

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

VIDEOLABS, INC. and VL COLLECTIVE IP
LLC,

Plaintiffs,

v.

AMAZON.COM, INC. and AMAZON WEB
SERVICES, INC.,

Defendants.

Case No. 6:22-cv-00079-ADA-DTG

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION STATEMENT

In accordance with the Scheduling Order (D.I. 36) entered in this Action, Plaintiffs VideoLabs, Inc. and VL Collective IP, LLC (“VideoLabs”) and Defendants Amazon.com, Inc. and Amazon Web Services, Inc. (collectively, “Amazon”), hereby submit this Joint Claim Construction Statement. The disputed claim terms appear in U.S. Patent Nos. 7,769,238 (the “’238 patent”), 8,139,878 (the “’878 patent”), 7,970,059 (the “’059 patent”), 8,605,794 (the “’794 patent”).¹

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

Term and Asserted Claims	Agreed Construction
“output” / “outputting” <ul style="list-style-type: none"> • ’794 patent, claims 1, 7, 9.² Proposed by VideoLabs.	transmitted, stored together, or passed on to a processing unit / transmitting, storing together, or passing on to a processing unit

¹ There are no disputed claim terms for the remaining patents-in-suit: U.S. Patent Nos. 7,266,682 (the “’682 patent”), 7,440,559 (the “’559 patent”), and 6,880,156 (the “’156 patent”).

² All constructions apply for the identified claims and all claims depending therefrom.

Term and Asserted Claims	Agreed Construction
<p>Preambles</p> <ul style="list-style-type: none"> '794 patent, claims 1, 9. <p>Proposed by VideoLabs.</p>	<p>The preambles are limiting. The first data file and the second data file are distinct from each other.</p>
<p>“assignment rule for assigning each one of the content-related second data segments to one of the content-related first data segments”</p> <ul style="list-style-type: none"> '794 patent, claim 1. <p>Proposed by VideoLabs.</p>	<p>assignment rule for assigning each one of the content-related second data segments to one of the content-related first data segments, wherein the assignment is not performed by using exact timing information for the data segments (e.g., by using data segment timestamp information)</p>
<p>“assignment rule for assigning each one of the content-related second data segments to each one of the content-related first data segments”</p> <ul style="list-style-type: none"> '794 patent, claim 9. <p>Proposed by VideoLabs.</p>	<p>assignment rule for assigning each one of the content-related second data segments to each one of the content-related first data segments, wherein the assignment is not performed by using exact timing information for the data segments (e.g., by using data segment timestamp information)</p>
<p>“application layer”</p> <ul style="list-style-type: none"> '682 patent, claims 1–2. <p>Proposed by VideoLabs.</p>	<p>the layers above the transport layer (layers above 4)</p>

II. LIST OF DISPUTED TERMS FOR CONSTRUCTION

Term and Asserted Claims	VideoLabs' Proposed Construction	Amazon's Proposed Construction
<p>"an audio processing unit configured to decode the separated coded audio data"</p> <ul style="list-style-type: none"> '238 patent, claim 1. <p>"an audio processing unit configured to code audio data to obtain coded audio data"</p> <ul style="list-style-type: none"> '878 patent, claims 1–4. <p>Proposed by Amazon.</p>	<p>No construction necessary</p> <p><i>Alternatively</i>, if found to be subject to 35 U.S.C. § 112(f):</p> <p><u>Function</u>: decode the separated coded audio data / code audio data to obtain coded audio data</p> <p><u>Structures</u>: voice processing unit (ex305), and the specification's discussions thereof, and equivalents thereof</p>	<p>These terms are subject to 35 U.S.C. § 112, ¶ 6.</p> <p><u>Function</u>: decode the separated coded audio data / code audio data to obtain coded audio data</p> <p><u>Structure</u>: Indefinite.</p>
<p>"an audio coding unit configured to code an audio signal"</p> <ul style="list-style-type: none"> '059 patent, claims 1–4. <p>"an audio decoding unit configured to decode audio data"</p> <ul style="list-style-type: none"> '059 patent, claims 1–2. <p>Proposed by Amazon.</p>	<p>No construction necessary</p> <p><i>Alternatively</i>, if found to be subject to 35 U.S.C. § 112(f):</p> <p><u>Function</u>: code an audio signal / decode audio data</p> <p><u>Structures</u>: voice processing unit (ex305), and the specification's discussions thereof, and equivalents thereof.</p>	<p>These terms are subject to 35 U.S.C. § 112, ¶ 6.</p> <p><u>Function</u>: code an audio signal / decode audio data</p> <p><u>Structure</u>: Indefinite.</p>
<p>"to switch between the plurality of probability tables in a predetermined one direction" / "the switching between the plurality of probability tables (i) is performed in a predetermined one direction"</p> <ul style="list-style-type: none"> '059 patent, claims 1–4. <p>Proposed by Amazon.</p>	<p>No construction necessary</p>	<p>to switch from a probability table with a smaller table number to a probability table with a larger table number (i.e., in ascending order of probability table numbers)</p>

Term and Asserted Claims	VideoLabs' Proposed Construction	Amazon's Proposed Construction
<p>“a data reading unit configured to read the multiplexed data from said recording medium”</p> <ul style="list-style-type: none"> • '059 patent, claim 1. <p>Proposed by Amazon.</p>	<p>No construction necessary</p> <p><i>Alternatively</i>, if found to be subject to 35 U.S.C. § 112(f):</p> <p><u>Function</u>: read the multiplexed data from said recording medium</p> <p><u>Structures</u>: computer system (Cs or ex111), PDA (ex112), camera (ex116 or ex113), cellular phone (ex114 or 115), STB (ex407), recording/reproducing unit (ex307), LSI (ex117), and/or reproduction apparatus (ex403), and the specification's discussions thereof, and equivalents thereof</p>	<p>This term is subject to 35 U.S.C. § 112, ¶ 6.</p> <p><u>Function</u>: read the multiplexed data from said recording medium</p> <p><u>Structure</u>: Indefinite.</p>
<p>“content-related . . . data segments”</p> <ul style="list-style-type: none"> • '794 patent, claims 1, 3, 7, 9. <p>Proposed by VideoLabs.</p>	<p>data segments ordered in a file such that they will present the file's contents in their intended presentation order when rendered sequentially</p>	<p>data segments that have a syntactical meaning within their respective data file</p>
<p>“output together”</p> <ul style="list-style-type: none"> • '794 patent, claims 1, 9. <p>Proposed by Amazon.</p>	<p>output: transmitted, stored together or passed on to a processing unit</p> <p>together: plain and ordinary meaning</p>	<p>the first and second data segments are transmitted, stored together or passed on to a processing unit at the same time</p>

Dated: October 3, 2022

Respectfully submitted,

/s/ Taylor N. Mauze

Taylor N. Mauze (TX Bar No. 24102161)
tmauze@reichmanjorgensen.com
REICHMAN JORGENSEN LEHMAN &
FELDBERG LLP
7500 Rialto Blvd., Ste. 1-250
Austin, Texas 78735

Courtland L. Reichman (*pro hac vice*)
creichman@reichmanjorgensen.com
REICHMAN JORGENSEN LEHMAN &
FELDBERG LLP
100 Marine Parkway, Suite 300
Redwood Shores, CA 94065

Christine E. Lehman (*pro hac vice*)
clehman@reichmanjorgensen.com
REICHMAN JORGENSEN LEHMAN &
FELDBERG LLP
1909 K Street, NW, Suite 800
Washington, DC 20006

Wesley L. White (*pro hac vice*)
wwhite@reichmanjorgensen.com
Jaime F. Cardenas-Navia (*pro hac vice*)
jcardenas-navia@reichmanjorgensen.com
Michael Matulewicz-Crowley (*pro hac vice*)
mmatulewicz-crowley@reichmanjorgensen.com
REICHMAN JORGENSEN LEHMAN &
FELDBERG LLP
750 Third Avenue, Suite 2400
New York, NY 10017

Telephone: (650) 623-1401
Facsimile: (650) 623-1449

Attorneys for Plaintiffs
VIDEOLABS, INC. and
VL COLLECTIVE IP, LLC

/s/ J. David Hadden

J. David Hadden, CSB No. 176148
(Admitted W.D. Tex.)
Email: dhadden@fenwick.com
Saina S. Shamilov, CSB No. 215636
(Admitted W.D. Tex.)
Email: sshamilov@fenwick.com
Ravi R. Ranganath, CSB 272981
(Admitted W.D. Tex.)
Email: rranganath@fenwick.com
Johnson K. Kuncheria, TX Bar No. 24070092
(Admitted W.D. Tex.)
Email: jkuncheria@fenwick.com
Donna Long, CSB No. 312520
(Admitted W.D. Tex.)
Email: dlong@fenwick.com

FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
Telephone: 650 988-8500
Facsimile: 650 938-5200

Attorneys for Defendants
AMAZON.COM, INC. and
AMAZON WEB SERVICES, INC.

Of Counsel:

Deron R. Dacus (TX Bar #00790553)
Email: ddacus@dacusfirm.com
THE DACUS FIRM, P.C.
821 ESE Loop 323, Suite 430
Tyler, TX 75701
Telephone: (903) 705-1117
Facsimile: (903) 581-2543