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11
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12 IP (SINGAPORE) PTE. LTD.

13   **UNITED STATES DISTRICT COURT**

14   **NORTHERN DISTRICT OF CALIFORNIA**

15   **SAN FRANCISCO DIVISION**

16
    AVAGO TECHNOLOGIES GENERAL IP   Case No.: 3:15-CV-04525-EMC
17 (SINGAPORE) PTE. LTD.,
                                           JOINT CLAIM CONSTRUCTION
18   Plaintiff,   **AND PREHEARING STATEMENT**

19   v.

20 ASUSTEK COMPUTER INC. and ASUS
    COMPUTER INTERNATIONAL,
21
                Defendants.
22

23   Pursuant to Pat. L.R. 4-3 and the Court's Order Regarding Claim Construction Schedule

24 dated December 8, 2015 ("the Order"), Plaintiff Avago Technologies General IP (Singapore) Pte.

25 ("Plaintiff") and Defendants ASUSTeK Computer Inc. and ASUS Computer International

26 (collectively, "Defendants") hereby submit this Joint Claim Construction and Prehearing

27 Statement. To the extent that the parties do not identify any claim terms or phrases as agreed

28 pursuant to P.R. 4-3(a) or disputed pursuant to P.R. 4-3(b), the parties submit that any such claim

1   terms or phrases require no construction and should be given their plain and ordinary meaning.

2   The case captioned *LSI Corp. et al. v. Funai Elec. Co. et al.*, Case No. 3:15-cv-04307-

3   EMC, was voluntarily dismissed pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i) on February 4, 2016

4   and has thus been terminated. *See Wilson v. City of San Jose*, 111 F.3d 688, 692 (9th Cir. 1997)

5   (dismissal pursuant to Rule 41(a)(1) "is effective on filing and no court order is required").

6   Accordingly, the defendants in that case are no longer participating in these claim construction

7   proceedings.

8   **I.   Pat. L.R. 4-3(a): Agreed Claim Constructions**

9   **A.   U.S. Patent No. 6,707,087**

Claim Term	Agreed Construction
"demultiplexing one or more multimedia data streams" (Claim 10) / "demultiplexes one or more multimedia data streams" (Claims 1 and 16)	"separate the multiplexed encoded stream into one or more individual streams"
"control functions" (Claims 1 and 16)	Plain and ordinary meaning; no construction necessary.

B.   U.S. Patent No. 6,430,148

Claim Term	Agreed Construction
"(i) add a synchronisation signal to a plurality of data signals" (Claim 8) / "(A) adding a synchronisation signal to a plurality of data signals" (Claim 18)	"Step (i)/(A): Inserting a synchronisation signal into a bitstream containing a plurality of data signals prior to the modulation in step (B)/(ii)"
"in response to" (Claims 8, 14, 18, 19)	"as a result of"
"(iii) generate a plurality of sub-carrier frequency signals in response to an inverse fast fourier transformation of the sub-carrier signals for transmission of the sub-carrier signals to the remote station" (Claim 8) / "(C) generating a	"Step (iii)/(C): Following the completion of step (ii)/(B), performing an inverse fast fourier transformation on the sub-carrier signals generated in step (ii)/(B) to generate a plurality of sub-carrier frequency signals"

Claim Term	Agreed Construction
plurality of sub-carrier frequency signals in response to an inverse fast fourier transformation of the sub-carrier signals"	
Whether the steps must be performed in order.	The steps, if performed, must be performed in order.
"sub-carrier frequency signals" / "sub-channel frequency signals"	The terms "sub-carrier frequency signals" and "sub-channel frequency signals" are interchangeable. Otherwise, the terms should be given their plain and ordinary meaning, and no further construction is necessary.
"transmitted intermittently between packets of data" (Claim 13)	"transmitted at regular or irregular intervals between packets of data"
"timing information"	"information usable at the second station at least to time synchronise the second OFDM device to the first OFDM device"

C.   U.S. Patent No. 6,982,663

Claim Term	Preliminary Construction
Claim preambles	The preambles of the asserted claims are claim limitations.

D.   U.S. Patent No. 5,670,730

Claim Term	Preliminary Construction
"global header" (Claims 18, 19, 31, and 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"
"second header" (Claims 1, 4, and 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"

Claim Term	Preliminary Construction
"individual header" (Claims 18, 20, 21, 31, 33, and 34"	"a data structure on a chip that includes general description information, distinct from the information in the global header, relating to an individual track of music"
The issue of whether the preamble is a limitation (Claims 1, 18, and 31)	The preambles for claims 1, 18, and 31 are limiting.

E.   U.S. Patent No. 6,188,835

There are no agreed-upon constructions for the '835 Patent.

F.   U.S. Patent No. 6,744,387

Claim Term	Preliminary 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; 6:26-8:23.
"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; 6:26-8:23.
"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 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; 6:26-8:23."

1

G.   U.S. Patent No. 5,982,830

2

Claim Term	Preliminary Construction
"predetermined condition(s)" (Claims 5, 16, and 20)	Plain and ordinary meaning

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6 **II.   Pat. L.R.   4-3(b)-(c):   Proposed   Constructions   for   Each   Disputed   Terms   and**

7   **Identification of Significant Terms**

8   Pursuant to the Order, the parties have identified the following ten (10) claim terms to be

9 construed by the Court:

10   1.   "synchronisation signal" ('148 Patent)

11   2.   "the sub-channel reference signals" ('148 Patent)

12   3.   "modulating" / "demodulating" ('148 Patent)

13   4.   "(A) setting said index value to a threshold" (claim 1) / "(i) set an index value to a

14 threshold" (claim 11) ('663 Patent)

15   5.   "generating said index value based on a fourth pattern in said first portion in

16 response to said fourth pattern being other than said first pattern" ('663 Patent).

17   6.   Whether the steps must be performed in order. ('663 Patent)

18   7.   "navigation data" ('835 Patent)

19   8.   "first header" ('730 Patent)

20   9.   "synchronization code(s)" ('830 Patent)

21   10.   "a detector for detecting said synchronization codes" ('830 Patent)

22   A chart setting forth the parties' proposed constructions of each of the disputed terms

23 above, together with an identification of all references from the specification or prosecution

24 history that support that construction, and an identification of any extrinsic evidence known to the

25 party on which it intends to rely either to support its proposed construction or to oppose any other

26 party's proposed construction, is attached hereto as **Exhibit A**.

27   **Defendants' Position:** Defendants have also identified a number of additional claim

28 terms in dispute. A chart setting forth the parties' proposed constructions of the additional

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