

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

MOTOROLA MOBILITY, INC., and §  
GENERAL INSTRUMENT CORP., §  
*Plaintiffs,* §

v. §

TIVO, INC., §  
*Defendant.* §

CASE NO. 5:11-CV-53-JRG

\_\_\_\_\_  
TIVO, INC., §  
*Counterclaim Plaintiff,* §

v. §

MOTOROLA MOBILITY, INC., §  
GENERAL INSTRUMENT CORP., TIME §  
WARNER CABLE INC., and TIME §  
WARNER CABLE LLC., §  
*Counterclaim Defendants,* §

**MEMORANDUM OPINION AND ORDER**

Before the Court is Plaintiffs Motorola Mobility, Inc. and General Instruments Corporation’s (collectively, “Motorola’s”) Opening Claim Construction Brief (Dkt. No. 173). Also before the Court are Defendant TiVo, Inc.’s (“TiVo’s”) response (Dkt. No. 182) and Motorola’s reply (Dkt. No. 189).

Before the Court is Counterclaim Plaintiff TiVo’s P.R. 4-5(a) Opening Claim Construction Brief (Dkt. No. 177). Also before the Court is the response of Counterclaim Defendants Time Warner Cable Inc. and Time Warner Cable LLC (collectively, “TWC”) and Motorola (Dkt. No. 183). Further before the Court is TiVo’s reply (Dkt. No. 190).

The Court held a claim construction hearing on November 27, 2012.

**Table of Contents**

**I. BACKGROUND..... 4**

**II. LEGAL PRINCIPLES ..... 4**

**III. CONSTRUCTION OF AGREED TERMS ..... 9**

**IV. CONSTRUCTION OF DISPUTED TERMS IN THE “MOTOROLA” PATENTS.... 10**

**A. U.S. Patent No. 6,304,714 ..... 10**

(1) “trick modes” (Claim 2)..... 12

(2) “high-capacity archival medium” and “high-access storage device” (Claims 1-4, 9 & 10)..... 14

(3) “maintaining the level of fullness of the input and output buffers to prevent said input and output buffers from underflowing or overflowing” (Claims 1-3 & 9) ..... 18

(4) “. . . appear simultaneous” (Claims 1-4, 9 & 10)..... 21

(5) “means for selecting . . .” (Claim 10) ..... 24

(6) “means for transferring . . .” (Claim 10)..... 37

(7) “means for maintaining the level of fullness of the input and output buffers to prevent said input and output buffers from underflowing or overflowing” (Claim 10) ..... 41

(8) “means for interleaving . . .” (Claim 10) ..... 44

(9) “means for receiving the first program data and storing the received first program data into the input buffer” and “means for reading the second program data from the output buffer” (Claim 10) ..... 47

**B. U.S. Patents No. 5,949,948 and 6,356,708..... 50**

(1) “A system for decoding and displaying compressed video data on a display device” (‘948 Patent, Claim 1) and “A system for providing compressed video data in a controlled sequence, the system receiving the compressed video data from a compressed program source” (‘948 Patent, Claim 16)..... 51

(2) “a storage device for storing the compressed video data” and “the storage and playback controller coupled to communicate with the storage device” (‘948 Patent, Claims 1, 6, 16 & 20)..... 52

(3) “the compressed video data not being specially [specifically] formatted to facilitate a high speed playback mode” (‘948 Patent, Claims 1, 6, 16 & 20)..... 56

(4) “a transition interval between a current playback mode and a desired playback mode” (‘948 Patent, Claims 1 & 6) and “detecting a playback transition instruction (‘708 Patent, Claims 1, 9 & 11) ..... 60

(5) “discarding the compressed video data until receipt of a next independent picture data” (‘948 Patent, Claims 1 & 6) and “inhibiting forwarding the encoded data until receipt of data corresponding to a frame of the first frame type” (‘708 Patent, Claim 1)..... 65

(6) “table maintenance means . . .” (‘948 Patent, Claims 6, 16 & 20) ..... 72

(7) Order of Steps (‘708 Patent, Claims 1, 9 & 11)..... 79

(8) “stepping through the encoded data on a frame-by-frame basis” (‘708 Patent, Claims 1, 9 & 11) ..... 79

(9) “granting forwarding permission for the frames of the second frame type upon determining from the transition instruction that the frames of the second frame type are to be provided for decoding” (‘708 Patent, Claim 11)..... 80

**V. CONSTRUCTION OF DISPUTED TERMS IN THE “TIVO” PATENTS ..... 80**

**A. U.S. Patent No. 6,233,389 ..... 81**

(1) “A process for the simultaneous storage and play back of multimedia data” (Claim 31) and “An apparatus for the simultaneous storage and play back of multimedia data” (Claim 61)..... 82

(2) “parses,” “parses video and audio data from said broadcast data,” “physical data source . . . parses video and audio data from said broadcast data, and temporarily stores said video and audio data” (Claims 31 & 61)..... 82

(3) “input device” (Claims 31 & 61) ..... 89

(4) “object,” “source object,” “sink object,” and “control object” (Claims 31 & 61) ..... 91

(5) “wherein said source object extracts video and audio data from said physical data source” and “said source object converts video data into data streams and fills said buffer with said streams” (Claims 31 & 61)..... 98

(6) “transform object,” “wherein said source object is automatically flow controlled by said transform object,” “wherein said sink object is automatically flow controlled by said transform object,” and “automatically flow controlled” (Claims 31 & 61)..... 101

(7) “obtains a buffer” and “obtains data stream buffers” (Claims 31 & 61) ..... 107

(8) “control the flow of the broadcast data through the system,” “physical data source,” and “accepts broadcast data” (Claims 31 & 61)..... 109

**B. U.S. Patent No. 7,529,465..... 111**

(1) “video segment” and “video segment identifying information” (Claims 1 & 10)..... 112

(2) “frame step” (Claims 1 & 10)..... 114

(3) “to cause delivery of selected video segments to an output subsystem,” “output subsystem,” and “module” (Claims 1, 10 & 17) ..... 118

**C. U.S. Patent No. 6,792,195 ..... 119**

(1) “cache access means for selecting a portion of the linear cache for streaming access to information stored therein” (Claim 58)..... 120

(2) “cache control means for controlling a rate of said streaming access to said linear cache” and “wherein said cache control means controls a rate and direction of said streaming access” (Claim 58) ..... 125

(3) “synchronization means for synchronizing streamed information from said linear cache for delivery to said cache access means” (Claim 58)..... 130

(4) “said linear cache maintains a window that represents a time span into a past history of said data stream that includes a most recently stored portion of said data stream” (Claim 58) ..... 136

(5) “discards” (Claim 58) ..... 138

(6) “stream capture means for capturing information for a particular data stream and encoding said information before storing said information in said linear cache” (Claim 60) ..... 142

(7) “presentation means for presenting the streaming access from said cache access means to a storage device” (Claim 64)..... 145

(8) “current block indicator” (Claims 73 & 75) ..... 149

**VI. CONCLUSION..... 151**

## I. BACKGROUND

Motorola brings suit alleging infringement of the following United States Patents

(collectively, “the Motorola Patents”):

5,949,948 (“the ‘948 Patent”)  
6,304,714 (“the ‘714 Patent”)  
6,356,708 (“the ‘708 Patent”)

(Dkt. No. 86, 4/30/2012 Amended Complaint, at ¶¶ 1 & 27-53.)

TiVo has counterclaimed, alleging infringement by Motorola of the following United States Patents (collectively, “the TiVo Patents”):

6,233,389 (“the ‘389 Patent”)  
7,529,465 (“the ‘465 Patent”)  
6,792,195 (“the ‘195 Patent”)

(Dkt. No. 73, 3/26/2012 Amended Counterclaims, at ¶¶ 88-90 & 111-149.) TiVo’s Amended Counterclaims also accuse TWC of distributing infringing set-top digital video recorder (“DVR”) boxes made by Motorola. (*See generally* Dkt. No. 129, 7/18/2012 Memorandum Opinion and Order (denying motion to sever and stay TiVo’s counterclaims against TWC).)

The patents-in-suit relate to digital video recording and playback and frequently refer to the widely-used “MPEG” (Moving Pictures Experts Group) standard for compressed digital video and audio.

## II. LEGAL PRINCIPLES

It is understood that “[a] claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention.” *Burke, Inc. v. Bruno Indep. Living Aids, Inc.*, 183 F.3d 1334, 1340 (Fed. Cir. 1999). Claim construction is clearly an issue of law for the court to decide. *Markman v.*

*Westview Instruments, Inc.*, 52 F.3d 967, 970-71 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996).

To ascertain the meaning of claims, courts look to three primary sources: the claims, the specification, and the prosecution history. *Markman*, 52 F.3d at 979. The specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. *Id.* A patent's claims must be read in view of the specification, of which they are a part. *Id.* For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims. *Id.* "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." *Watts v. XL Sys., Inc.*, 232 F.3d 877, 882 (Fed. Cir. 2000).

Nonetheless, it is the function of the claims, not the specification, to set forth the limits of the patentee's invention. Otherwise, there would be no need for claims. *SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). The patentee is free to be his own lexicographer, but any special definition given to a word must be clearly set forth in the specification. *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1388 (Fed. Cir. 1992). Although the specification may indicate that certain embodiments are preferred, particular embodiments appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. *Electro Med. Sys., S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1054 (Fed. Cir. 1994).

This Court's claim construction analysis is substantially guided by the Federal Circuit's decision in *Phillips v. AWH Corporation*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). In *Phillips*, the court set forth several guideposts that courts should follow when construing claims. In

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.