IN THE UNITED STATES DISTRICT COURT

IN AND FOR THE DISTRICT OF DELAWARE

STARZ ENTERTAINMENT, LLC, et al.,	)	
----------Plaintiffs,	)	
	)	Case No.
vs.	)	21-1448-JLH
VL COLLECTIVE IP, LLC, et al.,	)	
----------Defendants.	)	

TRANSCRIPT OF MARKMAN HEARING

MARKMAN HEARING had before the Honorable Jennifer L. Hall, U.S.M.J., via Zoom on the 16th of December, 2022.

APPEARANCES

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-and-

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(Appearances continued.)

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further.

The sixth term and last term to be construed is "content-related data segments." Starz proposes to construe the term as "segments of content data that have a syntactical meaning within the respective data file." In support of its construction, Starz contends the patentee acted as a lexicographer, and it points to a line in the specification which says the term "content-related" is understood to mean that first and second data segments have a syntactical meaning within the respective data file, such as, e.g., a plurality of succeeding second data segments represent the speech signal of a specific speaker within a dialogue sequence.

VideoLabs agrees with Starz that the patentee acted as its own lexicographer, but VideoLabs wants the Court to explain what that definition means in a way that the jury can understand it. I take VideoLabs's point that the jury might have confusion over what it might mean for segments of content data that have a syntactical meaning within the respective data file. The problem I have with

VideoLabs's proposed construction is that it incorporates language like "intended presentation order" and "rendered sequentially" that, for various reasons, may not be appropriate.

Starz proposed some language for the first time during the hearing today to further define the alleged lexicographical definition, but I was not persuaded that Starz' proposal was appropriate either, at least for the reason that it appeared to refer to segments of data having association with segments of data from another file, while the claim term might require segments of data having a syntactical meaning within the respective data file.

My concerns with both sides' proposals are compounded by the fact that neither side was able to articulate for the Court how the respective proposals would resolve a dispute over claim scope that is relevant to in infringement of validity issue in this case. In other words, I'm not really sure what dispute I'm resolving, so what I'm going to do is this: I'm going to adopt Starz's proposal, which is the express definition provided in the

specification. My decision is without prejudice to either side raising the issue of what that definition means in conjunction with its summary judgment briefing, which at that point will hopefully shed some light for the Court on what the dispute is here.

And if it appears at that point in time that we have an *O2Micro* problem, that is, a dispute over the meaning of a claim term that is relevant to an issue in the case, the Court will resolve it at that time or at such time adds that case is referred to the jury.

That concludes my ruling. I'd like the parties to work together to get the Court's constructions into the form of an order with a claim chart on it that the Court can sign, so I'll order that on or before January 6th, the parties should submit to the Court a proposed order reflecting the rulings today.

Any questions or comments from counsel for Plaintiffs?

MR. CAIXEIRO: No, Your Honor. Thank you very much for your attention today.

THE COURT: Thank you.

Any questions for comments from counsel