

**Appendix 1
P.R. 4-3
Joint Claim Construction Chart**

Agreed Terms

	Term(s)	Agreed Construction	Court's Construction
1.	<p>“converting with one or more computer processors, the format of the selected video file to a format that is compatible with the video file format requirements of the second wireless communications device” /</p> <p>“convert the format of the selected video file to a format that is compatible with the video file format requirements of the second wireless communications device” /</p> <p>“converting with one or more computer processors, the format of the selected video file to a format that is compatible with the video file format requirements of the second computing device”</p> <p>'651 Patent, claims 1, 12, 41</p>	<p>Claims 1 and 41: “converting the video file from a format that is not compatible with the video file format requirements of the second wireless device to a format that is compatible with the video file format requirements of the with the second wireless device”</p> <p>Claim 12: “convert the video file from a format that is not compatible with the video file format requirements of the second wireless device to a format that is compatible with the video file format requirements of the with the second wireless device”</p>	

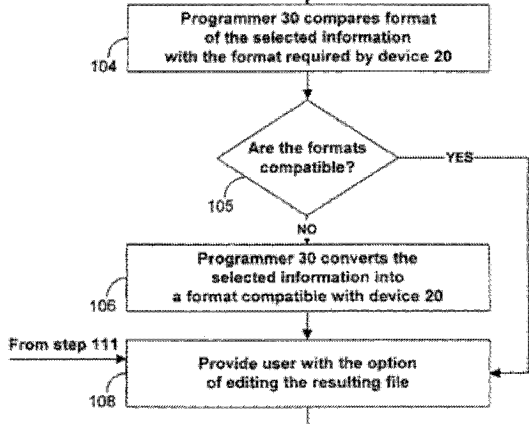
Disputed Terms

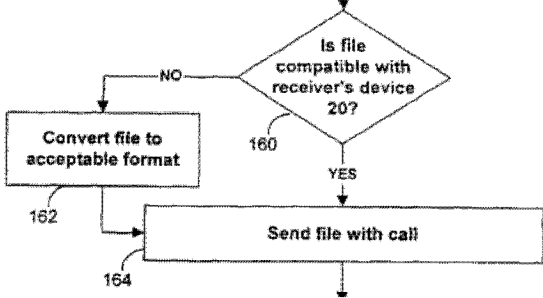
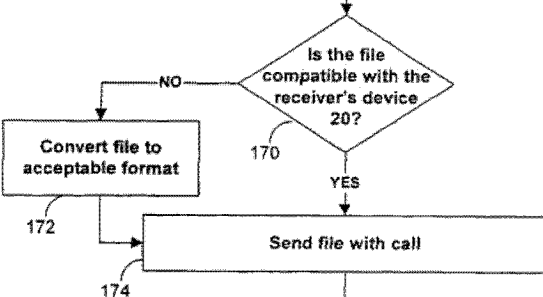
	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
2.	<p>“allow a user to download the video file”</p> <p>'759 Patent, claim 53</p>	<p>Plain meaning. If construction is necessary, then: “permit a user to download the video file”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'651 Patent: Figs. 8, 9, 10, 11 and accompanying description.</p> <p>“Programmer 30 may also communicate with device 20 to determine which format the incoming information should be converted to so that the information is compatible with the 65 downloading requirements of device 20.” 3:63-66.</p> <p><i>See also</i> '651 Patent: 2:13-33; 3:66-4:10; 4:45-63; 6:30-51; 7:13-26; 10:59-12:12</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“allow . . . <i>vb.</i> . . . 3 a : PERMIT . . .” WEBSTER’S NEW COLLEGIATE DICTIONARY (1973).</p> <p>“allow v. 1. Admit as legal or acceptable. permit to do something. . .</p>	<p>“allow a user to download the received and unconverted video file”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 patent at the following: Figs. 8-11; 2:19-30; 3:47-54; 3:63-4:10; 4:45-58; 6:30-51; 6:65-7:26; 8:59-9:5; 10:59-11:10; 11:27-38; 11:55-60; 12:1-7; Claims 1, 12, 41.</p>	

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		<p>.” THE CONCISE OXFORD DICTIONARY (Judy Pearsall ed., Oxford University Press, 10th ed. 1999).</p> <p>“allow . . . v. 1. tr. permit . . .” OXFORD ENGLISH REFERENCE DICTIONARY (Judy Pearsall & Bill Trumble eds., Oxford University Press, 2nd Revised ed. 2002).</p>		
3.	<p>“convert the video file to a native playback format usable by a playback device”</p> <p>’759 Patent, claim 53</p>	<p>Plain meaning. If construction is necessary, then:</p> <p>“convert the [video file] to a [native playback format] usable by a playback device”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’651 Patent: Figs. 8, 9, 10, 11 and accompanying description.</p> <p>’651 Patent: 2:19-30; 3:58-4:10; 4:34-53; 5:59-66; 6:30-64; 9:1-5; 10:64-11; 11:1-10; 11:52-65; 12:1-12</p> <p>’759 Patent: Claims 25-32, 46-52, 61-67</p> <p>’759 Patent: 5/22/2008 Response to Office Action, pp. 13-16.</p>	<p>“convert the video file from a native playback format that is not usable by the playback device to a native playback format that is usable by the playback device”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>“The programming apparatus may download this information and compare its format with that required by the programmable device to determine format compatibility. If the two formats are compatible, the programming apparatus may download the selected information into the programmable device. If the formats are not compatible, the programming apparatus may convert the downloaded file to a format compatible with that required by the programmable electronic device.”</p> <p>’759: 2:6-14</p>	

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		<p>'759 Patent: 8/21/2009 Response to Office Action, pp. 15-19.</p>	<p>“Programmer 30 may then process this information into a suitable format (or may simply route the information if no format conversion is required), and program it into a programmable memory within device 20 (not shown).”</p> <p>'759: 3:33-37</p> <p>“Programmer 30 may also communicate with device 20 to determine which format the incoming information should be converted to so that the information is compatible with the downloading requirements of device 20.”</p> <p>'759: 3:47-50</p> <p>“In this case, the incoming signals that require processing may be routed to SPC 40 for such processing. For example, incoming MP3 or WMA signals may be routed to SPC 40 and converted to ATRAC format (or vice-versa). Once this conversion is complete, the resulting information may be stored in memory 36, or routed to output buffer 42 for programming in device 20. Input signals that do not require a format change may be routed directly from</p>	

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			<p>input buffer 44 to memory 36, or output buffer 42.”</p> <p>’759: 4:33-42</p> <p>“Computer 60 may also include signal processing circuitry such as SPC 40, or software that instructs processor 34 to perform the necessary format conversions.”</p> <p>’759: 5:44-47</p> <p>“In operation, computer 90 may communicate with device 20 to determine its format requirements and perform any conversions necessary to make user-selected information compatible with those requirements.”</p> <p>’759: 6:15-18</p> <p>“Next, at step 104, programmer 30 may determine the format requirements of device 20 and compare the format of the selected files to that specified by device 20. This may be accomplished, for example, by electronically polling device 20. At step 105, if the formats</p>	

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			<p>are compatible, programmer 30 may go directly to step 108. If the formats are not compatible, at step 106, programmer 30 may convert the selected files to a format compatible with device 20.”</p> <p>'759: 10:50-57</p>  <pre> graph TD 104[104: Programmer 30 compares format of the selected information with the format required by device 20] --> 105{105: Are the formats compatible?} 105 -- YES --> 108[108: Provide user with the option of editing the resulting file] 105 -- NO --> 106[106: Programmer 30 converts the selected information into a format compatible with device 20] 106 --> 108 111[From step 111] --> 108 </pre> <p>'759: Fig. 8, elements 104, 105, 106, 108</p>	

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			 <p>'759: Fig. 10, elements 160, 162, 164</p>  <p>'759: Fig. 11, elements 170, 172, 174</p> <p><i>See Prox. History of the '759 patent, Response to Office Action filed 12/28/2007, see pg. 9 ("The reason the sytem of Galensky is able to store and play back content is because a single file format (MP3) is used throughout the entire system which ensures compatibility, not because of any recognition of file format. See Galensky, column 5, lines 38-59. Applicant</i></p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p><i>points out that the system of Galensky will allow a user to download a file to player 10 that has an incompatible file format (e.g., such as a WAV file) on which playback can be attempted. However, absent the proper CODEC or other playback software, such a file will not play properly on portable device 10. This is a common problem experienced by end users, which applicant's claimed invention addresses.) (emphasis added)</i></p> <p><i>See Prox. History of the '759 patent, Response to Office Action filed 12/28/2007, see pg. 10 ("Accordingly, Galensky fails to show or suggest converting the format of a requested content file to a format that is compatible with the media player as specified in applicant's claims. Thus, applicant respectfully submits that independent claim 1, and the claims depend therefrom, are allowable over Galensky. New claims 11-20 are also allowable over Galensky for at least the same reasons.")</i></p> <p><i>See Pros. History of the '759 patent, Response to Office Action filed 5/22/2008, see pgs. 13-14 ("One aspect of applicant's claimed invention is concerned with a method for providing audio and/or video files to a wireless media device. The claimed method,</i></p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>as amended, specifies converting the format of a requested content file to a native playback format that is compatible with the wireless media device. Thus, for example, if the user's media device is configured to play MP3 files, and the user selects a content file from a content provider that is in VAV format, the present invention converts the WAV format file to another suitable native playback format (e.g., such as MP3 format) so the user may consume that content file on his or her media device. Such a conversion between native playback formats, as specified in the amended claims, may be performed by a remote computer of the content provider, on the user's device, or as otherwise described in applicant's specification. One benefit of the claimed invention is that it allows the user the freedom and flexibility to select from a very broad range of content, rather than being limited to selecting only content in a specific format supported by a certain media device. Similarly, the claimed invention allows content providers to reach a broader range of potential consumers, rather than being constrained to those consumers having compatibility with limited content formats of their media devices. Another benefit of the claimed invention is that conversion routines can be updated to interoperate with an ever-changing end user market (e.g., changing</p>	

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			<p>mobile playback platforms) which have evolving software, firmware, CODECS or other changing playback configurations.”)</p> <p><i>See</i> Pros. History of the '759 patent, Response to Office Action filed 5/22/2008, see pgs. 15-16 (“The reason the system of Galensky is able to store and play back content is because a single file format (MP3) is used throughout the entire system which ensures compatibility, not because of any recognition of file format. <i>See</i> Galensky 5, lines 38-59. <i>Applicant points out that the system of Galensky will allow a user to download a file to player 10 that has can incompatible file format (e.g., such as a WAV file) on which playback can be attempted. However, absent the proper CODEC or other playback software, such a file will not play properly or at all on portable device 10. This a common frustrating problem experienced by end users, which applicant’s claimed invention addresses. Accordingly, Galensky fails to show or suggest converting the format of a requested content file to a native playback format that is compabitible with the media player as specified in applicant’s claims.”) (emphasis added)</i></p> <p><i>See</i> Prox. History of the '759 patent, Response</p>	

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			<p>to Office Action filed 8/21/2008, see pg. 15 (“One aspect of applicant’s claimed invention is concerned with a method for providing audio and/or video files to a wireless media device. The claimed invention, specifies converting the electronic format of a requested content file to a native playback format of the playback device. Thus, for example, if the user’s media device is configured to play MP3 files, and the user selects a content file that is in a different native format, such as WAV format, the present invention converts the WAV file to the native playback format of the playback devices (e.g., in this case MP3) so the user may consume that content file on his or her device. Such conversion between native playback formats may be performed by a remote computer of the content provider, on the user’s device, or as otherwise described in applicant’s specification.”)</p> <p><i>See</i> Pros. History of the ’759 patent, Response to Office Action filed 8/21/2008, see pg. 18 (“One reason the system of Fritsch is able to electronicall transmit and playback content is because the same file format (e.g., the encoded MP3 NETrax format) is used throughout the entire system which ensures compatibility, not because of any recognition of a native file format or subsequent conversion to ensure</p>	

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			<p>compatibility.” See Fritsch, column 6, lines 45-56. Nowhere in Fritsch is any mention made of file formats for portable playback devices let alone identifying or determining such formats.”)</p> <p><i>See Pros. History of the '759 patent, Response to Office Action filed 8/21/2008, see pgs. 18-19 (“Applicant points out that even if the system of Fritsch allowed a user to download a content file with an incompatible file format to a portable playback device (e.g., such as a WAV file), absent the proper CODEC, such a file will not play properly (or at all) on that portable playback device. This is a common frustrating problem experience by end users, which applicant’s claimed invention addresses. Accordingly, Fritsch fails to show or suggest determining the at least one native playback format that is compatible with the media player as specified in applicant’s claims.”) (emphasis added)</i></p> <p><i>See Pros. History of the '759 patent, Response to Office Action filed 8/21/2008, see pgs. 18 (“Applicant respectfully submits that these claims are now allowable over the proposed combination of Fritsch and known prior art for at least the same reasons they are allowable of Fritsch as demonstrated above. Fritsch fails to</i></p>	

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			<p>teach or suggest converting an electronic media file to native playback format usable by a portable media playback device as specified in the pending claims.”)</p> <p><u>EXTRINSIC EVIDENCE:</u></p>	
4.	<p>“the native playback format”</p> <p>’759 Patent, claim 56</p>	<p>“The [native playback format] of the received video file.”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’651 Patent: Figs. 8, 10, 11 and accompanying description.</p> <p>Programmer 30 may also communicate with device 20 to determine which format the incoming information should be converted to so that the information is compatible with the downloading requirements of device 20. For audio files, this may include, but is not limited to, converting to or from any of the following format types: analog; MIDI; MPEG; PCM; Windows Media Audio Code (WMA); WAV; or Adaptive Transform Acoustic Coding (ATRAC), or to or from any other suitable audio format, etc. For video</p>	<p>“the native playback format of the video file as received by the electronic device”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>See intrinsic evidence identified for “native playback format” and “format” terms.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>See extrinsic evidence identified for “native playback format” and “format” terms.</p>	

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		<p>files, this may include, but is not limited to, converting to or from any of the following format types: analog; JPEG; MPEG; GIF; AVI, or to or from any other suitable video format, etc. Text files may include, for example, HTML files, Wireless Markup Language (WML) files, WordPerfect™ files, Microsoft Office™ files, or any other suitable text files. '651, 3:63-4:10.</p> <p><i>See also</i> '651 Patent: 2:20-30; 3:46-4:10; 4:27-63; 6:30-51; 6:59-7:12; 10:28-42; 10:64-11:10; 11:52-65; 12:1-6</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“native file format . . . <i>n.</i> The format an application uses internally to process data. The application must convert files in other formats to the native format before it can work with them. For example, a word processor might recognize text files in ASCII text format, but it will convert them to its own native format before it displays them.” MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 3d ed. 1997).</p>		

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		<p>“native Designed for a particular type of computer.” WEBSTER’S NEW WORLD COMPUTER DICTIONARY (9th ed. 2001); <i>see also id.</i> at “native file format.”</p> <p>“native file format n. The format an application uses internally to process data. The application must convert files in other formats to the native format before it can work with them. For example, a word processor might recognize text files in ASCII text format, but it will convert them to its own native format before it displays them.” MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 5th ed. 2002).</p>		
5.	<p>“native playback format”</p> <p>’759 Patent, claims 53, 54, 56, 61, 65</p>	<p>format: “The arrangement of data within a file”</p> <p>native playback format: “A [format] supported by a device for playback of audio or video”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’651 Patent: Figs. 8, 10, 11 and accompanying description.</p> <p>Programmer 30 may also communicate</p>	<p>format: “an encoding standard that specifies the arrangement of data within a file”</p> <p>native playback format: “a [format] requiring the proper CODEC or other playback software to play properly”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’759 patent at the following: claims 4, 40, 50, 56; 3:41–61; 4:15–22</p>	

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		<p>with device 20 to determine which format the incoming information should be converted to so that the information is compatible with the downloading requirements of device 20. For audio files, this may include, but is not limited to, converting to or from any of the following format types: analog; MIDI; MPEG; PCM; Windows Media Audio Code (WMA); WAV; or Adaptive Transform Acoustic Coding (ATRAC), or to or from any other suitable audio format, etc. For video files, this may include, but is not limited to, converting to or from any of the following format types: analog; JPEG; MPEG; GIF; AVI, or to or from any other suitable video format, etc. Text files may include, for example, HTML files, Wireless Markup Language (WML) files, WordPerfect™ files, Microsoft Office™ files, or any other suitable text files. '651, 3:63-4:10.</p> <p><i>See also</i> '651 Patent: 2:20-30; 3:46-4:10; 4:27-63; 6:30-51; 6:59-7:12; 10:28-42; 10:64-11:10; 11:52-65; 12:1-6</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“format (1) In programming languages,</p>	<p>Prosecution history of '759 patent, including specifically the following entries: Index of Claims, 3/23/2010 Reply to Office Action, 8/21/2009, at 15–19 Reply to Office Action, 5/22/2008, at 2, 13–16. Reply to Office Action, 12/28/2007, at 8, 9.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“file format The format that a program uses to encode data on a disk. Some formats are proprietary, and a file so encoded can only be read by the program that has created the file. Some simple formats, such as ASCII, can be read by many kinds of programs.” <i>DICTIONARY OF COMPUTER AND INTERNET WORLDS (AN A TO Z GUIDE TO HARDWARE, SOFTWARE, AND CYBERSPACE)</i> 108 (Houghton Mifflin: 2001).</p> <p>“file format The coding of a file which defines what content it has, how it is organized, how it is to be encoded, displayed, and so on. There are many such formats, including those associated with word-processing applications, graphics, and databases.” <i>STEVEN M. KAPLAN, WILEY ELECTRICAL AND ELECTRONICS ENGINEERING DICTIONARY</i> 283 (2004).</p>	

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		<p>a language construct that specifies the representation, in character form, of data objects in a file. (2) In text processing, the predetermined arrangement or layout of text in printed or displayed form or on a data medium. (3) A specified arrangement of such things as character, fields, and lines, usually used for displays, printouts, or files. ..." IBM DICTIONARY OF COMPUTING (George McDaniel ed., McGraw-Hill, Inc. 1994).</p> <p>"format As a noun, the structure of a unit of data, such as a file, fields in a database record, a cell in a spreadsheet, or the text in a word-processed document. For example, a file can be stored in the format typical of a certain application, or it can be stored in a more 'generic' format, such as plain ASCII text, which contains all the words but little in the way of page-layout specifications. ..." MICROSOFT PRESS® COMPUTER DICTIONARY (Microsoft Press, 2nd ed. 1994).</p> <p>"format . . . n. 1. In general, the structure or appearance of a unit of data. . . ." MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 3d ed.</p>	<p>"file format [COMPUT SCI] The rules that determine the organization of data in a file." MCGRAW-HILL DICTIONARY OF COMPUTING & COMMUNICATIONS 140 (2003).</p> <p>"file format n. The structure of a file that defines the way it is stored and laid out on the screen or in print. The format can be fairly simple and common, as are files stored as 'plain' ASCII text, or it can be quite complex and include various types of control instructions and codes used by programs, printers, and other devices. Examples include RTF (Rich Text Format), DCA (Document Content Architecture), PICT, DIF (Data Interchange Format), DXF (Data Exchange File), TIFF (Tagged Image File Format), and EPSF (Encapsulated PostScript Format)." MICROSOFT PRESS COMPUTER DICTIONARY 211 (5th ed. 2002); MICROSOFT PRESS COMPUTER DICTIONARY 183 (4th ed. 1999).</p> <p>"File Format The way in which data is stored. The file's format is indicated by the three or four letter extension after its name. For example, Word documents end in .doc and Excel documents in .xls. An industry standard interchange file formats (IF/IFF) example is .gif for graphics. See File Extensions." NETWON'S TELECOM</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>1997).</p> <p>“format <i>n.</i> the way in which something is arranged or presented. <i>Computing</i> a defined structure for the processing, storage, or display of data. . . .” THE CONCISE OXFORD DICTIONARY (Judy Pearsall ed., Oxford University Press, 10th ed. 1999).</p> <p>“format 1. The organization of information for storage, printing, or displaying. The format of floppy disks and hard disks is the magnetic pattern laid down by the formatting utility. . . .” WEBSTER’S NEW WORLD COMPUTER DICTIONARY (9th ed. 2001); <i>see also id.</i> at “file format.”</p> <p>“format . . . 3 <i>Computing</i> a defined structure for holding data etc. in a record for processing or storage. . . .” OXFORD ENGLISH REFERENCE DICTIONARY (Judy Pearsall & Bill Trumble eds., Oxford University Press, 2nd Revised ed. 2002).</p> <p>“format . . . The arrangement of data within a document file that typically permits the document to be read or written by a certain application.”</p>	<p>DICTIONARY 280 (17th ed. 2001)</p> <p>“native file format. <i>n.</i> The format an application uses internally to process data. The application must convert files in other formats to the native format before it can work with them. For example, a word processor might recognize text files in ASCII text format, but it will convert them to its own native format before it displays them.” MICROSOFT PRESS COMPUTER DICTIONARY (3d ed. 1997); MICROSOFT PRESS COMPUTER DICTIONARY 305 (4th ed. 1999); MICROSOFT PRESS COMPUTER DICTIONARY 358 (5th ed. 2002)</p> <p>“native Designed for a particular type of computer.” WEBSTER’S NEW WORLD COMPUTER DICTIONARY 251 (9th ed. 2001).</p> <p>“native file format The default file format a program uses to store data on disk. The format is often a proprietary file format. Many popular programs today can retrieve and save data in several formats. See <i>ASCII</i>.” WEBSTER’S NEW WORLD COMPUTER DICTIONARY 252 (9th ed. 2001).</p> <p>“native file format Same as native format. STEVEN M. KAPLAN, WILEY ELECTRICAL AND ELECTRONICS ENGINEERING DICTIONARY 496 (2004).</p> <p>“native format The default format an</p>	

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		<p>MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 5th ed. 2002).</p> <p>“native file format . . . <i>n.</i> The format an application uses internally to process data. The application must convert files in other formats to the native format before it can work with them. For example, a word processor might recognize text files in ASCII text format, but it will convert them to its own native format before it displays them.” MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 3d ed. 1997).</p> <p>“native Designed for a particular type of computer.” WEBSTER’S NEW WORLD COMPUTER DICTIONARY (9th ed. 2001); <i>see also id.</i> at “native file format.”</p> <p>“native file format <i>n.</i> The format an application uses internally to process data. The application must convert files in other formats to the native format before it can work with them. For example, a word processor might recognize text files in ASCII text format, but it will convert them to its own native format before it displays</p>	<p>application saves files in. Programs usually have filters to export and import data to and from applications using different native formats. The latter are called foreign formats. Also called native file format.” STEVEN M. KAPLAN, WILEY ELECTRICAL AND ELECTRONICS ENGINEERING DICTIONARY 496 (2004).</p>	

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		<p>them.” MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 5th ed. 2002).</p>		
6.	<p>“video clips” ’651 Patent, claims 2, 13</p>	<p>Plain meaning. If construction is necessary, then: “a collection of moving visual images, such as MPEG, GIF or AVI files”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>In systems that have a video capability, a video file containing a video clip or frame may be sent instead of or in addition to the audio sample. This may be accomplished by selecting a video option from a signature menu and choosing a video file. In this case, the person receiving the call is alerted by seeing or hearing the video clip and/or associated audio. It will be appreciated that a video clip may have its own audio portion associated with it so that the video clip (or frame) by itself would be sufficient to alert the person receiving the incoming call. 651 Patent: 8:49-58</p> <p><i>See also</i> ’651 Patent: 1:45-54; 1:62-66; 3:47-57; 9:35-62;</p>	<p>“Portion of a video file”</p> <p><u>INTRINSIC EVIDENCE:</u> ’651 patent at: 9:35-52</p> <p><u>Prosecution history of USP 7,555,317 including specifically the following entries:</u></p> <p><u>WO 98/11487 at 9-12;</u></p> <p><u>EXTRINSIC EVIDENCE:</u> <u>DICTIONARY OF COMPUTER SCIENCE, ENGINEERING, AND TECHNOLOGY</u> (Phillip A. Laplante ed., CRC Press LLC 2001), “video (1) representation of moving images for storage or processing. Often used interchangeably with television. In particular, ‘video signal’ and ‘television signal’ are synonyms. (2) a particular stored sequence of moving images, e.g., on a tape or within a database.”</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p><u>EXTRINSIC EVIDENCE:</u></p> <p>“video (1) representation of moving images for storage or processing. Often used interchangeably with television. In particular, ‘video signal’ and ‘television signal’ are synonyms. (2) a particular stored sequence of moving images, e.g., on a tape or within a database.” DICTIONARY OF COMPUTER SCIENCE, ENGINEERING, AND TECHNOLOGY (Phillip A. Laplante ed., CRC Press LLC 2001).</p>		
7.	<p>“indicia indicative of the converted file”</p> <p>’651 Patent, claim 39</p>	<p>Plain meaning. If construction is necessary, then: “information indicating the availability or location of the converted file”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>Fig. 12 and accompanying text</p> <p>On the other hand, if computer 90 determines at step 156 that the signature file is located in the receiver's device 20, computer 90 may transmit an indicia indicative of the selected file to the receivers device 20 along with the outgoing call at step 178 (FIG. 12). Next, the receiver's device 20 may</p>	<p>“Indicator that converted file is already located on second wireless device”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’651 patent at: 12:13-25; Figure 12</p> <p><u>EXTRINSIC EVIDENCE:</u></p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>associate a signature file that corresponds to the indicia, replace its ring sequence with that signature file, and play that signature file at step 180. At step 182, the receiver's ring sequence may be returned to its original setting and the program may exit. It is assumed for the purposes of this illustration that signatures files stored in the receiver's device 20 are already in a suitable format. 651 Patent: 12:13-25</p> <p><i>See also</i> '651 Patent: 3:54-56; 4:58-63; 6:30-51; 6:65-7:12; 7:26-48; 8:18-9:2; 10:59-67; 11:42-51</p>		
8.	<p>"link that identifies the converted file"</p> <p>'651 Patent, claim 40</p>	<p>Plain meaning. If construction is necessary, then: "a selectable element that identifies the converted file"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'651 Patent: Figs. 10, 12 and accompanying text</p> <p><i>See also</i> '651 Patent: 3:54-56; 4:58-63; 6:30-51; 6:65-7:12; 7:26-48; 8:18-9:2; 10:59-67; 11:42-51</p>	<p>"Identification of converted file already located on second wireless device"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'651 patent at: 12:13-25; Figure 12</p> <p><u>EXTRINSIC EVIDENCE:</u></p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p><u>EXTRINSIC EVIDENCE:</u></p> <p>“link hypertext link from one web page to another; this could be a hotspot (an image) or a section of text (normally displayed in a web browser as blue and underlined text) that will move the user to another page when the user clicks on it.” <i>DICTIONARY OF PERSONAL COMPUTING AND THE INTERNET</i> (Peter Collin Publishing Ltd., 3d ed. 2000).</p>		
9.	<p>“video file” /</p> <p>“the video file”/</p> <p>“the selected video file”</p> <p>’759 Patent, claims 53, 56, 61, 62, 64, 65;</p> <p>’651 Patent, claims 1-5, 8, 10-26, 31-35, 41</p>	<p>video file: Plain meaning. If construction is necessary, then:</p> <p>“A file including a video clip or image”</p> <p>the selected video file: Plain meaning. If construction is necessary, then:</p> <p>“A file including a video clip or image that has been selected”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>For video files, this may include, but is not limited to, converting to or from any of the following format types: analog; JPEG; MPEG; GIF; AVI, or to or from any other suitable video format,</p>	<p>“File with a visual presentation that is capable of showing motion or movement”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’651 patent at the following: 1:34-45; 10:13-23; 10:44-46; language of asserted claims.</p> <p>Prosecution history of USP 7,742,759 including specifically the following entries:</p> <p>Reply to Office Action, 12/10/2009, at 1-16;</p> <p>Reply to Office Action, 8/21/2009, at 1-23;</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>etc. 651 Patent: 4:5-8</p> <p>'651 Patent: 1:62-2:3; 3:47-58; 6:36-41; 8:49-58; 10:20-23; 10:44-46</p>	<p>Reply to Office Action, 8/29/2008, at 1-16;</p> <p>Reply to Office Action, 5/22/2008, at 1-18;</p> <p>Information Disclosure Statement, 8/27/2007, at 1-10</p> <p>WEST Search History for Application 11633122, Creation Date: 2010031511:49</p> <p>USP 7,555,317.</p> <p>Prosecution history of USP 7,555,317 including specifically the following entries:</p> <p>Preliminary Amendment, 8/28/2007, at 2-5;</p> <p>Office Action, 1/9/2008, at 3-5;</p> <p>Reply to Office Action, 4/9/08, at 2-41;</p> <p>Amendment, 8/14/2008, at 1-21;</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>WO 98/11487 at 24, 27</p> <p>WEST Search History for Application 11633142, Creation Date: 2008100117:30</p> <p><u>EXTRINSIC EVIDENCE:</u> DICTIONARY OF COMPUTER SCIENCE, ENGINEERING, AND TECHNOLOGY (Phillip A. Laplante ed., CRC Press LLC 2001), "video (1) representation of moving images for storage or processing. Often used interchangeably with television. In particular, 'video signal' and 'television signal' are synonyms. (2) a particular stored sequence of moving images, e.g., on a tape or within a database."</p> <p>SCRN00004867-4898.</p> <p>The Dictionary of Multimedia 1999: Terms and Acronyms "video file":</p> <p>Computer Graphics Dictionary, Roger T. Stevens, Charles River Media, Inc., 2002, definition of:</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>GIF: "A file format developed by CompuServe ... Many pieces of software are now available to combine a series of sequential images into a single GIF file so that they may be played back as an animation."</p> <p>Video: "A sequence of electronic signals that can be transformed into animated images for viewing on a display screen."</p> <p>MJPEG: "A lossy, high-quality CODEC that can deliver full-motion, full-frame video."</p> <p>MPEG: A lossy, high-quality CODEC. MPEG1 is used for the VCD format and MPEG2 is used for DVD format video. Both are suitable for distribution of full-motion full-frame video.</p> <p>Cambridge Dictionary, definition of "video": "a recording of moving pictures and sound, especially as a digital file, DVD, tec."</p> <p>Oxford English Dictionary, definition of "video": "1. The recording, reproducing, or broadcasting of moving visual images. 2. A recording of moving visual images made</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>digitally or on videotape ... [AS MODIFIER]: a site on which people can post their own video clips”</p> <p>GIF File Format Summary;</p> <p>RFC2435, RTP Payload Format for JPEG-compressed video, The Internet Society, October 1998;</p> <p>Specification GIF89-a, Graphics Interchange Format, July 31, 1990; CompuServe;</p> <p>The following United States Patent Nos.:</p> <p>6,054,943: 11:65-13:42;</p> <p>6,091,778: Abstract; 1:17-24; 1:38-44; 2:23-28; 14:13-31;</p> <p>6,185,621: 5:64-6:7; 9:42-61; 10:34-49;</p> <p>6,211,869: 4:36-6:20; 12:39-60; 13:22-14:22; 16:48-58; 17:23-41;</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>6,972,786: 10:40-59</p> <p>6,993,786: Figure 13; 7:40-64</p> <p>6,826,151: Figures 2a, 2b, 5, 11; 5:30-41; 14:46-60; 18:13-36;</p> <p>5,955,710 (references to animated GIF)</p> <p>6,119,133: 6:44-67, Figure 8;</p> <p>6,173,316: 14:66-15:10;</p> <p>6,300,959 (see references to "animated GIF" throughout);</p> <p>6,725,421 (see references to "animated GIF" throughout);</p> <p>Szabo et al., "Design Considerations for JPEG Video and Synchronized Audio in the Unix Workstation Environment," USENIX--</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>Summer '91, pp. 353, 368.</p> <p>Posnak et al., "Techniques for Resilient Transmission of JPEG Video Streams", The Proceedings of Multimedia Computing and Networking, vol. 2417, (written Sep. 1994; published Feb. 1995), pp. 243-252.</p> <p>http://en.wikipedia.org/wiki/Moving_Picture_Experts_Group</p> <p>Claim Construction Memorandum Order, <i>PMC v. Zynga</i>, 2:12-cv-00068, Dkt. #150, 8/28/2013 (and related briefing from parties at Dkt. # 77, 80, 86);</p> <p><i>Civix-DDI, LLC v. Hotels.com, L.P.</i>, No. 05 C 07879, 2010 WL 4386475 (N.D. Ill. Oct. 25, 2010) (and related briefing from parties).</p>	
10.	<p>"communications link"</p> <p>'395 Patent, claims 1, 14, 22, 30, 39;</p> <p>'866 Patent, claim 10;</p> <p>'651 Patent, claim 1, 12</p>	<p>Plain meaning. If construction is necessary, then: "a connection that enables data transfer"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>In FIG. 1, links 31 and 32 may be, for example, communications links (e.g.,</p>	<p>"a hard-wired link, e.g., a serial port, parallel port, universal serial bus (USB), RS 232, or GPIB"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 patent at the following: 3:15-25 ("In FIG. 1, links 31 and 32 may be, for example,</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>serial ports, parallel ports, universal serial buses (USB), RS232, GPIB, etc.), modems (e.g., any suitable analog or digital modems, cellular modems, or cable modems), a network interface link (e.g., Ethernet links, token ring links, etc.), wireless communications links (e.g., cellular telephone links, wireless Internet links, infrared links, etc.), or any other suitable hard-wired or wireless Internet or communications links. 3:15-22</p> <p>As shown in FIG. 3, computer 60 may be connected to Internet 80 through link 70. Link 70 may be, for example, a modem (e.g., any suitable analog or digital modem, cellular modem, or cable modem), a network interface link (e.g., an Ethernet link, token ring link, etc.), a wireless communications link (e.g., a wireless telephone link, a wireless Internet link, an infrared link, etc.), or any other suitable hard-wired or wireless communications link. With this configuration, a user may download information from Internet 80 (e.g., using electronic distribution (ED) services) and/or from a disc drive or other devices (not shown) connected to computer 60 and program that</p>	<p>communications links (e.g., serial ports, parallel ports, universal serial buses (USB), RS232, GPIB, etc.), modems (e.g., any suitable analog or digital modems, cellular modems, or cable modems), a network interface link (e.g., Ethernet links, token ring links, etc.), wireless communications links (e.g., cellular telephone links, wireless Internet links, infrared links, etc.), or any other suitable hard-wired or wireless Internet or communications links.”); Fig. 1; Fig. 3; 5:25-53</p> <p><u>EXTRINSIC EVIDENCE:</u> None</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>information into device 20 (via programmer 30 and link 32). '651 Patent: 5:38-51</p> <p><i>See also</i> '651 Patent: 2:12-25; 3:33-35; 3:38-39; 3:40-41; 4:46-51; 5:39-53; 6:1-3; 6:30-38; 6:54-56; 7:4-8; 7:32-34; 7:45-48; 8:61-63; 9:8-12; 10:11-14; 10:28-29.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“communications link The connection between computers that enables data transfer.” MICROSOFT PRESS® COMPUTER DICTIONARY (Microsoft Press, 2nd ed. 1994).</p> <p>“link (1) In computer programming, the part of a program, in some cases a single instruction or an address, that passes control and parameters between separate portions of the computer program. . . . (2) The combination of the link connection (the transmission medium) and two link stations, one at each end of the link connection. A link connection can be shared among multiple links in a multipoint or token ring configuration. (3) In an IMS/VS multisystem environment, the connection between two systems. . . .(9)</p>		

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>To interconnect items of data or portions of one or more computer programs: for example, the linkage of object programs by a linkage editor, linking of data items by pointers." IBM DICTIONARY OF COMPUTING (George McDaniel ed., McGraw-Hill, Inc. 1994).</p>		
11.	<p>"user-defined audio file" '692 Patent, claims 1, 4 5</p>	<p>Plain meaning. If construction is necessary, then: "user-selected audio file"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 Patent: Figs. 1, 8, 10 and accompanying text</p> <p>In operation, a user selects a piece of information from a source such as a computer disk drive, the Internet, or a remote database using the first communications link. The programming apparatus may download this information and compare its format with that required by the programmable device to determine format compatibility. '692 Patent: 1:66-2:5</p> <p>In operation, a user may choose certain</p>	<p>"an audio file provided by the user"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 patent at the following: Abstract; Figs. 1, 8-9; 1:10-52; 1:54-2:14; 2:65-3:2; 3:24-40; 4:11-14; 4:58-65; 5:24-37; 5:24-6:7; 6:50-65; 7:13-35; 7:36-8:33; 10:1-23; 10:43-67; Claim 7.</p> <p>Provisional App. No. 60/169,158, at 1.</p> <p>Prosecution history of USP 6,496,692 including specifically the following entries:</p> <p>Application, 3/3/2000, at 1-2, 15-16, 26-30; Reply to Office Action, 1/25/2002, at 1-17, 30-37.</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>information, such as Internet configuration information, an audio sample of a popular song, a video clip or frame, etc., that is available from source 50 and transfer it to programmer 30. '692 Patent: 3:30-33</p> <p>In operation, programmer 30 may download certain user- selected information from source 50 via link 31. '692 Patent: 4:10-13</p> <p><i>See also</i> '692 Patent: Abstract; 1:60-2:14; 2:65-3:5; 4:10-48; 5:53-1-6:65; 7:35-8:37; 9:15-23; 10:1-42; 11:17-12:17.</p>	<p>United States Patent App. Pub. No. 2003/0008646 A1, Claims 1, 13.</p> <p><u>EXTRINSIC EVIDENCE:</u> de-fine \di-fin\ <i>vb</i> de-fined; de-fin-ing [ME fr. L <i>define</i>, fr. <i>de</i> - + <i>finire</i> to limit, end, fr. <i>finis</i> boundary, end] <i>vt</i> (14c) 1. . . c: to create on a computer < ~a window> < ~a procedure> 2 a: to fix or mark the limits of : DEMARCATÉ < rigidly <i>defined</i> property lines> MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 327 (11th ed.: 2003, reprinted 2005) [TMUSSOL0039306-08, at 308]</p> <p>“user defined Any format, layout, structure or language that is developed by the user.” Alan Freedman, THE COMPUTER DESKTOP ENCYCLOPEDIA at 898 (1996). [TMUSSOL0039155-160, at 160]</p> <p>SCRN00004886–4887</p>	
12.	<p>“a party initiating a communication”</p> <p>'572 Patent claim 1</p>	<p>Plain meaning.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 Patent: 5:25-52; 6:15-36.</p>	<p>“a party initiating a phone call or page”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 patent at the following” 2:15-20 (“In</p>	

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		U.S. Provisional Application No. 60/169158, p. 2.	<p>another aspect of the invention, a user may send customized information such as an audio or video file called a 'signature' when placing a telephone call. This feature allows a user to select and send a signature file to the person receiving the telephone call such that the person receiving the call is alerted by that file."); 7:36-59; 11:29-12:18; Figs. 10-12.</p> <p><u>EXTRINSIC EVIDENCE:</u> None</p>	
13.	<p>"polyphonic"</p> <p>"polyphonic audio file"</p> <p>"polyphonic sound"</p> <p>'395 Patent, claims 28, 30, 31, 32, 39, 40, 41, 44;</p> <p>'864 Patent 1-4, 6, 7, 11-14, 16, 17, 21-27;</p> <p>'866 Patent, claim 10;</p> <p>'572 Patent, claim 4</p>	<p>Plain meaning. If construction is necessary, then:</p> <p>polyphonic: "having more than one sound "</p> <p>polyphonic audio file: "audio file having more than one sound "</p> <p>polyphonic sound: "audio having more than one sound"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 Patent: 3:30-60; 4:1-28; 9:23-41.</p> <p>U.S. Patent No. 7,298,798: 5/4/2007</p>	<p>polyphonic audio file: "a synthesized representation of an audio composition having more than one sound"</p> <p>polyphonic sound: "a synthesized representation of audio having more than one sound"</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'866 prosecution history, Nov. 9, 2006 Office Action at 2.</p> <p><u>EXTRINSIC EVIDENCE:</u> <i>In re Mechanical and Digital Phonorecord</i></p>	

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		<p>Applicant Remarks at 17-18.</p> <p>'395 Patent: 7/11/2003 Applicant remarks at 3; 3/19/2007 Applicant remarks at 24-25.</p> <p>'866 Patent: 5/4/2007 Applicant Remarks at 15-18.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“polyphonic . . . <i>adj.</i> 1 : of, or relating to, or marked by polyphony 2 : being a polyphone.” WEBSTER’S NEW COLLEGIATE DICTIONARY (1973).</p> <p>“polyphony . . . <i>n.</i> . . . having many tones or voices[.]” WEBSTER’S NEW COLLEGIATE DICTIONARY (1973).</p> <p>“polyphonic <i>adj.</i> 1 having many sounds or voices. 2 <i>Music</i> (especially of vocal music) in two or more parts; contrapuntal. <i>Music</i> (of an instrument) capable of producing more than one note at a time.” THE CONCISE OXFORD DICTIONARY (Judy Pearsall ed., Oxford University Press, 10th ed. 1999).</p> <p>“polyphonic . . . <i>adj.</i> 1 <i>Mus.</i> (of vocal music etc.) in two or more relatively</p>	<p><i>Delivery Rate Adjustment Proceeding</i>, No. RF 2006-1 (U.S. Copyright Office Oct. 16, 2006), ATT-SCRN01210652-ATT-SCRN01210685, at 659: “In the case of a mastertone, the sound recording is a clip of the commercially distributed recording. In the case of monophonic and polyphonic ringtones, the fixed sounds are rendered by a synthesizer in the telephone and so do not represent ambient sound in a recording studio.” See also at 652, 656, 657, and 681.</p> <p>Noah Arceneaux & Anandam Kavoori, <i>The Mobile Media Reader</i>, Peter Lang Pub., 2012, ATT-SCRN01210697-ATT-SCRN01210716, at 706-07: “Polyphonic ringtones were synthesized segments of songs that only required aggregators to deal with a music publishers and/ or performance rights organizations, since no sampling of original recordings was involved. When more advanced phones came on the market, the music industry became interested in master ringtones. Master ringtones, also called ‘truetones,’ were segments of the original sound recording; selling them required content aggregators to work with record labels in addition to publishers.”</p> <p>Noah Arceneaux & Anandam Kavoori, <i>The</i></p>	

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		<p>independent parts; contrapuntal. 2 (of a letter etc.) representing more than one sound.” OXFORD ENGLISH REFERENCE DICTIONARY (Judy Pearsall & Bill Trumble eds., Oxford University Press, 2nd Revised ed. 2002).</p>	<p>Mobile Media Reader, Peter Lang Pub., 2012, ATT-SCRN01210697-ATT-SCRN01210716, at 708: “The desire to distinguish between polyphonic and master ringtones led to legal definitions of the truetone in the U.K., where ‘companies will only be able to use the phrase 'realtone' if they are selling a ringtone produced from an original recording 'with the performer clearly identified in its marketing material.’” See also at 707, 711.</p> <p>Steve Gordon, The Future of the Music Business, Hal Leonard Books, 2008 (2nd Ed.), ATT-SCRN01210686-ATT-SCRN01210696, at 691: “Ringtones started with polyphonic MIDI files composed of re-recordings of popular songs-not the original recordings themselves . . . Now ‘mastertones’ are gaining in popularity. Mastertones are the original sound recordings . . . Most deals for rates can be divided into polyphonic MIDIs and mastertones. The deals for polyphonic MIDIs generally range from 8.5 cents to 10 cents. The deals for mastertones generally vary from 10 cents to the greater of 10 cents, or 10 percent. Since mastertones can cost \$2.50, 10 percent would be 25 cents.” See also at 696.</p> <p>Sasha Frere-Jones, “Ring My Bell,” The New Yorker (Mar. 7, 2005) [available at</p>	

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			<p>http://www.newyorker.com/magazine/2005/03/07/ring-my-bell], TMUSSOL0039273-TMUSSOL0039280, at 274: “Companies called aggregators, which collect and distribute digital content, capitalized on Paananen’s innovation, using his software to create what is today known as the polyphonic ringtone: a small packet of code that plays the phone as if it were a music box, producing a synthesized approximation of a song that often sounds less like the original it emulates than a gremlin making merry inside a video game. Recently, the polyphonic ringtone acquired a competitor. Called a master tone, or true tone, it is a compressed snippet of actual recorded song, and emanates from the cell-phone handset as if from a tiny radio.”</p> <p>Sasha Frere-Jones, “Ring My Bell,” The New Yorker (Mar. 7, 2005) [available at http://www.newyorker.com/magazine/2005/03/07/ring-my-bell], TMUSSOL0039273: “Polyphonic ringtones can create multiple tones and/or notes simultaneously. This produces a more natural and realistic sound for melodies compared to very old phones that could only produce one note at a time. Unlike real-music ringers, polyphonic ringtones only simulate music</p>	

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			<p>using a pre-defined set of tones and instrument sounds. They cannot reproduce vocals or exact music.”</p> <p>Neil J. Rosini & Michael I. Rudell, Ring Tone Revenues Foster Copyright Détente, N.Y. L.J., Dec. 23, 2005, ATT-SCRN01210649-ATT-SCRN01210651, at 649: “Originally, musical ring tones were only available in ‘monophonic’ form: a simple series of tones – - each a single note – that might remind one of several bars from a favorite CD as performed by a very simple computer. Technology then advanced to the ‘polyphonic’ level, which are like monophonic ring tones with multiple notes played at the same time, creating harmonies. They sound closer to that favorite CD, but without original instrumentation or vocals. The most recent advance is the availability of ‘master tones,’ also called ‘realtones,’ which are 20-30 second snippets of actual sound recordings. These not only sound like a favorite CD but are that favorite CD.”</p> <p>Al Kohn & Bob Kohn, Kohn on Music Licensing, 2009, ATT-SCRN01210524-ATT-SCRN01210648, at 609-10: “Although all ringtone reproduction licenses are non-exclusive, some restrict the music to use in</p>	

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			<p>polyphonic ringtones, as opposed to mastertones or realtones (i.e., those incorporating a popular recording of the song). Many ringtone licenses issued by record companies actually preclude the licensee from making and distributing polyphonic ringtones embodying the same underlying song - on the grounds that it would serve as competition, and therefore detract from sales, of the mastertone version, which would be the only version the record company makes money from.” See also at 538, 645.</p> <p>Sumanth Gopinath, <i>The Ringtone Dialectic: Economy and Cultural Form</i>, The MIT Press, 2013, ATT-SCRN01210717-ATT-SCRN01210769, at 731: “Spurred by the earning potential of ringtones, handset manufacturers and musical instrument and sound software firms conspired to create a polyphonic ringtone. Now phones used synthesizer circuits of varying complexity to create multi-voiced music, with more than one pitch sounding at a time . . . Polyphonic ringtones produced music that straddled the line between video-game music and elevator music.”</p> <p>Sumanth Gopinath, <i>The Ringtone Dialectic: Economy and Cultural Form</i>, The MIT Press,</p>	

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			<p>2013, ATT-SCRN01210717-ATT-SCRN01210769, at 733: “Indeed, the present (and final) form of the ringtone is the sound-file ringtone, in which a digital sound recording is played back on a cell phone's speakers. Partly because of marketing campaigns, the sound-file ringtone has accrued a plethora of names- ring song, ringtone, mastertone, master ringtone, truetone, real tone, superphonic ringtone.” See also at 720, 721, 736, and 737.</p> <p>Chris Anderton, et al., Understanding the Music Industries, Sage Pub., 2013, ATT-SCRN01210770-ATT-SCRN01210781, at 780.</p> <p>Telephia, “Realtones Account for More than 76 Percent of Mobile Consumer Spending on Music Personalization, According to Telephia,” (Aug. 7, 2006) [available at https://web.archive.org/web/20070625155412/http://www.telephia.com/html/insights_080706.html], TMUSSOL0039285-TMUSSOL0039286, at 285.</p> <p>Sumanth Gopinath, “Ringtones, or the auditory logic of globalization,” First Monday vol. 10 no. 12 (Dec. 5, 2005) [available at http://firstmonday.org/ojs/index.php/</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>fm/article/view/1295/1215], TMUSSOL0039230-TMUSSOL0039270.</p> <p>Stephanie N. Mehta, "Wagner's Ring? Way Too Long," Fortune Magazine (Dec. 12, 2005) [available at http://archive.fortune.com/magazines/fortune/fortune_archive/2005/12/12/8363130/index.htm], TMUSSOL0039271-TMUSSOL0039272.</p> <p>Polyphonic Ringtones definition, Phone Scoop (http://www.phonescoop.com/glossary/term.php?gid=423) TMUSSOL0039281: "Polyphonic ringtones can create multiple tones and/or notes simultaneously. This produces a more natural and realistic sound for melodies compared to very old phones that could only produce one note at a time. Unlike real-music ringers, polyphonic ringtones only simulate music using a pre-defined set of tones and instrument sounds. They cannot reproduce vocals or exact music."</p> <p>Polyphonic Ringtones definition, Techopedia (http://www.techopedia.com/definition/25208/polyphonic-ringtone) TMUSSOL0039282: "A polyphonic ringtone is a mobile ringtone capable of playing up to 40 notes at the same time and is more advanced than its</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
			<p>predecessor, the standard monophonic tone, which plays one note at a time. The polyphonic ringtone uses sequencing technology to play several notes at the same time for rich, harmonious and high-quality sound. . . . Polyphonic ringtones produce better sound quality and melodies because they emulate real instruments by combining several instrumental sounds at the same time. Comparing a monophonic ringtone to a polyphonic ringtone is analogous to comparing a woodwind instrument to a small orchestra. Depending on make and model, a mobile device can support a range of four to 72 simultaneous instrumental sounds delivered as close approximations of instrumental melodies, or polyphonic ringtones. However, polyphonic ringtones do not produce or play original or digital sound recordings.”</p> <p>Edna Gundersen, Mastertones ring up profits, USA Today (Nov. 29, 2006) [available at http://usatoday30.usatoday.com/life/music/news/2006-11-28-mastertones-main_x.htm], TMUSSOL0039283-TMUSSOL0039284.</p> <p>Mario F. Gonzalez, 12 UCLA Entertainment L. Rev. 11 (Fall 2004), TMUSSOL0039178-TMUSSOL0039192.</p>	

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			<p>TMUSSOL0038835- TMUSSOL00339154.</p> <p>SOLOCRON_PRIOR_ART at documents starting with the following Bates Nos. 00017733, 18711, 17511, 17610, 19947</p> <p>European Patent Application EP1073034</p>	
14.	<p>“A method for programming a user defined audio file into a telephone”</p> <p>'692 Patent, claim 1</p>	<p>Plain meaning. The preamble is not limiting.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 Patent: Figs. 1, 8, 10 and accompanying text</p> <p>In operation, a user selects a piece of information from a source such as a computer disk drive, the Internet, or a remote database using the first communications link. The programming apparatus may download this information and compare its format with that required by the programmable device to determine format compatibility. 1:66-2:5</p>	<p>The preamble is limiting. Plain and ordinary meaning.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'692 patent, Claim 1, Figures 8 and 9, 10:43-11:16, 12:24-30.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>None</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>In operation, a user may choose certain information, such as Internet configuration information, an audio sample of a popular song, a video clip or frame, etc., that is available from source 50 and transfer it to programmer 30. 3:30-33</p> <p>In operation, programmer 30 may download certain user- selected information from source 50 via link 31. 4:10-13</p> <p><i>See also</i> '692 Patent: Abstract; 1:60-2:14; 2:65-3:5; 4:10-48; 5:53-1-6:65; 7:35-8:37; 9:15-23; 10:1-42; 11:17-12:17.</p>		
15.	<p>“configured to [perform some function]”</p> <p>651 Patent, claims 12, 31;</p> <p>572 Patent, claim 12;</p> <p>866 Patent, claim 10;</p> <p>864 Patent, claim 1-4, 6, 7, 9, 21-27, 29</p> <p>395 Patent, claims Claims</p>	<p>Plain meaning.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>'651 Patent: 4:24-26; 4:64-5:5; 5:20-25; 6:1-30; 10:15-26; 12:31-52.</p>	<p>Requires actual performance of action associated with the “configured” clause, as opposed to mere capability</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p><u>EXTRINSIC EVIDENCE:</u></p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
	1, 14, 22, 30, and 38			

Terms Contended to be Indefinite

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
16.	<p>“the multimedia container format”/ “multimedia container format” '651 Patent, claim 26, 35</p>	<p>“a [format] such as MPEG or AVI that describes how different data elements exist in a file, but does not describe how that data is encoded.”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>“For example, if analog input signals are received at input buffer 44 and device 20 requires a digital format, the analog signals may be routed to A/D converter 38 for conversion into a suitable digital form (e.g., into PCM, PAM, etc.). Further processing into another digital format (e.g., MP3, ATRAC, WMA, etc.) may be accomplished by routing the converted signals to SPC 40 or processor 34” '651 Patent: 4:33-40</p> <p>“For example, incoming MP3 or WMA signals may be routed to SPC 40 and converted to ATRAC format (or vice-versa).” '651 Patent: 4:51-53</p> <p>“For audio files, this may include, but is not limited to, converting to or from any of the following format types: analog; MIDI; MPEG; PCM; Windows Media Audio Code (WMA); WAV; or Adaptive Transform Acoustic Coding (ATRAC), or to or from</p>	Indefinite	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>any other suitable audio format, etc. For video files, this may include, but is not limited to, converting to or from any of the following format types: analog; JPEG; MPEG; GIF; AVI, or to or from any other suitable video format, etc.” ’651 Patent: 3:65-4:7</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>US Patent No. 6,877,134 at Abstract, 4:35-50; 19:10-20.</p> <p>“multimedia Material presented in a combination of text, graphics, video, animation, and sound.” IBM DICTIONARY OF COMPUTING (George McDaniel ed., McGraw-Hill, Inc. 1994).</p> <p>“multimedia . . . <i>adjective</i> (1962) : using, involving, or encompassing several media (a <i>multimedia</i> approach to learning)” MERRIAM-WEBSTER’S COLLEGIATE DICTIONARY (Deluxe ed. 1998).</p> <p>“multimedia The combination of sound, graphics, animation, and video. In the world of computers, multimedia is a subset of hypermedia, which combines the elements of multimedia with hypertext, which links the information.” MICROSOFT</p>		

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>PRESS® COMPUTER DICTIONARY (Microsoft Press, 2nd ed. 1994).</p> <p>“multimedia <i>adj.</i> using more than one medium of expression or communication. <i>n.</i> <i>Computing</i> an extension of hypertext allowing the provision of audio and video material cross-referenced with text.” THE CONCISE OXFORD DICTIONARY (Judy Pearsall ed., Oxford University Press, 10th ed. 1999).</p> <p>“multimedia a computer-based method of presenting information by using more than one medium of communication, such as text, graphics, and sound, and emphasizing interactivity. . . .” WEBSTER’S NEW WORLD COMPUTER DICTIONARY (9th ed. 2001).</p> <p>“container In SAA Common User Access architecture, an object that holds other objects. A folder is an example of a container object.” IBM DICTIONARY OF COMPUTING (George McDaniel ed., McGraw-Hill, Inc. 1994).</p> <p>“container [object] <i>n.</i> any heterogeneous aggregate class of container objects (i.e., aggregate objects, the purpose of which are to hold unrelated component objects of multiple unrelated types).” Donald G.</p>		

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		<p>Firesmith & Edward M. Eykholt, DICTIONARY OF OBJECT TECHNOLOGY (SIGS Books, Inc. 1995).</p> <p>“format (1) In programming languages, a language construct that specifies the representation, in character form, of data objects in a file. (2) In text processing, the predetermined arrangement or layout of text in printed or displayed form or on a data medium. (3) A specified arrangement of such things as character, fields, and lines, usually used for displays, printouts, or files. ...” IBM DICTIONARY OF COMPUTING (George McDaniel ed., McGraw-Hill, Inc. 1994).</p> <p>“format As a noun, the structure of a unit of data, such as a file, fields in a database record, a cell in a spreadsheet, or the text in a word-processed document. For example, a file can be stored in the format typical of a certain application, or it can be stored in a more ‘generic’ format, such as plain ASCII text, which contains all the words but little in the way of page-layout specifications. ...” MICROSOFT PRESS® COMPUTER DICTIONARY (Microsoft Press, 2nd ed. 1994).</p> <p>“format . . . n. 1. In general, the structure or</p>		

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>appearance of a unit of data. . . .” MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 3d ed. 1997).</p> <p>“format <i>n.</i> the way in which something is arranged or presented. <i>Computing</i> a defined structure for the processing, storage, or display of data. . . .” THE CONCISE OXFORD DICTIONARY (Judy Pearsall ed., Oxford University Press, 10th ed. 1999).</p> <p>“format 1. The organization of information for storage, printing, or displaying. The format of floppy disks and hard disks is the magnetic pattern laid down by the formatting utility. . . .” WEBSTER’S NEW WORLD COMPUTER DICTIONARY (9th ed. 2001); <i>see also id.</i> at “file format.”</p> <p>“format . . . 3 <i>Computing</i> a defined structure for holding data etc. in a record for processing or storage. . . .” OXFORD ENGLISH REFERENCE DICTIONARY (Judy Pearsall & Bill Trumble eds., Oxford University Press, 2nd Revised ed. 2002).</p> <p>“format . . . The arrangement of data within a document file that typically permits the document to be read or written by a certain application.” MICROSOFT PRESS COMPUTER DICTIONARY (Microsoft Press, 5th ed.</p>		

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>2002).</p> <p><i>AVI RIFF File Reference. See http://msdn.microsoft.com/en-us/library/ms779636.aspx.</i></p>		
17.	<p>“enhanced performance speaker”/</p> <p>“enhanced performance speaker capable of providing a substantially full range of audio sounds”</p> <p>’395 Patent, claims 11, 22, 24, 30, 32, 39, 41;</p> <p>’866 Patent, claim 10</p>	<p>Plain meaning. If construction is necessary, then: “a speaker that can provide a substantially full range of audio sounds”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>“The claimed enhanced performance speaker allows such high quality audio clips to accurately reproduce the high fidelity sound achievable with such clips, thus greatly improving the user’s experience and satisfaction.” ’866 Patent 5/4/2007 Amendment Remarks, p. 15.</p> <p>“the prior art systems of record are incapable of playing such high quality audio because they lack the proper hardware (e.g., lack appropriate speakers (see applicant’s claim 10))”. ’866 Patent 5/4/2007 Amendment Remarks, p. 18.</p> <p>“In some embodiments, speaker 540 may be an enhanced performance speaker (as compared to those currently installed in telephones) with a capacity for generating a</p>	<p>Indefinite.</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’692 patent, 10:35-39</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>An exploration of Musical Timbre, John M. Grey, Department of Music, Stanford University, Center for Computer Research, February 1975</p> <p>Musimathics, the mathematic foundations of music, Gareth Loy, MIT Press, Cambridge MA, 2006</p> <p>Multimedia Systems, John F. Koegel Buford, Siggraph, 1994</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>full range of audio sounds.” ’692 Patent: 10:35-39.</p> <p><i>See also</i> ’692 Patent: 9:63-67; 10:9-11; 10:14-18; 10:26-28; 10:30-33.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“full-range: A speaker designed to reproduce all or most of the sound spectrum.” Ray Alden, <i>Advanced SPEAKER DESIGNS FOR THE HOBBYIST AND TECHNICIAN Glossary</i> (1st ed. rev. 1995).</p> <p>“A full-range speaker is one that is engineered to adequately reproduce most of the audible sound spectrum. . . . No single speaker can accurately reproduce the entire range of human hearing.” Gordon McComb, Alvis J. Evans & Eric J. Evans, <i>BUILDING SPEAKER SYSTEMS</i> 2-9 (Joseph A. D’Appolito, ed. 3d ed. 1998).</p> <p>“Extended range speakers are fine, but if one chooses to just replace a speaker in an existing hole, is there a way to provide any of the extended range sound? Yes, by using a high-performance, full-range speaker. The full-range speakers are made of woofers and tweeters and/or midrange drivers all in one assembly that cover the</p>	<p>Music, Physics and Engineering, Harry F. Olson, second edition, 1967</p>	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction																
		<p>full audio frequency spectrum.” Gordon McComb, Alvis J. Evans & Eric J. Evans, BUILDING SPEAKER SYSTEMS 9-8 (Joseph A. D’Appolito, ed. 3d ed. 1998).</p> <p>“The requirements for a single loudspeaker to cover the ‘full’ frequency range of 20-20000Hz are in practice self-defeating A good practical compromise would be two sections with a crossover frequency of about 2kHz” AUDIO & HI-FI HANDBOOK 296 (Ian R. Sinclair, 3d ed. 1998).</p> <p>“For telephone speech channels, the maximum signal frequency is limited to 4kHz and must thus be sampled at least 8000 times per second (8kHz). . . . Hi-fi quality audio has a maximum signal frequency of 20kHz and must be sampled at least 40000 times per second (many professional hi-fi sampling systems sample at 44.1 kHz).” W. Buchanan, ADVANCED DATA COMMUNICATIONS AND NETWORKS 11-12, 498-99 (1997).</p> <p>Table 1.3 TYPICAL SPECIFICATION OF DOMESTIC TWO-WAY LOUDSPEAKER SYSTEM, CIRCA 1984</p> <table border="1"> <tr> <td>Sensitivity</td> <td>88 dB W at 1 m, 1 W input</td> </tr> <tr> <td>Frequency response</td> <td>50 Hz–18 kHz, ± 3 dB; 40 Hz, –6 dB</td> </tr> <tr> <td>Polar response</td> <td>Within ± 3 dB of axial curve over ± 30° lateral arc, 50 Hz–15 kHz</td> </tr> <tr> <td>Distortion (90 dB)</td> <td>Less than 0.5% at 100 Hz–10 kHz; less than 3% at 35 Hz</td> </tr> <tr> <td>Power rating</td> <td>100 W peak programme</td> </tr> <tr> <td>Volume (internal)</td> <td>35 litres (35 × 10⁻⁶ m³)</td> </tr> <tr> <td>Drivers</td> <td>200 mm diameter bass-midrange 25 mm diameter dome tweeter</td> </tr> <tr> <td>Crossover frequency</td> <td>3 kHz</td> </tr> </table>	Sensitivity	88 dB W at 1 m, 1 W input	Frequency response	50 Hz–18 kHz, ± 3 dB; 40 Hz, –6 dB	Polar response	Within ± 3 dB of axial curve over ± 30° lateral arc, 50 Hz–15 kHz	Distortion (90 dB)	Less than 0.5% at 100 Hz–10 kHz; less than 3% at 35 Hz	Power rating	100 W peak programme	Volume (internal)	35 litres (35 × 10 ⁻⁶ m ³)	Drivers	200 mm diameter bass-midrange 25 mm diameter dome tweeter	Crossover frequency	3 kHz		
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		<p>Martin Collom, HIGH PERFORMANCE LOUDSPEAKERS 5 (4th ed. 1991).</p> <p>In light of this current level of attainment and contemporary technology, Table 1.4 gives target specifications for a range of high quality loudspeaker systems.”</p> <p style="text-align: center;">6 GENERAL REVIEW</p> <p style="text-align: center;">Table 1.4 PROPOSED LOUDSPEAKER SPECIFICATION</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%;">Axial pressure response</td> <td>60 Hz-15 kHz, ±2 dB (sine) 100 Hz-10 kHz, ±1 dB (octave averaged)</td> </tr> <tr> <td>Off-axis response</td> <td>Response below 60 Hz tailored to boundary conditions ±10° vertical, within 2 dB of axial output ±30° lateral, within 4 dB of axial output</td> </tr> <tr> <td>Harmonic distortion (90 dB)</td> <td>100 Hz-20 kHz, <0.3% Below 100 Hz, <2%</td> </tr> <tr> <td>Harmonic distortion (96 dB)</td> <td>100 Hz-20 kHz, <0.5% Below 100 Hz, <6%</td> </tr> <tr> <td>Sensitivity (2.83 V)</td> <td>Greater than 88 dB/W at 1 m</td> </tr> <tr> <td>Power rating</td> <td>≥100 W peak programme</td> </tr> <tr> <td>Impedance</td> <td>8 Ω nominal, 6 < Z < 20 Ω, phase angle < 30°, 100 Hz-20 kHz</td> </tr> <tr> <td>Maximum sound pressure (application)</td> <td>Domestic > 105 dB, unweighted at 1 m Monitoring > 115 dB, unweighted at 1 m Stage amplification 120-130 dB, unweighted at 1 m</td> </tr> <tr> <td>Size (internal volume)</td> <td>Domestic 25-50 l Monitoring 50-150 l Stage 100-200 l or horn loaded</td> </tr> </table> <p>Martin Collom, HIGH PERFORMANCE LOUDSPEAKERS 5-6 (4th ed. 1991).</p> <p>“Ideally, a speaker would respond equally well to all frequencies, producing a smooth ‘flat’ output response High-quality systems achieve a response that is within 6 dB of the 1 kHz level from 80 Hz to 20 kHz” Francis Rumsey & Tim McCormick, SOUND AND RECORDING AN INTRODUCTION 94 (3d ed. 1997).</p> <p>“The number of bits per sample dictates the signal-to-noise ratio or dynamic range of a digital audio system. . . . For many years</p>	Axial pressure response	60 Hz-15 kHz, ±2 dB (sine) 100 Hz-10 kHz, ±1 dB (octave averaged)	Off-axis response	Response below 60 Hz tailored to boundary conditions ±10° vertical, within 2 dB of axial output ±30° lateral, within 4 dB of axial output	Harmonic distortion (90 dB)	100 Hz-20 kHz, <0.3% Below 100 Hz, <2%	Harmonic distortion (96 dB)	100 Hz-20 kHz, <0.5% Below 100 Hz, <6%	Sensitivity (2.83 V)	Greater than 88 dB/W at 1 m	Power rating	≥100 W peak programme	Impedance	8 Ω nominal, 6 < Z < 20 Ω, phase angle < 30°, 100 Hz-20 kHz	Maximum sound pressure (application)	Domestic > 105 dB, unweighted at 1 m Monitoring > 115 dB, unweighted at 1 m Stage amplification 120-130 dB, unweighted at 1 m	Size (internal volume)	Domestic 25-50 l Monitoring 50-150 l Stage 100-200 l or horn loaded		
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		<p>now 16 bit linear PCM has been the norm for high quality audio applications. This is the CD standard and is capable of offering good dynamic range over 90 dB.”</p> <p>Linear quantising resolution</p> <table border="1"> <thead> <tr> <th><i>Bits per sample</i></th> <th><i>Approx dyn. range with dither</i></th> <th><i>Application</i></th> </tr> </thead> <tbody> <tr> <td>8</td> <td>44 dB</td> <td>Low-moderate quality for older PC internal sound generation. Some multimedia applications. Usually in the form of unsigned binary numbers</td> </tr> <tr> <td>12</td> <td>68 dB</td> <td>Older Akai samplers, e.g. S900</td> </tr> <tr> <td>14</td> <td>80 dB</td> <td>Original EIAJ format PCM adaptors, such as Sony PCM-100</td> </tr> <tr> <td>16</td> <td>92 dB</td> <td>CD standard. DAT standard. Most widely used high quality resolution for consumer media and many professional recorders. Many multimedia PCs. Two's complement (signed) binary numbers</td> </tr> <tr> <td>20</td> <td>116 dB</td> <td>High quality professional audio recording and mastering applications. Good convertors available</td> </tr> <tr> <td>24</td> <td>140 dB</td> <td>Maximum resolution of most new prof. recording systems, also of AES/EBU digital interface. Dynamic range would exceed psychoacoustic requirements. Hard to convert at this resolution</td> </tr> </tbody> </table> <p>Francis Rumsey & Tim McCormick, SOUND AND RECORDING AN INTRODUCTION 196 (3d ed. 1997).</p> <p>“The most commonly quoted specification for a piece of audio equipment is its <i>frequency response</i>. It is a parameter which describes the frequency range covered by the device – that is, the range of frequencies which it can record or reproduce. To take a simple view, for high-quality reproduction the device would normally be expected to cover the whole audio-frequency range, which was defined earlier as being from 20 Hz to 20 kHz It is not enough, though, simply to consider the range of frequencies</p>	<i>Bits per sample</i>	<i>Approx dyn. range with dither</i>	<i>Application</i>	8	44 dB	Low-moderate quality for older PC internal sound generation. Some multimedia applications. Usually in the form of unsigned binary numbers	12	68 dB	Older Akai samplers, e.g. S900	14	80 dB	Original EIAJ format PCM adaptors, such as Sony PCM-100	16	92 dB	CD standard. DAT standard. Most widely used high quality resolution for consumer media and many professional recorders. Many multimedia PCs. Two's complement (signed) binary numbers	20	116 dB	High quality professional audio recording and mastering applications. Good convertors available	24	140 dB	Maximum resolution of most new prof. recording systems, also of AES/EBU digital interface. Dynamic range would exceed psychoacoustic requirements. Hard to convert at this resolution		
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		<p>reproduced, since this says nothing about the relative levels of different frequencies or the amplitude of signals at the extremes of the range. If further qualification was not given then a frequency response specification of 20 Hz – 20 kHz could mean virtually anything. It is important to compare devices' specifications on the same grounds, since otherwise little useful information can be gained. . . . Typically frequency response is quoted <i>with reference to the response at 1 kHz</i>. This means that the output level at 1 kHz is chosen as the level against which all other frequencies are compared, and would be give a relative level of 0 dB for this purpose.” Francis Rumsey & Tim McCormick, SOUND AND RECORDING AN INTRODUCTION 361, 362 (3d ed. 1997).</p> <p>Table A1.1 Examples of typical frequency responses of audio systems</p> <table border="1"> <thead> <tr> <th><i>Device</i></th> <th><i>Typical frequency response</i></th> </tr> </thead> <tbody> <tr> <td>Telephone system</td> <td>300 Hz – 3 kHz</td> </tr> <tr> <td>AM radio</td> <td>50 Hz – 6 kHz</td> </tr> <tr> <td>Consumer cassette machine</td> <td>40 Hz – 15 kHz (±3 dB)</td> </tr> <tr> <td>Professional analogue tape recorder</td> <td>30 Hz – 25 kHz (±1 dB)</td> </tr> <tr> <td>CD player</td> <td>20 Hz – 20 kHz (±0.5 dB)</td> </tr> <tr> <td>Good-quality small loudspeaker</td> <td>60 Hz – 20 kHz (-6 dB)</td> </tr> <tr> <td>Good-quality large loudspeaker</td> <td>35 Hz – 20 kHz (-6 dB)</td> </tr> <tr> <td>Good-quality power amplifier</td> <td>6 Hz – 60 kHz (±3 dB)</td> </tr> <tr> <td>Good-quality omni microphone</td> <td>20 Hz – 20 kHz (±3 dB)</td> </tr> </tbody> </table> <p>Francis Rumsey & Tim McCormick, SOUND AND RECORDING AN INTRODUCTION 363 (3d ed. 1997).</p>	<i>Device</i>	<i>Typical frequency response</i>	Telephone system	300 Hz – 3 kHz	AM radio	50 Hz – 6 kHz	Consumer cassette machine	40 Hz – 15 kHz (±3 dB)	Professional analogue tape recorder	30 Hz – 25 kHz (±1 dB)	CD player	20 Hz – 20 kHz (±0.5 dB)	Good-quality small loudspeaker	60 Hz – 20 kHz (-6 dB)	Good-quality large loudspeaker	35 Hz – 20 kHz (-6 dB)	Good-quality power amplifier	6 Hz – 60 kHz (±3 dB)	Good-quality omni microphone	20 Hz – 20 kHz (±3 dB)		
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18.	<p>“substantially full range of audio sounds”</p> <p>’395 Patent, claims 11, 22, 30, 39;</p> <p>’866 Patent, claim 10</p>	<p>“the full range of sounds within human hearing, or a range of sounds not appreciably smaller than that range”</p> <p><u>INTRINSIC EVIDENCE:</u> “In some embodiments, speaker 540 may be an enhanced performance speaker (as compared to those currently installed in telephones) with a capacity for generating a full range of audio sounds.” ’692 Patent: 10:35-39.</p> <p><u>EXTRINSIC EVIDENCE:</u> “The human ear is capable of perceiving sounds with frequencies between approximately 20 Hz and 20 kHz . . . this is known as the <i>audio frequency range</i> or <i>audio spectrum</i>.” Francis Rumsey & Tim McCormick, SOUND AND RECORDING AN INTRODUCTION 2 (3d ed. 1997).</p> <p>“The higher the sampling rate, the greater the quality of the audio. . . Common sampling rates are 44.100 kHz (higher quality), 22.254 kHz (medium quality), and 11.025 kHz (lower quality).” James D. Murray & William Van Ryper, GRAPHICS FILE FORMATS 227 (2d ed. 1996).</p> <p>“It is certainly true that the ear’s frequency</p>	<p>Indefinite.</p> <p><u>INTRINSIC EVIDENCE:</u> ’692 patent, 10:35-39</p> <p><u>EXTRINSIC EVIDENCE:</u> An exploration of Musical Timbre, John M. Grey, Department of Music, Stanford University, Center for Computer Research, February 1975</p> <p>Musimathics, the mathematic foundations of music, Gareth Loy, MIT Press, Cambridge MA, 2006</p> <p>Multimedia Systems, John F. Koegel Buford, Siggraph, 1994</p> <p>Music, Physics and Engineering, Harry F. Olson, second edition, 1967</p>	

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		<p>response does not cut off completely at 20 kHz, but there is very little properly supported evidence that listeners can reliably distinguish between signals containing higher frequencies and those which do not.” Francis Rumsey & Tim McCormick, SOUND AND RECORDING AN INTRODUCTION 190 (3d ed. 1997).</p> <p>Commonly encountered sampling frequencies</p> <table border="1"> <thead> <tr> <th>f_s (kHz)</th> <th>Application</th> </tr> </thead> <tbody> <tr> <td>8</td> <td>Used in telephony. Poor audio quality. CCITT G711 standard. IMA RP rate*</td> </tr> <tr> <td>-11.025</td> <td>One quarter of the CD sampling rate, used in the sound hardware of some desktop computers, particularly the Apple Macintosh, for low quality applications. IMA RP rate*</td> </tr> <tr> <td>16</td> <td>Used in some telephony applications. G722 data reduction</td> </tr> <tr> <td>18.9</td> <td>CD-ROM/XA and CD-I standard for low-moderate quality audio using ADPCM to extend playing time</td> </tr> <tr> <td>-22.05</td> <td>Half the CD rate is 22.05 kHz. The original Apple Macintosh audio sampling rate was 22254.5454.... IMA RP rate*</td> </tr> <tr> <td>32</td> <td>Used in some broadcast systems, e.g. NICAM 3, NICAM 728, DAT long play mode</td> </tr> <tr> <td>37.8</td> <td>CD-ROM/XA and CD-I sampling rate for intermediate quality audio using ADPCM</td> </tr> <tr> <td>44.056</td> <td>A slight modification of the 44.1 rate used in some older equipment to align digital audio with the NTSC television frame rate of 29.97 frames per second. Occasionally still encountered in the USA</td> </tr> <tr> <td>44.1</td> <td>CD sampling rate. Used widely for professional audio recording in many formats. Some professionally modified DAT machines will operate at this rate from analogue inputs. IMA RP rate*</td> </tr> <tr> <td>47.952</td> <td>Occasionally encountered when 48 kHz equipment is used in NTSC video operations. To be avoided</td> </tr> <tr> <td>48</td> <td>'Professional' rate, as specified in AES5-1984, and encountered mainly in digital video recorder sound tracks. Many DAT machines will only sample at this rate through analogue inputs</td> </tr> <tr> <td>88.2 and 96</td> <td>Twice the 44.1 and 48 k standard rates. Found in some audiophile equipment, such as certain non-standard DAT machines.</td> </tr> </tbody> </table> <p>*IMA RP rates were selected in the International Multimedia Association Recommended Practice for Enhancing Digital Audio Compatibility in Multimedia Systems, Rev. 3.00, Oct. 1992, for sound file transfer between workstations</p> <p>Francis Rumsey & Tim McCormick, SOUND AND RECORDING AN INTRODUCTION 190 (3d ed. 1997).</p>	f_s (kHz)	Application	8	Used in telephony. Poor audio quality. CCITT G711 standard. IMA RP rate*	-11.025	One quarter of the CD sampling rate, used in the sound hardware of some desktop computers, particularly the Apple Macintosh, for low quality applications. IMA RP rate*	16	Used in some telephony applications. G722 data reduction	18.9	CD-ROM/XA and CD-I standard for low-moderate quality audio using ADPCM to extend playing time	-22.05	Half the CD rate is 22.05 kHz. The original Apple Macintosh audio sampling rate was 22254.5454.... IMA RP rate*	32	Used in some broadcast systems, e.g. NICAM 3, NICAM 728, DAT long play mode	37.8	CD-ROM/XA and CD-I sampling rate for intermediate quality audio using ADPCM	44.056	A slight modification of the 44.1 rate used in some older equipment to align digital audio with the NTSC television frame rate of 29.97 frames per second. Occasionally still encountered in the USA	44.1	CD sampling rate. Used widely for professional audio recording in many formats. Some professionally modified DAT machines will operate at this rate from analogue inputs. IMA RP rate*	47.952	Occasionally encountered when 48 kHz equipment is used in NTSC video operations. To be avoided	48	'Professional' rate, as specified in AES5-1984, and encountered mainly in digital video recorder sound tracks. Many DAT machines will only sample at this rate through analogue inputs	88.2 and 96	Twice the 44.1 and 48 k standard rates. Found in some audiophile equipment, such as certain non-standard DAT machines.		
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19.	<p>“allowing” / “to allow” / “that allows”</p> <p>’692 Patent, claim 1; ’395 Patent, claims 1, 14, 22, 30, 39; ’864 Patent, claims 11-13; ’866 Patent, claim 10; ’572 Patent claims 1, 2, 5</p>	<p>Plain meaning. If construction is necessary, then: allowing: “permitting” to allow: “to permit” that allows: “that permits”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>’692 Patent: 1:27-29; 1:39-42; 1:48-51; 1:55-57; 1:57-59; 1:60-63; 2:17-20; 6:18-21; 7:38-41; 9:57-60; 10:49-50; 11:32-34; 12:26-30.</p> <p><i>See also</i> ’692 Patent: 1:11-14; 1:55-57; 1:58-60; 1:61-64; 3:30-33; 3:37-40; 3:43-46; 4:11-12; 4:43-48; 5:32-37; 6:5-7; 6:24-26; 6:43-47; 7:13-15; 7:31-35; 7:41-44; 7:45-50; 7:60-65; 7:67-8:5; 8:9-19; 8:22-25; 8:28-29; 8:34-36; 8:39-41; 9:3-9; 9:20-23; 9:24-26; 9:36-38; 10:1-5; 10:7-9; 10:49-51; 10:53-54; 11:2-4; 11:7-10; 11:13-14; 11:32-34; 11:37-38; 12:26-28.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“allow . . . <i>vb</i> . . . 5 a: PERMIT . . .” MERRIAM WEBSTER’S COLLEGIATE DICTIONARY (Merriam-Webster, Inc. 10th ed., 1997).</p> <p>“allow . . . <i>vb</i>. . . . 3 a: PERMIT . . .”</p>	Indefinite.	

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		<p>WEBSTER'S NEW COLLEGIATE DICTIONARY (1973).</p> <p>“allow v. 1. Admit as legal or acceptable. permit to do something. . .” THE CONCISE OXFORD DICTIONARY (Judy Pearsall ed., Oxford University Press, 10th ed. 1999).</p> <p>“allow . . . v. 1. <i>tr.</i> permit . . .” OXFORD ENGLISH REFERENCE DICTIONARY (Judy Pearsall & Bill Trumble eds., Oxford University Press, 2nd Revised ed. 2002).</p>		
20.	<p>“enabling the user of the telephone to program at least a portion of the user-defined audio file into the telephone for use as an indicia of an incoming communication”</p> <p>'692 Patent, claim 1</p>	<p>Plain meaning. If construction is necessary, then:</p> <p>“permitting the user of the telephone to program at least a portion of the user-defined audio file into the telephone for use as an indicia of an incoming communication”</p> <p><u>INTRINSIC EVIDENCE:</u></p> <p>In another embodiment, a user may program certain audio or video files into device 20 that are activated when a certain person calls. For example, a user may program device 20 so that certain signature files are played in response to receiving a characteristic indicative of the caller, such</p>	Indefinite.	

	Disputed Term(s)	Solocron Media LLC's Proposed Construction and Support	Defendants' Proposed Construction and Support	Court's Construction
		<p>as the caller's telephone number. `692 Patent: 7:60-65.</p> <p><i>See also</i> `692 Patent: 1:11-14; 1:55-57; 1:58-60; 1:61-64; 3:37-40; 5:32-37; 7:67-8:5; 9:3-9; 10:1-5; 10:53-54; 12:26-28.</p> <p><u>EXTRINSIC EVIDENCE:</u></p> <p>“enable . . . <i>vt</i> . . . 1 a: to provide with the means or opportunity . . . b: to amek possible, practical, or easy” MERRIAM WEBSTER'S COLLEGIATE DICTIONARY (Merriam-Webster, Inc. 10th ed., 1997).</p> <p>“enable . . . <i>vb</i> . . . 1 a : to provide with the means or opportunity[.]” WEBSTER'S NEW COLLEGIATE DICTIONARY (1973).</p> <p>“enable . . . <i>v</i> . . . 1. Provide with the ability or means to do something. 2. Make possible.” THE CONCISE OXFORD DICTIONARY (Judy Pearsall ed., Oxford University Press, 10th ed. 1999).</p> <p>“enable . . . give (a person etc.) the means or authority to do something. 2. Make possible.” OXFORD ENGLISH REFERENCE DICTIONARY (Judy Pearsall & Bill Trumble eds., Oxford University Press, 2nd Revised ed. 2002).</p>		

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