

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

**PERSONALIZED MEDIA)
COMMUNICATIONS, LLC,)**

Plaintiff)

v.)

**APPLE, INC.,)
_____)**

**TPV INT’L (USA), INC.,)
ET. AL.,)**

Defendants.)

**Civil Action No. 2:15-cv-01366-JRG-RSP
(Lead Case)**

**Civil Action No. 2:15-cv-01206-JRG-RSP
(Consolidated Case)**

P.R. 4-5(d) JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Court’s Docket Control Orders and Patent Local Rule 4-5(d), Plaintiff Personalized Media Communications, L.L.C. (“PMC”) hereby submits the parties’ Joint Claim Construction Chart.

II. U.S. Patent No. 8,559,635

Claim Element	Disputed Term or Phrase	PMC's Proposed Construction	Apple's Proposed Construction
1. A method for controlling the <u>decryption</u> of <u>encrypted programming</u> at a subscriber station, said method comprising the steps of:	programming	everything that is transmitted electronically to entertain, instruct, or inform, including television, radio, broadcast, print, and computer programming as well as combined medium programming	as to the '635 patent: everything transmitted over television or radio intended for communication of entertainment or to instruct or inform
receiving <u>encrypted</u> digital <u>programming</u> , said <u>encrypted</u> digital <u>programming</u> having an <u>encrypted</u> digital control signal ;	control signal (see also '635 patent, claims 2, 3, 32; '649 patent, claim 54).	[AGREED]	[AGREED]
detecting said control signal ;	detecting ... [said control signal]	this term does not require construction beyond its plain and ordinary meaning	demodulating and identifying ... [said control signal]
passing said <u>control signal</u> to a decryptor that decrypts <u>encrypted</u> digital data at said subscriber station; <u>decrypting</u> said <u>control signal</u> ; <u>decrypting</u> said <u>encrypted</u> digital <u>programming</u> to form <u>decrypted programming</u> based on said <u>control signal</u> ; and presenting said <u>decrypted programming</u> to a viewer or listener.	decryptor (see also '635 patent, claims 2, 18, 21, 32, 33)	[AGREED]	[AGREED]
2. A method for controlling the <u>decryption</u> of <u>programming</u> at a subscriber station, said method comprising the steps of: receiving <u>programming</u> , said	detecting ... [said first encrypted digital control signal portion of said programming]	this term does not require construction beyond its plain and ordinary meaning	demodulating and identifying ... [said first encrypted digital control signal portion of said programming]

Claim Element	Disputed Term or Phrase	PMC's Proposed Construction	Apple's Proposed Construction
<p>signals at a receiver station comprising the steps of:</p> <p>receiving at least one information transmission;</p> <p>detecting a plurality of signals in said at least one information transmission;</p> <p>changing a <u>decryption</u> technique in response to at least a first of said plurality of signals;</p> <p><u>decrypting</u> a second of said plurality of signals on the basis of said changed <u>decryption</u> technique, wherein said <u>decrypted</u> second of said plurality of signals is embedded with executable instructions;</p>	<p>signals in said at least one information transmission]</p>	<p>construction beyond its plain and ordinary meaning</p>	<p>[a plurality of signals in said at least one information transmission]</p>
<p>passing said <u>decrypted</u> second of said plurality of signals to a controllable device;</p> <p>and</p> <p>controlling said <u>controllable device</u> on the basis of said embedded executable instructions of said passed <u>decrypted</u> second of said plurality of signals.</p>	<p>controllable device</p> <p>(see also '635 patent, claims 20, 32)</p>	<p>a device that can be regulated or commanded based on instructions</p>	<p>a device controlled based on instructions in a transmission</p>
<p>18. A method of processing signals at a receiver station comprising the steps of:</p>	<p>locating code²</p>	<p>this term does not require construction beyond its plain and ordinary meaning</p>	<p>locating one or more instructions in the digital transmission</p>

² VIZIO seeks to construe the term “code” as recited in the '775 Patent, because it appears as a constituent of the terms “downloadable code” and “executable code” as recited below. The parties agreed that they would construe common terms in Phase I, and VIZIO timely disclosed this term for construction. PMC objected to VIZIO's proposed construction of “code” as recited in the '775 Patent as part of the Phase I Markman Hearing. The '775 Patent is not at issue in the *PMC v. Apple* case. The District Court granted VIZIO's motion that “VIZIO will participate with respect to terms common to VIZIO and Apple.” Based on the docket control order, PMC asserts that VIZIO's proposed construction in Phase II and that VIZIO has been granted permission to participate in the June 28, 2016 Phase I Markman Hearing solely on over-

Claim Element	Disputed Term or Phrase	PMC's Proposed Construction	Apple's Proposed Construction
<p>receiving at least one <u>encrypted digital information transmission</u>, wherein the at least one <u>encrypted digital information transmission</u> is unaccompanied by any non-digital information transmission;</p> <p>locating code;</p>			
<p>passing said code to a <u>processor</u>;</p> <p>controlling a <u>decryptor</u> that decrypts <u>encrypted</u> digital data to decrypt in a specific fashion on the basis of said code;</p> <p><u>decrypting</u> a portion of said at least one information transmission in said specific fashion; and</p> <p>passing said decrypted portion of said at least one <u>encrypted digital information transmission</u> to one of said <u>processor</u> and an output device.</p>	<p>to decrypt in a specific fashion on the basis of said code</p> <p>(see also '635 patent, clam 33)</p>	<p>controlling the decrypting process through the selection of a decryptor, a decryption key and/or a decryption algorithm based on the received code</p>	<p>to decrypt with a method specified by said code</p>
<p>20. A method of processing signals at a receiver station comprising the steps of:</p> <p>receiving at least one <u>encrypted digital information transmission</u>, wherein the at least one <u>encrypted digital information transmission</u> is unaccompanied by any non-digital information transmission;</p> <p>detecting a plurality of signals on said at least one encrypted digital information transmission;</p>	<p>detecting ... [a plurality of signals on said at least one encrypted digital information transmission]</p>	<p>this term does not require construction beyond its plain and ordinary meaning</p>	<p>demodulating and identifying ... [a plurality of signals on said at least one encrypted digital information transmission]</p>