UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AVAGO TECHNOLOGIES GENERAL IP (SINGAPORE) PTE. LTD.,
 	
     Plaintiff,
 	
   v.
 	
ASUSTEK COMPUTER INC. and ASUS COMPUTER INTERNATIONAL,
 	
     Defendants.
	Civil Action No. 2:15-cv-00239-JRG

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to P.R. 4-3, Plaintiff Avago Technologies General IP (Singapore) Pte. Ltd. ("Avago") and Defendants ASUSTeK Computer Inc. and ASUS Computer International (collectively, "ASUS") hereby submit this Joint Claim Construction Statement (the "Statement"). To the extent that the parties do not identify any claim terms or phrases as agreed pursuant to P.R. 4-3(a) or disputed pursuant to P.R. 4-3(b), the parties submit that any such claim terms or phrases require no construction and should be given their plain and ordinary meaning.

I.   **P.R. 4-3(a): Agreed Claim Constructions**

     a.   **Agreed Terms For U.S. Patent No. 5,670,730**

Claim Term	Agreed Construction
"global header" (Claims 18, 19, 31, 32)	"a single data structure that contains information corresponding to the way in which all pre-recorded audio tracks are encoded for storage in memory, which is used by the audio player to decode all tracks for playback"

Claim Term	Agreed Construction
"second header" (Claims 1, 4, 5)	"a data structure on a music chip, which includes information distinct from the information in the first header, that can be used to select individual tracks of music"
"individual header" (Claims 18, 20, 21, 31, 33, 34)	"a data structure on a chip which includes general description information distinct from the information in the global header, relating to an individual music track"
The issue of whether the preamble is a limitation (Claims 1, 18, 31)	The preambles for Claims 1, 18, and 31 are limiting

b.   Agreed Terms For U.S. Patent No. 5,870,087

Claim Term	Agreed Construction
None	N/A

c.   Agreed Terms For U.S. Patent No. 6,430,148

Claim Term	Agreed Construction
"sub-carrier signals" (Claims 8, 14, 18, 19)	The parties agree that the term "sub-carrier signals" is interchangeable with "sub-channel signals." The parties further agree that, otherwise, no construction necessary.
"sub-carrier frequency signals" (Claims 8, 18, 19)	The parties agree that the term "sub-carrier frequency signals" is interchangeable with "sub-channel frequency signals." The parties further agree that, otherwise, no construction necessary.
"sub-channel signals" (Claim 14)	The parties agree that the term "sub-channel signals" is interchangeable with "sub-carrier signals." The parties further agree that, otherwise, no construction necessary.

Claim Term	Agreed Construction
"sub-channel frequency signals" (Claims 14, 19)	The parties agree that the term "sub-channel frequency signals" is interchangeable with "sub-carrier frequency signals." The parties further agree that, otherwise, no construction necessary.
"timing information" (Claim 11)	"information usable at the second station at least to time synchronise the second OFDM device to the first OFDM device"
"transmitted intermittently between packets of data" (Claim 13)	"transmitted at regular or irregular intervals between packets of data"

d.   Agreed Terms For U.S. Patent No. 6,982,663

Claim Term	Agreed Construction
The issue of whether the preamble is a limitation (Claims 1, 12)	The preambles of Claim 1 and Claim 12 are limitations at least to the extent Claim 1 requires "generating an index value from a codeword" and Claim 12 requires "generating a codeword from an index value"

e.   Agreed Terms For U.S. Patent No. 6,744,387

Claim Term	Agreed Construction
"means for determining if a code symbol index value is less than a threshold" (Claim 3)	This term is a means-plus-function limitation under § 112(6) corresponding to the structure: "Binarization module (62) in an encoder (16), as shown in Fig. 2, and described at 4:1-5; 6:26-8:10."
"means for constructing a codeword using a unary binarization if said code symbol index value is less than said threshold value" (Claim 3)	This term is a means-plus-function limitation under § 112(6) corresponding to the structure: "Binarization module (62) in an encoder (16), as shown in Fig. 2, and described at 4:1-5; 6:26-8:10."

Claim Term	Agreed Construction
"means for constructing a codeword using a exp-Golomb binarization if said code symbol index value is [not] less than a threshold value" (Claim 3)	The parties agree that the word "not" omitted from the claim as originally issued should be corrected by the Court during claim construction consistent with the certificate of correction issued by the U.S. Patent Office on March 10, 2015. Further, this term is a means-plus-function limitation under § 112(6) corresponding to the structure: "Binarization module (62) in an encoder (16), as shown in Fig. 2, and described at 4:1-5; 6:26-8:10."

f. Agreed Terms For U.S. Patent No. 5,982,830

Claim Term	Agreed Construction
None	N/A

II. P.R. 4-3(b): Disputed Claim Constructions

a. Disputed Terms For U.S. Patent No. 5,670,730

Claim Term	Avago's Proposed Construction	ASUS's Proposed Construction
"first header" (Claims 1-3, 9)	"a data structure on a music chip which includes information relating to the way the music tracks were encoded in the memory of the music chip for use by the audio player in decoding the stored music"	"a single data structure that contains information corresponding to the way in which pre-recorded audio tracks are encoded for storage in memory, which is used by the audio player to decode the tracks for playback"
"integrated circuit music chip" (Claim 1)	Plain and ordinary meaning; no construction required. Alternatively, an "integrated circuit chip capable of storing music"	"a memory chip that is adapted to be received into a solid state audio player for playing music contained on the chip"

   b.   **Disputed Terms For U.S. Patent No. 5,870,087**

Claim Term	Avago's Proposed Construction	ASUS's Proposed Construction
"single memory" (Claims 1, 10, 16)	"memory functioning as a unit"	"one memory"
"first unified memory" (Claims 10, 11)	"memory functioning as a unit"	Plain and ordinary meaning; no construction required. Alternatively, "memory consisting of a single unit."

   c.   **Disputed Terms For U.S. Patent No. 6,430,148**

Claim Term	Avago's Proposed Construction	ASUS's Proposed Construction
"synchronisation signal" (Claims 8-15, 18, 19)	"a signal added to a plurality of data signals prior to modulation to achieve or maintain at least frequency and timing synchronism"	"a signal introduced into a transmission signal to achieve or maintain at least frequency or timing synchronism"
"synchronisation codes" (Claim 9)	"a sequence of predetermined bits added to a plurality of data signals prior to modulation to achieve or maintain at least frequency and timing synchronism"	"a sequence of predetermined bits introduced into a transmission signal to achieve or maintain at least frequency or timing synchronism"
"in response to modulating the synchronization signal and the data signals" (Claims 8, 18)	"by varying some characteristic of the subcarrier waves to be produced at a later time, such as their amplitudes or phases, as the synchronisation signal and the data signals vary"	"by varying some characteristic of a sub-carrier wave, e.g., the amplitude, frequency or phase of the wave, as the synchronization signal and data signals vary"

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