

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
WICHITA FALLS DIVISION**

SUMMIT 6 LLC,

Plaintiff,

v.

**HTC CORPORATION,
HTC AMERICA, INC.,
LG ELECTRONICS, INC.,
LG ELECTRONICS USA, INC.,
LG ELECTRONICS MOBILECOMM
USA, INC.,
MOTOROLA MOBILITY LLC, and
TWITTER INC.,**

Defendants.

§
§ **CIVIL ACTION NO. 7:14-cv-00014-O**
§
§ **JURY TRIAL DEMANDED**
§

SUMMIT 6 LLC,

Plaintiff,

v.

APPLE INC.

Defendant.

§
§ **CIVIL ACTION NO. 7:14-cv-00106-O**
§
§ **JURY TRIAL DEMANDED**
§

**AMENDED JOINT CLAIM CONSTRUCTION AND PREHEARING
STATEMENT**

TO THE HONORABLE COURT:

Since filing the Joint Claim Construction Statement, (Dkt. No. 149), the parties have both reduced the number of asserted claims and dropped certain claim terms for construction. As a result, Plaintiff Summit 6 LLC (“Summit 6”) and Defendants HTC

Corporation, HTC America, Inc., LG Electronics, Inc., LG Electronics USA, Inc., LG Electronics MobileComm USA, Inc., Motorola Mobility LLC, Apple Inc., and Twitter Inc. (collectively “Defendants”) file this Amended Joint Claim Construction and Prehearing Statement to address those changes.

I. Terms Proposed for Construction on Which the Parties Agree

The parties agree on the construction of the following claim terms:

| Claim Term or Phrase and Relevant Claims | Agreed Construction |
|--|--|
| pre-processing parameters '482: Claims 1, 12, 13, 16, 17, 18, 22, 25, 35, 37, 38, 51 '515: Claims 1, 7, 20-23, 39-41, 52 | values directing the pre-processing |
| displaying a preview image of said selected digital content '482: Claim 35 | displaying a preview image of the digital content after the digital content has been selected |
| displaying a thumbnail preview of said identified . . . files '515: Claims 6, 28 | displaying a thumbnail preview of the file(s) after the file(s) have been identified |
| displaying thumbnail previews of . . . files '515: Claims 53 | displaying thumbnail previews of the files after the files have been identified |
| publishing/publication '482: Claims 1, 13, 22, 35, 38, 51 | making publicly available/the act of making publicly available |
| third party website '557: Claims 28, 35, 36 | a website being operated by a party other than: (1) the user, or (2) the party which provided the operator of the website with the code used to include the media object identifier on the website |
| placement of . . . digital content into a specified form to place . . . digital content in a specified form '482: Claims 1, 13, 22, 35, 37, 38, 51 | modifying the digital content data to meet certain specifications |

| | |
|---|---|
| <p>information that enables identification of a user</p> <p>user identifier</p> <p>information associated with an individual</p> <p>information retrieved by said client device that enables identification of a user</p> <p>'482: <i>Claims 13, 19, 25, 37</i></p> | <p>information related to a person that enables identification of that person</p> |
| <p>user information</p> <p>'482: <i>Claim 49</i></p> | <p>information related to a person</p> |

II. Each Party's Proposed Claim Constructions and Supporting Evidence

A side-by-side comparison of the parties' respective proposed constructions, an identification of the party/parties proposing the construction, and an identification of the intrinsic and extrinsic evidence that they intend to rely upon, either to support their proposed construction of the claim terms or to oppose another party's proposed construction, are provided in Exhibit A. The '557, '482, and '515 patents share a largely identical written description; therefore citations made to one of the patents are intended to refer to the corresponding portions from all patents-in-suit. The parties also reserve the right to rely on evidence cited by the opposing party to support or oppose particular constructions as appropriate.

In addition to the extrinsic evidence identified in Exhibit A, the parties anticipate that they may rely also on Markman briefing and the Court's Markman Order from the previous Summit 6 case (3:11-cv-00367), as well as any potential future Federal Circuit ruling(s) of matters on appeal in the previous Summit 6 case. With respect to expert

testimony, the parties were able to agree on its use. Expert declarations were submitted with the parties' briefing.

III. Length of Claim Construction Hearing

Should the Court find a hearing beneficial, the parties anticipate that three hours will be sufficient with this time to be divided equally between the two sides.

IV. Witness and/or Expert Testimony

None of the parties intend to call any witnesses at the claim construction hearing.

V. Issues for the Pre-Hearing Conference

The parties do not currently have any issues that need to be taken up with the Court at a pre-hearing conference.

Dated: January 27, 2015.

Respectfully submitted,

MCKOOL SMITH P.C.

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