

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

<b>PERSONALIZED MEDIA</b>	)	
<b>COMMUNICATIONS, LLC,</b>	)	
	)	<b>Case No. 2:15-cv-D1366-JRG-RSP</b>
<b>Plaintiff,</b>	)	
<b>vs.</b>	)	
	)	
<b>APPLE, INC.,</b>	)	
	)	
<b>Defendant.</b>	)	

**JOINT NOTICE IN COMPLIANCE WITH STANDING ORDER  
REGARDING MOTIONS UNDER 35 U.S.C. § 101**

Pursuant to the Court’s Standing Order Regarding Motions Under 35 U.S.C. § 101, Plaintiff Personalized Media Communications, LLC (“PMC”) and Defendant Apple Inc. (“Apple”) submit the attached letter as Ex. A outlining the parties’ respective positions.

Dated: December 14, 2015

/s/ Douglas A. Kline  
 Douglas A. Kline  
 Lana S. Shiferman  
 GOODWIN PROCTER, LLP  
 Exchange Place  
 Boston, MA 02109-2802  
 P: (617) 570-1000  
 F: (617) 523-1231  
 email: dkline@goodwinprocter.com  
 email: lshiferman@goodwinprocter.com

Jennifer A. Albert  
 Stephen T. Schreiner  
 GOODWIN PROCTER LLP  
 901 New York Ave., N.W.  
 Washington, DC 20001  
 P: (202) 346-4000  
 F: (202) 346-4444  
 email: jalbert@goodwinprocter.com  
 email: sschreiner@goodwinprocter.com

S. Calvin Capshaw (State Bar No. 03788390)  
Elizabeth L. DeRieux (State Bar No. 05770585)  
CAPSHAW DERIEUX, LLP  
114 E. Commerce Ave.  
Gladewater, TX 75647  
P: (903) 845-5770  
email: ccapshaw@capshawlaw.com  
email: ederieux@capshawlaw.com

***Attorneys for Plaintiff  
Personalized Media Communications, LLC***

/s/ Melissa R. Smith  
Marcus E. Sernel, P.C. (admitted *pro hac vice*)  
Joel R. Merkin (admitted *pro hac vice*)  
KIRKLAND & ELLIS LLP  
300 N. LaSalle Street  
Chicago, IL 60654  
P: (312) 862-2000  
F: (312) 862-2200  
email: marc.sernel@kirkland.com  
email: joel.merkin@kirkland.com

Gregory S. Arovas, P.C. (admitted *pro hac vice*)  
KIRKLAND & ELLIS LLP  
601 Lexington Avenue  
New York, NY 10022  
P: (212) 446-4800  
F: (212) 446-4900  
email: greg.arovas@kirkland.com

Melissa R. Smith (State Bar No. 24001351)  
GILLAM & SMITH LLP  
303 S. Washington Avenue  
Marshall, TX 75670  
P: (903) 934-8450  
F: (903) 934-9257  
email: Melissa@gillamsmithlaw.com

***Attorneys for Defendant  
Apple Inc.***

**CERTIFICATE OF SERVICE**

I hereby certify that the all counsel of record who are deemed to have consented to electronic service are being served this 14<sup>th</sup> day of December, 2015, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Douglas A. Kline  
Douglas A. Kline

# Exhibit A

December 14, 2015  
Page 1

December 14, 2015

**VIA ECF**

The Honorable Rodney Gilstrap  
Sam B. Hall, Jr. Federal Building and  
United States Courthouse  
100 East Houston Street  
Marshall, Texas 75670

**Re: *Personalized Media Communications, LLC v. Apple Inc.*  
Case No. 2:15-cv-01366-JRG-RSP**

Dear Judge Gilstrap:

Plaintiff Personalized Media Communications, LLC and Defendant Apple Inc. submit this joint letter pursuant to the Court's Standing Order Regarding Motions Under 35 U.S.C. § 101.

**I. PMC: Claim Construction Is Necessary To Inform the Court's § 101 Analysis**

PMC accuses Apple of infringing thirty-one claims from four PMC patents (U.S. Patents Nos. 8,191,091, 8,559,635, 7,752,649, and 8,752,088). Apple has moved to dismiss PMC's complaint arguing that PMC's claims are drawn to unpatentable subject matter. Apple contends on that basis that PMC's patents are invalid under 35 U.S.C. § 101. PMC respectfully submits that there are twenty-seven terms within the thirty-one asserted claims that require construction prior to resolution of Apple's motion to dismiss.

Apple contends that the asserted claims of PMC's '091 and '635 Patents "are directed to the abstract idea of converting information from one format to another (*i.e.*, decrypting information)." D.I. 34 at 16-17. Apple's definition of "decrypting" is unreasonably broad. The claimed inventions are directed to methods that are far more specific than merely "converting information from one format to another." The inventions are directed to management of "decryption keys" and their distribution in a digital network to control access to, and "decryption" of, "encrypted" digital content delivered over the network. '091 Pat., 1:25-28. Based on the dispute between the parties concerning the definition of "decrypting," construction is needed of '091 and '635 Patent claim terms including "encrypted digital information transmission," "decrypting," "decryption key," "to decrypt in a specific fashion on the basis of said code," and "control signal," among others.<sup>1</sup>

The layered signal decryption technology claimed the '091 and '635 Patents – which allows

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<sup>1</sup> Other terms that require construction for the '635 and '091 Patents are: instruct-to-enable signal, programming, processor instructions, tuning said receiver station to a channel, remote source, enabling information, encryption, remote transmitter station, unaccompanied by any non-digital information transmission and downloadable code. Other terms that require construction for the '649 Patent claims are: stored function invoking data, digital television signals, control processor and digital video signals.

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