

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

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

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.

By: /s/ Douglas A. Cawley
Douglas A. Cawley
Lead Attorney
Texas State Bar No. 04035500
dcawley@mckoolsmith.com
Theodore Stevenson III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Phillip M. Aurentz
Texas State Bar No. 24059404
paurentz@mckoolsmith.com
Ashley N. Moore
Texas State Bar No. 24074748
amoore@mckoolsmith.com
Mitchell R. Sibley
Texas State Bar No. 24073097
msibley@mckoolsmith.com
Richard A. Kamprath

Texas State Bar No. 24078767
rkamprath@mckoolsmith.com
Cory McAnelly (*Pro Hac Vice*)
Iowa State Bar No. 28601
cmcanelly@mckoolsmith.com
Colleen Bloss
Texas State Bar No. 24082160
cbloss@Mckoolsmith.com
McKool Smith, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Telecopier: (214) 978-4044

Bradley W. Caldwell
Texas State Bar No. 24040630
bcaldwell@caldwellcc.com
Caldwell Cassady & Curry
2101 Cedar Springs Road, Suite 1000
Dallas, Texas 75201
Telephone: (214) 888-4848
Telecopier: (214) 888-4849

**ATTORNEYS FOR PLAINTIFF
SUMMIT 6 LLC**

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.