

UNITED STATES PATENT AND TRADEMARK OFFICE

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. _____

June 9, 2016 email exchange with FastVDO re claim construction

Exhibit 1012

Noonen, Martin

From: Reza Mirzaie <rmirzaie@raklaw.com>
Sent: Thursday, June 09, 2016 9:37 PM
To: Marando, Christopher
Cc: cconkle@raklaw.com; FastVDO_JDG@orrick.com; fastvdo@raklaw.com
Subject: Re: FastVDO v AT&T - FastVDO First Amended Preliminary Claim Constructions & Extrinsic Evidence

Thanks, Chris. No, those cites are not part of our proposed structure.

Reza

On Jun 9, 2016, at 10:40 AM, Marando, Christopher <Christopher.Marando@weil.com> wrote:

Hi Reza,

Further to our call last night, can you please provide an update concerning FastVDO's position on the corresponding structures for the means plus function claims? Specifically, can you indicate whether FastVDO contends that the specification cites following the "See, e.g." language are included in FastVDO's proposals for the corresponding structure?

Thanks,
Chris

<image002.jpg>

Christopher T. Marando

Weil, Gotshal & Manges LLP
1300 Eye Street NW, Suite 900
Washington, DC 20005-3314
christopher.marando@weil.com
+1 202 682 7094 Direct
+1 202 857 0940 Fax

From: Marando, Christopher
Sent: Tuesday, June 07, 2016 10:10 PM
To: 'Reza Mirzaie'
Cc: cconkle@raklaw.com; FastVDO_JDG@orrick.com; fastvdo@raklaw.com
Subject: RE: FastVDO v AT&T - FastVDO First Amended Preliminary Claim Constructions & Extrinsic Evidence

Thanks, Reza. Let's plan to discuss tomorrow at 2:30pm pacific. We can use the following dial in: 1-888-235-7501, 2026827094.

<image003.jpg>

Christopher T. Marando

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+1 202 857 0940 Fax

From: Reza Mirzaie [<mailto:rmirzaie@raklaw.com>]
Sent: Tuesday, June 07, 2016 7:50 PM
To: Marando, Christopher
Cc: cconkle@raklaw.com; FastVDO_JDG@orrick.com; fastvdo@raklaw.com
Subject: Re: FastVDO v AT&T - FastVDO First Amended Preliminary Claim Constructions & Extrinsic Evidence

Hello Chris,

Thanks for the follow up email. This covers the same points raised in your May 25th email. As we previously discussed, we do not think our contentions are deficient. We also believe Defendants' excessive delay in raising these issues not only confirms the sufficiency of FastVDO's disclosures, but also renders any potential dispute moot under Judge Gallo's rules, including Rule IV(C) and (F).

I am available tomorrow afternoon around 2:30 pm Pacific to discuss this further and also Friday morning.

Thanks,
Reza

On Jun 6, 2016, at 6:24 PM, Marando, Christopher <Christopher.Marando@weil.com> wrote:

Counsel,

FastVDO's amended preliminary claim constructions served on 6/1 identified numerous proposed structures for the means plus function elements of claims 7-11 and 22-26. FastVDO's infringement contentions for these claims, however, did not provide the identity of these structures as required by the Court's Scheduling Order. Dkt. 125 (requiring that Plaintiff's contentions include a "chart identifying specifically where each element of each asserted claim is found within each Accused Instrumentality, **including for each element that such party contends is governed by 35 U.S.C. § 112(6), the identity of the structure(s), act(s), or material(s) in the Accused Instrumentality that performs the claimed function**") (emphasis added).

Please confirm that FastVDO will supplement its infringement contentions for these claims to identify the accused structures no later than 6/7, or else confirm that FastVDO is no longer asserting claims 7-11 and 22-26. If FastVDO is unwilling or unable to do so, please provide a time on 6/7 or 6/8 when FastVDO is available to meet and confer.

As we noted previously, the substantive deficiencies in FastVDO's infringement contentions have prejudiced Defendants' ability to fully analyze and consider the alleged scope of the asserted claim limitations in advance of the deadlines to serve proposed claim constructions. Defendants continue to reserve the right to serve modified claim constructions.

Thanks,
Chris

<image002.jpg>

Christopher T. Marando

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1300 Eye Street NW, Suite 900
Washington, DC 20005-3314
christopher.marando@weil.com
+1 202 682 7094 Direct
+1 202 857 0940 Fax

From: Reza Mirzaie [<mailto:rmirzaie@raklaw.com>]
Sent: Friday, June 03, 2016 2:27 AM
To: Marando, Christopher
Cc: Christian W. Conkle; oppfastvdomaster@raklaw.com; fastvdo@raklaw.com; Nikeisha Wilson
Subject: Re: FastVDO v AT&T - FastVDO First Amended Preliminary Claim Constructions & Extrinsic Evidence

Hello Chris,

Yes, FastVDO currently continues to assert claims 7-11 and 22-26.

Thanks,
Reza

Reza Mirzaie
Russ August & Kabat
12424 Wilshire Blvd., 12th Floor
Los Angeles, CA 90025
(310) 979-8251
rmirzaie@raklaw.com

On Jun 2, 2016, at 10:03 AM, Marando, Christopher
<Christopher.Marando@weil.com> wrote:

Counsel,

Can you confirm that FastVDO is continuing to assert claims 7-11 and 22-26?

Thanks,
Chris

<image001.jpg>

Christopher T. Marando

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1300 Eye Street NW, Suite 900
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+1 202 857 0940 Fax

From: Christian W. Conkle [<mailto:cconkle@raklaw.com>]
Sent: Wednesday, June 01, 2016 11:35 PM
To: oppfastvdomaster@raklaw.com
Cc: fastvdo@raklaw.com; Nikeisha Wilson
Subject: FastVDO v AT&T - FastVDO First Amended Preliminary Claim
Constructions & Extrinsic Evidence

Counsel,

Please see the attached first amended claim constructions of
plaintiff FastVDO LLC.

Thank you,

Christian W. Conkle
Russ, August & Kabat
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310 826-6991 Fax
cconkle@raklaw.com

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