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**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

**BROADCOM CORPORATION AND  
AVAGO TECHNOLOGIES  
INTERNATIONAL SALES PTE. LIMITED,**  
Plaintiffs,  
  
v.  
  
**NETFLIX, INC.,**  
Defendant.

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

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

In accordance with Patent L.R. 4-2 and the agreed schedule in the Joint Case 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 Claim Construction	Intrinsic, and Extrinsic Evidence
"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).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"transmission unit"	1, 4, 38, 41	<p>No construction necessary.</p> <p>Plain and ordinary meaning which, in the context of the patent, is "ordered sequence of data bits"</p>	<p>'079 Patent at 4:48–67, 7:17–22.</p> <p>'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), Notice of Allowability (May 3, 2007).</p> <p>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).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"flow"	1, 38	<p>No construction necessary.</p> <p>Plain and ordinary meaning which, in the context of the patent, is "sequence of transmission units transmitted from a particular source to a particular destination"</p>	<p>'079 Patent at 4:45–48, 5:59–6:4, Figs. 3–4, 6A–6B, 9.</p> <p>'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).</p> <p>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).</p>

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

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"network for processing data" / "data processing network"	1-4, 33, 35, 36	No construction necessary. Plain and ordinary meaning.	<p><i>Data</i>, NEWTON'S TELECOM DICTIONARY (16th ed. 2000).</p> <p><i>Network</i>, NEWTON'S TELECOM DICTIONARY (16th ed. 2000).</p> <p><i>Data processing</i>, MODERN DICTIONARY OF ELECTRONICS (7th ed. 1999).</p> <p><i>Data processing</i>, MICROSOFT COMPUTER DICTIONARY (5th ed. 2002).</p> <p>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).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"display pipeline"	1–4, 33, 35, 36	No construction necessary.  Plain and ordinary meaning which, in the context of the patent, is "chain of multiple nodes"	'121 Patent at 6:42–50, 7:36–38, 8:46–54, Fig. 4.  '121 Patent File History Response (Dec. 9, 2008).  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).
"nodes"	1, 33, 35, 36	No construction necessary.  Plain and ordinary meaning which, in the context of the patent, is "modules that process video information"	'121 Patent at 7:15–19, 8:25–33.  '121 Patent File History Response (Dec. 9, 2008).  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).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"independent data rate"	1	<p>No construction necessary.</p> <p>Plain and ordinary meaning which, in the context of the patent, is "data rate not tied to another data rate"</p>	<p>'121 Patent at 4:59–65, 12:45–53.</p> <p>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).</p>
"flow control module"	1, 35	<p>This term is not subject to 35 U.S.C. § 112(6).</p> <p>No construction necessary.</p> <p>Plain and ordinary meaning which, in the context of the patent, is "valve to control data flow"</p>	<p>'121 Patent at 15:41–48.</p> <p>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).</p>
"controller"	1–2, 33, 35, 36	<p>This term is not subject to 35 U.S.C. § 112(6).</p> <p>No construction necessary.</p> <p>Plain and ordinary meaning.</p>	<p>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).</p>

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

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"route"	1, 6	<p>No construction necessary.</p> <p>Plain and ordinary meaning which, in the context of the patent, is "network pathway"</p>	<p>'245 Patent at [54] (Title), 1:1–2, 1:12–15, 1:41–47, 1:56–59, 2:13–40, 2:62–3:5, 3:33–36, 3:50–60, Fig. 1.</p> <p><i>Route</i>, MODERN DICTIONARY OF ELECTRONICS (7th ed. 1999).</p> <p><i>Route</i>, NEWTON'S TELECOM DICTIONARY (16th ed. 2000).</p> <p><i>Route</i>, OXFORD DICTIONARY OF COMPUTING (6th ed. 2008).</p> <p>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 '245 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).</p>



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

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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).

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Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"network connection"	1, 6, 9	No construction necessary.  Plain and ordinary meaning.	<p><i>Connection</i>, NEWTON'S TELECOM DICTIONARY (16th ed. 2000).</p> <p><i>Network</i>, NEWTON'S TELECOM DICTIONARY (16th ed. 2000).</p> <p><i>Network</i>, WEBSTER'S NEW WORLD COMPUTER DICTIONARY (10th ed. 2003).</p> <p><i>Network</i>, OXFORD DICTIONARY OF COMPUTING (6th ed. 2008).</p> <p>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).</p>

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

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"decoder devices"	15, 18	<p>Plain and ordinary meaning which, in the context of the patent, is "devices configured to present decoded audio signals or decoded video signals"</p> <p>NB "decoders" is synonymous with "decoder devices" in the claims.</p>	<p>'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.</p> <p>'375 Patent File History Amendment (Mar. 23, 2000), Amendment After Final (Aug. 2, 2000), Amendment (Apr. 12, 2001).</p> <p>Order re Claim Construction, <i>Broadcom Corp. v. Amazon.com, Inc.</i>, No. 8:16-cv-01774 JVS JCG (C.D. Cal. Sept. 1, 2017), ECF No. 118.</p> <p>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 term, as well as rebuttal testimony (if appropriate).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"decoders"	15	<p>"decoders" is synonymous with "decoder devices" in the claims.</p> <p>Plain and ordinary meaning which, in the context of the patent, is "devices configured to present decoded audio signals or decoded video signals"</p>	<p>'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.</p> <p>'375 Patent File History Amendment (Mar. 23, 2000), Amendment After Final (Aug. 2, 2000), Amendment (Apr. 12, 2001).</p> <p>Order re Claim Construction, <i>Broadcom Corp. v. Amazon.com, Inc.</i>, No. 8:16-cv-01774 JVS JCG (C.D. Cal. Sept. 1, 2017), ECF No. 118.</p> <p>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 term, as well as rebuttal testimony (if appropriate).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"drive server"	15	<p>No construction necessary.</p> <p>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"</p>	<p>'375 Patent at [57] (Abstract), 1:54–60.</p> <p>'375 Patent File History Amendment (Mar. 23, 2000), Amendment After Final (Aug. 2, 2000), Amendment (Apr. 12, 2001).</p> <p>Order re Claim Construction, <i>Broadcom Corp. v. Amazon.com, Inc.</i>, No. 8:16-cv-01774 JVS JCG (C.D. Cal. Sept. 1, 2017), ECF No. 118.</p> <p>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 term, as well as rebuttal testimony (if appropriate).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"control server"	15	<p>This term is not subject to 35 U.S.C. § 112(6).</p> <p>No construction necessary.</p> <p>Plain and ordinary meaning which, in the context of the patent, is "server to present a plurality of compressed data streams in response to request signals"</p>	<p>'375 Patent at [57] (Abstract), 1:54–60.</p> <p>'375 Patent File History Amendment (Mar. 23, 2000), Amendment After Final (Aug. 2, 2000), Amendment (Apr. 12, 2001).</p> <p>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 term, as well as rebuttal testimony (if appropriate).</p>
"further responds to one or more second control signals"	19	<p>No construction necessary.</p> <p>Plain and ordinary meaning.</p>	<p>'375 Patent File History Office Action (July 5, 2001).</p> <p>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 term, as well as rebuttal testimony (if appropriate).</p>

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

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"virtual machine"	1, 5-9, 12, 19, 22, 23, 24, 26	No construction necessary.  Plain and ordinary meaning.	MICROSOFT COMPUTER DICTIONARY 554 (5th ed. 2002).  INTRODUCTION TO VMWARE INFRASTRUCTURE 44 (2006-2007).  '138 Patent at 32:65-67; 32:67-33:2; 33:2-6; 33:21-24.  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 testimony (if appropriate).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"virtual machine manager"	1, 6–8, 19, 26	No construction necessary.  Plain and ordinary meaning.	MICROSOFT COMPUTER DICTIONARY 327 (5th ed. 2002).  INTRODUCTION TO VMWARE INFRASTRUCTURE 44 (2006-2007).  MERRIAM-WEBSTER DICTIONARY [706, 1993]  '138 Patent at 32:60-62.  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 testimony (if appropriate).



Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"image instance"	1-4, 6, 8, 19, 20, 21, 26	No construction necessary.  Plain and ordinary meaning.	MICROSOFT COMPUTER DICTIONARY 267 (5th ed. 2002).  INTRODUCTION TO VMWARE INFRASTRUCTURE 42 (2006-2007).  '138 Patent at 5:13-16; 5:45-53; 5:57-58; 6:6-7; 33:32-35, 33:61-63; 35:35-39.  U.S. Patent No. 8,387,037 at 8:35-41  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 testimony (if appropriate).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"rules engine"	11, 14, 19	No construction necessary.  Plain and ordinary meaning.	MICROSOFT COMPUTER DICTIONARY 193 (5th ed. 2002).  '138 Patent at 22:56-58; 25:60-65; 27:15-21; 27:30-34.  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 testimony (if appropriate).
"business logic tier"	16	No construction necessary.  Plain and ordinary meaning.	MICROSOFT COMPUTER DICTIONARY 78 (5th ed. 2002).  '138 Patent at 6:43-53; 6:24-29; 20:11-14; 19:54-57 ; and 20:23-24; 20:33-35; 23:44-49.  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 testimony (if appropriate).

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

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
<p>“means for determining if a code symbol index value is less than a threshold value” (35 U.S.C. § 112(6))</p>	<p>3</p>	<p>Governed by 35 U.S.C. § 112(6).</p> <p>Function: determining if a code symbol index value is less than a threshold value</p> <p>Structure is disclosed in Fig. 2, which describes an encoder, and in particular binarization block 62 in conjunction with Fig. 4, and Fig. 4, step 102, Col. 4, lines 1-13, Tables 3 and 4, Col. 6, line 26 through Col. 8, line 23; and Claim 1.</p>	<p><i>See e.g.</i>, '387 patent at: 4:1-13; 6:26–8:23; Tables 3-4; Figs. 2, 4; Claims 1-2.</p> <p>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).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
<p>“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))</p>	3	<p>Governed by 35 U.S.C. § 112(6).</p> <p>Function: constructing a codeword using a unary binarization if said code symbol index value is less than said threshold value</p> <p>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.</p>	<p><i>See e.g.</i>, '387 patent at: 4:1-13; 4:52-54; 6:26-8:23; Tables 3-4; Figs. 2, 4; Claims 1-2.</p> <p>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).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
<p>“means for constructing a codeword using a exp-Golomb binarization if said code symbol index value is [not] less than said threshold value” (35 U.S.C. § 112(6))</p>	3	<p>Governed by 35 U.S.C. § 112(6).</p> <p>Function: constructing a codeword using a exp-Golomb binarization if said code symbol index value is not less than said threshold value</p> <p>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, 106, 108, 110, 112; Col. 4, lines 1-13, Tables 3 and 4, Col. 6, line 26 through Col. 8, line 23; and Claims 1-2.</p>	<p><i>See e.g.</i>, '387 patent at: 4:1–13; 4:52–54; 6:26–8:23; Tables 3-4; Figs. 2, 4; Claims 1-2.</p> <p>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).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"said exp-Golomb binarization comprises means for"	4	<p>Governed by 35 U.S.C. § 112(6).</p> <p>Function: "a) forming . . . b) determining . . . c) appending . . . d) determining . . . and e) appending . . ."</p> <p>Structure: binarization module 62 configured to carry out at least the steps of claim 4.</p>	<p><i>See e.g.</i>, '387 patent at: 4:1–13; 4:52–54; 6:26–8:23; Tables 3–4; Figs. 2, 4; Claims 1–2, 4.</p> <p>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).</p>
"determining the least significant bits, of $v-(N=2)-2^{**}\gamma$ "	4, 6	"determining the least significant bits, of $v-(N=2)-2^{**}\gamma$ "	<p><i>See, e.g.</i>, '387 patent at: 7:40–60; Claim 2.</p> <p>'387 Patent File History, Response to Office Action mailed September 17, 2003 (November 12, 2003), at 2-6.</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
<p>“determining the number of bits, <math>\gamma+1</math>, required to represent <math>v-(N-2)</math> where <math>\gamma = \lfloor \log_2(v-(N-2)) \rfloor</math>, <math>v</math> is the code symbol index value, and <math>N</math> is the threshold value, and then transforming <math>y</math> into a unary representation to create a result”</p>	4	<p>“determining the number of bits, <math>\gamma+1</math>, required to represent <math>v-(N-2)</math> where <math>\gamma = \lfloor \log_2(v-(N-2)) \rfloor</math>, <math>v</math> is the code symbol index value, and <math>N</math> is the threshold value, and then transforming <math>\gamma</math> into a unary representation to create a result”</p> <p>No further construction is necessary regarding order of limitations.</p>	<p><i>See, e.g.</i>, '387 patent at: 7:40–60; Claim 2.</p> <p>'387 Patent File History, Response to Office Action mailed September 17, 2003 (November 12, 2003), at 2-6.</p> <p>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, as well as rebuttal testimony (if appropriate).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
<p>“determining the number of bits, <math>\gamma+1</math>, required to represent <math>v-(N-2)</math> where <math>\gamma = \lfloor \log_2(v-(N-2)) \rfloor</math>, <math>v</math> is the code symbol index value, and <math>N</math> is the threshold value, and then transforming <math>\gamma</math> into a unary representation to create a result”</p>	6	<p>“determining the number of bits, <math>\gamma+1</math>, required to represent <math>v-(N-2)</math> where <math>\gamma = \lfloor \log_2(v-(N-2)) \rfloor</math>, <math>v</math> is the code symbol index value, and <math>N</math> is the threshold value, and then transforming <math>\gamma</math> into a unary representation to create a result”</p> <p>No further construction is necessary regarding order of limitations.</p>	<p><i>See, e.g.</i>, '387 patent at: 7:40–60; Claim 2.</p> <p>'387 Patent File History, Response to Office Action mailed September 17, 2003 (November 12, 2003), at 2-6.</p> <p>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, as well as rebuttal testimony (if appropriate).</p>



Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"appending the result of step b) to the result of step a)"	4, 6	No construction necessary. Plain and ordinary meaning.	<p><i>See, e.g., '387 patent at: [57] (Abstract); Claim 4; Tables 3 and 4; 5:54-67; 7:40-60; 8:24-28</i></p> <p><i>Append, NEWTON'S TELECOM DICTIONARY (16th ed. 2000).</i></p> <p><i>Append, MICROSOFT COMPUTER DICTIONARY (5th ed. 2002).</i></p> <p>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 plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).</p>

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

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
Entire Claim <sup>1</sup>	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.	<i>See e.g.</i> , '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).

<sup>1</sup> 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.

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"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.	<i>See e.g.</i> , '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).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"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."	<p><i>See e.g.</i>, '663 patent at: Tables 3–4, 6:50–7:13.</p> <p><i>Void</i>, MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1993).</p> <p><i>Void</i>, THE AMERICAN HERITAGE DICTIONARY OF THE ENGLISH LANGUAGE (4th ed. 2000).</p> <p>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).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
<p>“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”</p>	<p>20</p>	<p>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- Telecommunications Standardization Sector [ITU-T] Recommendation H.264”</p>	<p><i>See e.g.</i>, '663 patent at: 1:16-34, 5:11–20, 7:13–18.</p> <p>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).</p>

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

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"to generate to generate"	1	"to generate"	<i>See, e.g., '283 patent at: Claims 1, 6, 14.</i>  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 '283 Patent, the meaning of this term, as well as rebuttal testimony (if appropriate).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
<p>“wherein the second syntax element specifies the PU partition mode for the selected CU, wherein the PU partition mode is based on a size <math>N \times N</math> 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 <math>N \times N</math> PU when the selected CU is another CU than the SCU of the plurality of CUs”<sup>2</sup></p>	1, 14	<p>No construction necessary.</p> <p>Plain and ordinary meaning.</p>	<p><i>See, e.g., '283 patent at: 16:41–19:12, Figs. 11–13.</i></p>

<sup>2</sup> 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.

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"employ [a/the] single binary tree"	1, 14, 16	Plain and ordinary meaning, which in the context of the patent is "employ [a/the] common binary tree [when processing at least one P slice and at least one B slice to generate the output bitstream]."	<p><i>See, e.g., '283 patent at: 19:63–20:18, Figs. 13–15.</i></p> <p>'283 Patent File History, Response to Office Action mailed March 23, 2015 (June 23, 2015), at 11.</p> <p><i>Employ</i>, MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY (10th ed. 1993).</p> <p><i>Binary Tree</i>, OXFORD DICTIONARY OF COMPUTING (6th ed. 2008).</p> <p><i>Binary Tree</i>, MICROSOFT COMPUTER DICTIONARY (5th ed. 2002).</p> <p>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 '283 Patent, the meaning of this term, as well as rebuttal testimony (if appropriate).</p>



Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"syntax element"	1, 14, 16	Plain and ordinary meaning which, in the context of the patent, is "a value that is encoded to form a part of the output bitstream."	<p><i>See, e.g., '283 patent at: 13:13–26, 17:41–18:2, 18:55–19:12, 19:63–20:18, Figs. 13–15, Claim 1.</i></p> <p>Recommendation ITU-T H.264 Specification, at 3.169 ("syntax element"). [BRCM00020380-21215]</p> <p>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 '283 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).</p>

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"output bitstream"	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."	<p><i>See, e.g., '283 patent at: 8:40–51, 12:1–23, 13:13–26, Figs. 4–6.</i></p> <p>Recommendation ITU-T H.264 Specification, at 3.15 ("bitstream"). [BRCM00020380-21215]</p> <p>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 '283 Patent, the plain and ordinary meaning of this term, as well as rebuttal testimony (if appropriate).</p>

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

None.

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

None.

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

<b>Term</b>	<b>Claim(s)</b>	<b>Plaintiffs' Preliminary Claim Construction</b>	<b>Intrinsic, and Extrinsic Evidence</b>
"operational characteristics"	1, 11, 16	No construction necessary.  Plain and ordinary meaning.	'183 Patent at Abstract, Fig. 2, 1:26-52; 2:2-7; 3:55 – 4:8; 6:54 – 7:2; 7:45-63; 8:35-55; 9:27-48; 9:58 - 10:6; and 11:25 – 15:35  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 testimony (if appropriate).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"utilization criteria"	1, 4, 5, 8, 9, 11-13, 15-18, 20	No construction necessary.  Plain and ordinary meaning.	'183 Patent at Abstract, Fig. 2, 1:26-52; 2:2-7 ; 2:58 – 3:16; 3:28-37; 3:45 – 4:8; 5:66 – 6:16; 11:25 – 15:35; 7:3-27; 7:28-44; 7:64 – 8:15; 8:16-34; 8:60 - 9:26; 9:49 – 10:31; 11:5 – 15:35  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 testimony (if appropriate).

Term	Claim(s)	Plaintiffs' Preliminary Claim Construction	Intrinsic, and Extrinsic Evidence
"utilization value"	4-7, 12, 13, 17, 18	No construction necessary.  Plain and ordinary meaning.	'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 – 15:35  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 testimony (if appropriate).

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,  
/s/ Richard L. Wynne, Jr.  
Richard L. Wynne, Jr.  
Attorney for Plaintiffs  
BROADCOM CORPORATION and  
AVAGO TECHNOLOGIES  
INTERNATIONAL SALES PTE.  
LIMITED

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**Proof of Service**

I, Stacy Gunder, declare:

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**

- ☐ 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.
- ☒ 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.

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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 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

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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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