

1 RUSS, AUGUST & KABAT  
2 Marc A. Fenster (CA SBN 181067)  
3 Reza Mirzaie (CA SBN 246953)  
4 Jeffrey Z.Y. Liao (CA SBN 288994)  
5 Christian Conkle (CA SBN 306374)  
6 12424 Wilshire Boulevard, 12th Floor  
7 Los Angeles, California 90025  
8 Telephone: (310) 826-7474  
9 Facsimile: (310) 826-6991

10 Attorneys for Plaintiff  
11 FastVDO LLC

12 **UNITED STATES DISTRICT COURT**  
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 FASTVDO LLC,  
15 Plaintiff,

16 v.

17 AT&T MOBILITY LLC,  
18 AT&T SERVICES, INC., and  
19 APPLE, INC.,

20 Defendants

Case No. 3:16-cv-00385-H-WVG  
LEAD CASE

Member Cases:

- 16-cv-386-H (WVG)
- 16-cv-389-H (WVG)
- 16-cv-390-H (WVG)
- 16-cv-394-H (WVG)
- 16-cv-395-H (WVG)
- 16-cv-396-H (WVG)

21 **PLAINTIFF’S PRELIMINARY CLAIM CONSTRUCTIONS AND**  
22 **PRELIMINARY IDENTIFICATION OF EXTRINSIC EVIDENCE**

23 Pursuant to Paragraph 7 of the Court’s Case Management Schedule, Plaintiff  
24 hereby provides its preliminary proposed construction of each claim term, phrase,  
25 or clause that it has identified for claim construction purposes. Plaintiff does not  
26 contend that any term is governed by 35 U.S.C. § 112(6). Plaintiff notes that these  
27 identifications are preliminary, and reserves all rights to amend or alter its claim  
28 construction positions.

MICROSOFT CORP. ET AL.  
EXHIBIT 1009

**I. PRELIMINARY PROPOSED CONSTRUCTIONS**

Claim Term or Element	Asserted Claim	Preliminary Proposed Construction
information within the first portion that is representative of a predetermined characteristic of the associated second portion	1, 7, 12, 22, 28	information within the first portion that, if the first portion is decoded correctly, enables a predetermined characteristic of the associated second portion to be known.

**II. PRELIMINARY IDENTIFICATION OF EXTRINSIC EVIDENCE**

Plaintiff identifies, on a preliminary basis, the following extrinsic evidence supporting its claim constructions: The testimony of its expert witness, Branimir Vojcic. Dr. Vojcic will testify to the following subject matter: How a person of ordinary skill in the art would understand this term/phrase in view of the intrinsic evidence.

DATED: May 27, 2016

By: */s/ Christian W. Conkle*  
Christian W. Conkle

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12424 Wilshire Boulevard, 12th Floor  
Los Angeles, California 90025  
Telephone: (310) 826-7474  
Facsimile: (310) 826-6991  
[mfenster@raklaw.com](mailto:mfenster@raklaw.com)  
[rmirzaie@raklaw.com](mailto:rmirzaie@raklaw.com)  
[jliao@raklaw.com](mailto:jliao@raklaw.com)  
[cconkle@raklaw.com](mailto:cconkle@raklaw.com)  
*Attorneys for Plaintiff FastVDO LLC*

CERTIFICATE OF SERVICE

I certify that counsel of record is being served on May 27, 2016, with a copy of this document via Electronic Mail and on this date.

/s/ Christian W. Conkle

RUSS, AUGUST & KABAT

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