UNITED STATES PATENT AND TRADEMARK OFFICE
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BEFORE THE PATENT TRIAL AND APPEAL BOARD
_____

LG Electronics, Inc.
Petitioner,

v.

FastVDO LLC

Patent Owner.

Patent No. 5,850,482
_____

Inter Parte Review No. _____

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June 1, 2016 FastVDO First Amended Preliminary Claim Constructions in pending litigation on '482 patent

Exhibit 1011

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

PLAINTIFF'S FIRST AMENDED PRELIMINARY CLAIM CONSTRUCTIONS AND PRELIMINARY IDENTIFICATION OF EXTRINSIC EVIDENCE

Pursuant to Paragraph 7 of the Court's Case Management Schedule, Plaintiff hereby provides its preliminary proposed construction of each claim term, phrase, or clause that it has identified for claim construction purposes. Plaintiff also makes a preliminary identification of the structures described in the specification

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corresponding to each claim term contended to be governed by 35 U.S.C. § 112(6). Plaintiff notes that these identifications are preliminary, and reserves all rights to amend or alter its claim construction positions.

I. PRELIMINARY PROPOSED CONSTRUCTIONS

Claim Term or Element	Preliminary Proposed Construction	Preliminary Identification of Extrinsic Evidence
information within the first portion that is representative of a predetermined characteristic of the associated second portion (Claims 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.	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.

II. MEANS PLUS FUNCTION CLAIM TERMS

Claim Term or Element	Preliminary Proposed Construction and Corresponding Structure in Specification	Preliminary Identification of Extrinsic Evidence
code word generating means for generating a plurality of code words representative of respective portions of the data (Claim 7)	<u>Function</u>: generating a plurality of code words representative of respective portions of the data <u>Structure</u>: data encoder **16** and/or code word generator **26**. *See, e.g.*: Fig. 1; 6:50-56; 7:5-29; 13:20-50; 14:27-56.	Plaintiff identifies, on a preliminary basis, the following extrinsic evidence: 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.

Claim Term or Element	Preliminary Proposed Construction and Corresponding Structure in Specification	Preliminary Identification of Extrinsic Evidence
code word generating means for generating a plurality of code words, representative of respective portions of the data, which have respective first and second portions (Claim 22)	Function: generating a plurality of code words representative of respective portions of the data, which have respective first and second portions. Structure: data encoder **16** and/or code word generator **26**. *See, e.g.*: Fig. 1; 6:50-56; 7:5-29; 13:20-50; 14:27-56.	Plaintiff identifies, on a preliminary basis, the following extrinsic evidence: 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.
first generating means for generating the first portion of each code word, said first generating means comprising means for including information within the first portion that is representative of a predetermined characteristic of the associated second portion (Claim 7)	Function: generating the first portion of each code word and including information within the first portion that is representative of a predetermined characteristic of the associated second portion Structure: data encoder **16** and/or code word generator **26** and/or prefix generator **27**. *See, e.g.*: Fig. 1; 6:50-56; 7:5-29; 13:20-50; 14:27-56, 15:12-46.	Plaintiff identifies, on a preliminary basis, the following extrinsic evidence: 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.
means for including information within the first portion that is representative of a predetermined characteristic of the associated second portion (Claim 22)	Function: including information within the first portion that is representative of a predetermined characteristic of the associated second portion Structure: data encoder **16** and/or code word generator **26** and/or prefix generator **27**. *See, e.g.*: Fig. 1; 6:50-56; 7:5-29; 13:20-50; 14:27-56, 15:12-46.	Plaintiff identifies, on a preliminary basis, the following extrinsic evidence: 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.

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Claim Term or Element	Preliminary Proposed Construction and Corresponding Structure in Specification	Preliminary Identification of Extrinsic Evidence
second generating means for generating the second portion of each code word, said second generating means comprising means for including information within the second portion that is representative of the respective portion of the data (Claim 7)	Function: generating the second portion of each code word and including information within the second portion that is representative of the respective portion of the data Structure: data encoder **16** and/or code word generator **26** and/or suffix generator **28**. *See, e.g.*: Fig. 1; 6:50-56; 7:5-29; 13:20-50; 14:27-56, 15:12-46.	Plaintiff identifies, on a preliminary basis, the following extrinsic evidence: 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.
means for including information within the second portion that is representative of a respective portion of the data (Claim 22)	Function: including information within the second portion that is representative of a respective portion of the data Structure: data encoder **16** and/or code word generator **26** and/or suffix generator **28**. *See, e.g.*: Fig. 1; 6:50-56; 7:5-29; 13:20-50; 14:27-56, 15:12-46.	Plaintiff identifies, on a preliminary basis, the following extrinsic evidence: 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.
error protection means for providing error protection to at least one of the first portions of the plurality of code words while maintaining any error protection provided to the respective second portion associated with the at least one first portion at a lower level than the error protection provided to the respective first portion. (Claims 7, 22)	Function: providing error protection to at least one of the first portions of the plurality of code words while maintaining any error protection provided to the respective second portion associated with the at least one first portion at a lower level than the error protection provided to the respective first portion. Structure: data encoder **16** and/or unequal error protector **29**. *See, e.g.*: Fig 1; 16:10-27; 17:1-14.	Plaintiff identifies, on a preliminary basis, the following extrinsic evidence: 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.

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