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

10
11 FASTVDO LLC,
12 Plaintiff

13 v.

14 AT&T MOBILITY LLC,
15 AT&T SERVICES, INC., and
16 APPLE, INC.,
17 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)

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20 **PLAINTIFF’S RESPONSIVE CLAIM CONSTRUCTIONS**

21 Pursuant to Paragraph 7(c) of the Court’s Case Management Schedule,
22 Plaintiff hereby provides its responsive construction of each claim term, phrase, or
23 clause that Defendants have identified for claim construction purposes, as well as a
24 preliminary identification of extrinsic evidence in support thereof. Plaintiff also
25 incorporates by reference its Preliminary Claim Constructions, as amended, in
26 response to each of Defendants’ means plus function limitation constructions.
27 Plaintiff notes that these identifications are preliminary, and reserves all rights to
28 amend or alter its claim construction positions.

MICROSOFT CORP. ET AL.
EXHIBIT 1012

| Claim Term or Element | Defendants' Proposed Construction | Plaintiff's Responsive Claim Construction | Preliminary Extrinsic |
|---|--|---|---|
| <p>Code word / Code words (Claims 1, 2, 3, 6, 7, 8, 11, 12, 13, 14, 17, 22, 23, 25, 26, 28, 29)</p> | <p>Code in a codebook representing a symbol / Codes in a codebook, each representing a symbol – or – a sequence of bits assigned to represent a symbol (e.g., a coefficient) / sequences of bits, each sequence assigned to represent a symbol (e.g., a coefficient)</p> | <p>No construction necessary. If construction is required, an appropriate construction would be: A sequence of bits / Sequences of bits</p> | <p>Plaintiff preliminary extrinsic claim construction (1) The expert witness Vojcic. The following is how a person with the art w term/phrase intrinsic (2) In <i>Telecommunications of Telecomm</i> (1996)</p> |
| <p>First portion of each code word (Claims 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 22, 24, 25, 26, 28, 29)</p> | <p>Prefix field of a code word generated such that a bit error in the field could result in a potential loss of code word synchronization</p> | <p>No construction necessary.</p> | <p>Plaintiff preliminary extrinsic claim construction testimony Dr. Bran will testify subject to ordinary understanding view of</p> |

| Claim Term or Element | Defendants' Proposed Construction | Plaintiff's Responsive Claim Construction | Preliminary Extrinsic |
|--|--|---|--|
| <p>Second portion of each code word (Claims 1, 2, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 22, 24, 25, 26, 28, 29)</p> | <p>Suffix field of a code word generated in a manner such that a bit error in the field results in a miscoded value that falls in a predetermined range about the correct value – or – Suffix field of a code word generated such that a bit error in the field only affects that particular code word</p> | <p>No construction necessary.</p> | <p>Plaintiff preliminary extrinsic claim construction testimony Dr. Brannan will testify subject to ordinary understanding view of</p> |
| <p>Generating a plurality of code words representative of respective portions of the data, wherein each code word comprises a first portion and an associated second portion (Claims 1, 7, 12, and 22)</p> | <p>Generating a plurality of code words, representative of respective portions of the data, wherein each code word comprises a first portion and an associated second portion which do not represent first and second subdivisions of a data stream into different classes that merit different levels of error protection</p> | <p>No construction necessary.</p> | <p>Plaintiff preliminary extrinsic claim construction testimony Dr. Brannan will testify subject to ordinary understanding view of</p> |

| Claim Term or Element | Defendants' Proposed Construction | Plaintiff's Responsive Claim Construction | Preliminary Extrinsic Constr |
|--|--|---|---|
| <p>A plurality of code words, representative of respective portions of the original data, which have respective first and second portions (Claim 28)</p> | <p>A plurality of code words, representative of respective portions of the original data, which have respective first and second portions which do not represent first and second subdivisions of a data stream into different classes that merit different levels of error protection</p> | <p>No construction necessary.</p> | <p>Plaintiff preliminary extrinsic claim construction Dr. Brannan will test subject to ordinary understanding view of</p> |
| <p>Including information within the first portion . . . including information within the second portion (Claim 12)</p> | <p>“Including information within the first portion” must occur separately from “including information within the second portion.”</p> | <p>No construction necessary.</p> | <p>Plaintiff preliminary extrinsic claim construction Dr. Brannan will test subject to ordinary understanding view of</p> |

| Claim Term or Element | Defendants' Proposed Construction | Plaintiff's Responsive Claim Construction | Preliminary Extrinsic |
|--|--|---|--|
| <p>Means for including information within the first portion . . . means for including information within the second portion (Claims 7, 22)</p> | <p>The “means for including information within the first portion” and the “means for including information within the second portion” must be configured to perform their function separately.</p> | <p>No construction necessary for this combination of terms. For the construction of the individual terms “means for including information within the first portion that is representative of a predetermined characteristic of the associated second portion” and “means for including information within the second portion that is representative of a respective portion of the data,” see Plaintiff’s Preliminary Claim Constructions.</p> | <p>Plaintiff preliminary extrinsic claim construction Dr. Bran will test subject to ordinary understanding view of</p> |
| <p>Wherein the first portion of each code word includes information representative of a predetermined characteristic of the associated second portion . . . wherein the associated second portion of each code word includes information representative of a respective portion of the original data (Claims 28)</p> | <p>“Wherein the first portion of each code word includes information” must occur separately from “wherein the associated second portion of each code word includes information representative of a respective portion of the original data.”</p> | <p>No construction necessary.</p> | <p>Plaintiff preliminary extrinsic claim construction Dr. Bran will test subject to ordinary understanding view of</p> |

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