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

FASTVDO LLC,  
Plaintiff,

v.

AT&T MOBILITY LLC,  
AT&T SERVICES, INC., and  
APPLE INC.,  
Defendants.

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

Member Cases:  
16-cv-386-H (WVG)  
16-cv-390-H (WVG)  
16-cv-394-H (WVG)  
16-cv-395-H (WVG)  
16-cv-396-H (WVG)

**DEFENDANTS' PRELIMINARY CLAIM CONSTRUCTIONS  
AND IDENTIFICATION OF EXTRINSIC EVIDENCE**

76023859v3

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Defendants' Preliminary Claim Constructions  
And Extrinsic Evidence

**MICROSOFT CORP. ET AL.  
EXHIBIT 1010**

1 Pursuant to the Court's April 5, 2016 Scheduling Order (*e.g.*, D.I. 125 in C.A.  
2 No. 16-cv-385) and Patent Local Rule ("PLR") 4.1, Defendants<sup>1</sup> propose the  
3 following preliminary claim constructions and identify its extrinsic evidence in  
4 support of those proposed constructions. (*See* Appendix A, attached.)

5 Defendants expressly reserve the right to supplement, amend or otherwise  
6 modify these disclosures and proposed constructions in any way permitted by the  
7 Federal Rules of Civil Procedure and this Court's Local Rules and/or Patent Local  
8 Rules, or in response to Plaintiff FastVDO, LLC's ("FastVDO") proposed terms for  
9 construction, proposed claim constructions, and/or supporting evidence. Defendants  
10 have not yet completed their investigation, collection of information, or discovery  
11 relating to these actions, and, as such, Defendants provide these disclosures based  
12 upon information reasonably known and available to Defendants at this time. To that  
13 end, Defendants reserve the right to amend their proposed claim terms and  
14 preliminary claim constructions, including, but not limited to, proposing separate or  
15 additional constructions for terms included within larger terms identified in this  
16 document or proposed by FastVDO. Moreover, in addition to the evidence identified  
17 herewith in support of Defendants' preliminary claim constructions, Defendants  
18 further reserve the right to rely upon expert testimony and other evidence in response  
19 to FastVDO's proposed claim terms and constructions or any of Defendants'  
20 proposed constructions, including modifications or amendments to such  
21 constructions, whether included herewith or identified later. And, to the extent that  
22 FastVDO shows good cause and/or is permitted to amend or supplement its  
23 infringement contentions in the future, or otherwise changes or further clarifies the  
24

25 <sup>1</sup> AT&T Mobility LLC, AT&T Services, Inc., Apple Inc., Samsung Electronics  
26 America, Inc., Samsung Electronics Co., Ltd., Huawei Technologies Co., Ltd.,  
27 Huawei Device Co., Ltd., Huawei Technologies USA, Inc., Huawei Device USA,  
28 Inc., Futurewei Technologies, Inc., LG Electronics, Inc., LG Electronics U.S.A., Inc.,  
Microsoft Mobile Inc., and ZTE (USA), Inc.

1 positions it has taken in this case (including, but not limited to, adding or changing in  
2 any way the claims currently asserted, or modifying its apparent interpretation of the  
3 scope of the claims at issue), Defendants reserve the right to respond.

4  
5  
6 Dated: May 27, 2016

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