein said codeword is compatible with a binarization scheme of an International Organization for Standardization/ International Electrotechnical Commission [ISO/IEC] 14496-10 standard or of an International Telecommunication Union-Telecommunication Standardization Sector [ITU-T] Recommendation H.264"	See e.g., '663 patent at: 1:16-34, 5:11–20, 7:13–18. Dr. Richardson may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '663 Patent, the meaning of this term, as well as rebuttal testimony (if appropriate).
12				

Netflix, Inc. - Ex. 1025, Page 000029 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 U.S. Patent No. 9,332,283

3	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
5				See, e.g., '283 patent at: Claims 1, 6, 14.
6				Dr. Richardson may
7				provide expert testimony regarding
8	"to generate to generate"	1	"to generate"	the level of skill of a person having ordinary skill in the art
9				
10				for the field of the
11				'283 Patent, the meaning of this term,
12				as well as rebuttal
13				testimony (if appropriate).
14				

Netflix, Inc. - Ex. 1025, Page 000030 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9 10 11 12 13 14 15 16	"wherein the second syntax element specifies the PU partition mode for the selected CU, wherein the PU partition mode is based on a size N×N PU when the selected CU is a smallest CU (SCU) of the plurality of CUs and is based on a different size PU than the size N×N PU when the selected CU is another CU than the SCU of the plurality of CUs" ²	1, 14	No construction necessary. Plain and ordinary meaning.	See, e.g., '283 patent at: 16:41–19:12, Figs. 11–13.
17				

Netflix, Inc. - Ex. 1025, Page 000031 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

² Broadcom objects to Netflix's failure to identify any specific "claim terms" under P.L.R. 4-1 within the referenced limitations. Broadcom cannot anticipate which portion of the identified limitation Netflix contends needs to be construed nor propose constructions for all of the sixty-eight terms within the limitation, let alone identify all intrinsic and extrinsic evidence in support of such constructions. Without waiving any objections as to timeliness, Broadcom reserves the right to identify additional intrinsic and extrinsic evidence should Netflix later clarify its intent or seek construction of any claim terms within the referenced limitation.

1			DI 4 (400 A	
1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim	Intrinsic, and
		(3)	Construction	Extrinsic Evidence
3 4				See, e.g., '283 patent at: 19:63–20:18, Figs. 13–15.
5				'283 Patent File History, Response to
7				Office Action mailed March 23, 2015 (June
8				23, 2015), at 11.
9				Employ, Merriam- Webster's
11				COLLEGIATE DICTIONARY (10th ed.
12		1, 14, 16	Plain and ordinary meaning, which in the	1993).
13				Binary Tree, Oxford
14			context of the patent is "employ [a/the]	DICTIONARY OF COMPUTING (6th ed.
15	"employ [a/the] single binary tree"		common binary tree [when processing at least one P slice and at	2008).
16				Binary Tree, Microsoft
17 18			least one B slice to generate the output	COMPUTER
19			bitstream]."	DICTIONARY (5th ed. 2002).
20				Dr. Richardson may
21				provide expert
22				testimony regarding the level of skill of a
23				person having
24				ordinary skill in the art for the field of the
25				'283 Patent, the
26				meaning of this term, as well as rebuttal
27				testimony (if
28				appropriate).

Netflix, Inc. - Ex. 1025, Page 000032 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

4 at: 13:13	
I	, '283 patent
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	3–26, 17:41– 2:55–19:12,
5 19:63–2	0:18, Figs.
6	Claim 1.
7 Recomm	nendation
0 1	ation, at 3.169
·	("syntax element"). [BRCM00020380- 21215]
11 "syntax element" 1, 14, 16 is "a value that is	nardson may
12 encoded to form a part provide	expert
hitstream, testimon	ny regarding I of skill of a
14 person h	naving
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	skill in the art
16 '283 Pat	for the field of the '283 Patent, the plain
	inary meaning erm, as well as
	testimony (if
19 appropri	iate).

Netflix, Inc. - Ex. 1025, Page 000033 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1 2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4				See, e.g., '283 patent at: 8:40–51, 12:1–23, 13:13–26, Figs. 4–6.
5 6				Recommendation ITU-T H.264
7				Specification, at 3.15 ("bitstream"). [BRCM00020380-21215] Dr. Richardson may provide expert testimony regarding the level of skill of a
8		1, 3, 14, 16, 18	Plain and ordinary meaning which, in the context of the patent, is "a sequence of bits representing an encoded video signal."	
9				
10	"output bitstream"			
11		10, 10		
12				
13				person having ordinary skill in the art
14				for the field of the
15				'283 Patent, the plain and ordinary meaning
16				of this term, as well as
17				rebuttal testimony (if appropriate).
18				appropriate).

U.S. Patent No. 8,548,976

None.

U.S. Patent No. 7,457,722

None.

1 U.S. Patent No. 8,365,183

2	Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
3 4 5 6 7 8 9	"operational characteristics"	Claim(s) 1, 11, 16	· ·	· · · · · · · · · · · · · · · · · · ·
11				ordinary skill in the art for the field of the '138
12				Patent, the plain and
13				ordinary meaning of this term, as well as rebuttal
14				testimony (if
15				appropriate).

Netflix, Inc. - Ex. 1025, Page 000035 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

Pls.' Patent L.R. 4-2 Disclosures

1			Plaintiffs' Preliminary	Intrinsic, and Extrinsic
2	Term	Claim(s)	Claim Construction .	Evidence
				'183 Patent at Abstract,
3				Fig. 2, 1:26-52; 2:2-7;
4				2:58 – 3:16; 3:28-37;
5				3:45 - 4:8; 5:66 - 6:16; 11:25 - 15:35; 7:3-27;
				7:28-44; 7:64 – 8:15;
6				8:16-34; 8:60 - 9:26;
7		1, 4, 5, 8, 9, 11- 13, 15-	No construction	9:49 – 10:31; 11:5 – 15:35 Dr. Goodrich may
8			necessary.	
9	"utilization		Plain and ordinary	
	criteria"		meaning.	provide expert testimony
10		18, 20		regarding the level of
11				skill of a person having
12				ordinary skill in the art for the field of the '138 Patent, the plain and ordinary meaning of this term, as well as rebuttal
13				
14				
15				testimony (if
16				appropriate).
17				

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2	Term	Claim(s)	Claim Construction	Evidence '183 Patent at Abstract, Fig. 2, 2:58 – 3:16; 3:28- 37; 3:45 – 4:8; 5:66 – 6:16; 7:28-44; 7:64 – 8:15; 8:16-34; 8:60 - 9:26; 9:49 – 10:31; 11:5
3 4 5 6 7 8 8 9				Fig. 2, 2:58 – 3:16; 3:28-37; 3:45 – 4:8; 5:66 – 6:16; 7:28-44; 7:64 – 8:15; 8:16-34; 8:60 -
3	"utilization value"	4-7, 12, 13, 17, 18	No construction necessary. Plain and ordinary meaning.	Dr. Goodrich may provide expert testimony regarding the level of skill of a person having ordinary skill in the art for the field of the '138 Patent, the plain and ordinary meaning of this term, as well as rebuttal
4				testimony (if appropriate).
5∥└		ı	<u> </u>	Tabliane).
6				
.7 e	Plaintiffs r	eserve the r	right to identify additional i	ntrinsic evidence extrinsic

Plaintiffs reserve the right to identify additional intrinsic evidence, extrinsic evidence, or both in support of their Preliminary Claim Constructions or to rebut Defendant Netflix, Inc.'s Preliminary Claim Constructions once Plaintiffs have had an opportunity to consider Defendant Netflix, Inc.'s Preliminary Claim Constructions. Specifically, Plaintiffs understand that Defendant Netflix, Inc. intends to rely on one or more extrinsic expert or percipient witness declarations in support of Defendant Netflix, Inc.'s Preliminary Claim Constructions. Plaintiffs reserve the right to identify rebuttal testimony should the need arise.

1	Dated: April 23, 2021	Respectfully submitted,
2 3		/s/ Richard L. Wynne, Jr. Richard L. Wynne, Jr.
4		Attorney for Plaintiffs BROADCOM CORPORATION and
5		AVAGO TECHNOLOGIES INTERNATIONAL SALES PTE.
6		LIMITED
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		Netflix, Inc Ex. 1025, Page 000038

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Pls.' Patent L.R. 4-2 Disclosures

Proof of Service

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I am a citizen of the United States and employed in Dallas County, Texas. I am over the age of eighteen years and not a party to the within-entitled action. My business address is Thompson & Knight LLP, 1722 Routh Street, Suite 1500,

Dallas, Texas 75201. On April 23, 2021, I served a copy of the within document:

PLAINTIFFS' PRELIMINARY CLAIM CONSTRUCTIONS AND EXTRINSIC EVIDENCE UNDER PATENT L.R. 4-2

- П by placing the document listed above in a sealed envelope with postage thereon fully prepaid, the United States mail at Dallas, Texas addressed as set forth below.
- $\mathbf{\Lambda}$ by transmitting via my electronic service address stacy.gunder@tklaw.com the document listed above to the persons at the e-mail addresses set forth below.

Edward Andrew Bayley Thomas Edward Gorman Emily A. Hasselberg Sharif E Jacob Matthias Kamber Keker Van Nest and Peters LLP 633 Battery Street San Francisco, CA 94111 Email: ebayley@keker.com tgorman@keker.com

ehasselberg@keker.com

sjacob@keker.com mkamber@keker.com

I, Stacy Gunder, declare:

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Keker Van Nest and Peters LLP 633 Battery Street

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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the 26 U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service

> Netflix, Inc. - Ex. 1025, Page 000039 IPR2020-01582 (Netflix, Inc. v. Avago Technologies International Sales PTE. Limited)

1	is presumed invalid if postal cancellation date or postage meter date is more than				
2	one day after date of deposit for mailing in affidavit.				
3	I declare under penalty of perjury under the laws of the State of Texas that				
4	the above is true and correct.				
5	Executed on April 23, 2021, at McKinney, Texas.				
6					
7	Dated: April 23, 2021 /s/ Stacy Gunder				
8	Stacy Gunder, Paralegal				
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