

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

T-REX PROPERTY AB,

Plaintiff,

v.

REGAL ENTERTAINMENT GROUP

CLEAR CHANNEL OUTDOOR HOLDINGS,
INC., CLEAR TV MEDIA USA, INC. AND
MONSTER VISION, LLC D/B/A MONSTER
MEDIA

AMC ENTERTAINMENT HOLDINGS, INC.

Defendants.

Civil Action No.: 6:16-cv-00927-RWS

CONSOLIDATED LEAD CASE

6:16-cv-00974-RWS-KNM

6:16-cv-01029-RWS-KNM

**JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
PURSUANT TO LOCAL PATENT RULE 4-3**

Pursuant to Local Patent Rule 4-3 of the Rules of Practice for Patent Cases and Docket Control Order (D.I. 60), the parties hereby submit this Joint Claim Construction and Prehearing Statement.

A. P.R. 4-3(a): UNDISPUTED CLAIM TERMS, PHRASES, OR CLAUSES

The parties have agreed that certain phrases (identified by the phrase “AGREED CONSTRUCTION”) should be construed as proposed by the parties in the chart attached hereto as **Exhibit A**. The parties further agree that any claim terms, phrases, or clauses for which no construction is provided should be given their ordinary meaning as understood by a person of ordinary skill in the respective art of each patent and do not require construction by the Court.

B. P.R. 4-3(b): PROPOSED CONSTRUCTION OF DISPUTED CLAIM TERMS, PHRASES, OR CLAUSES

Exhibit A details disputed patent claim terms, phrases, or clauses for which Plaintiff and Defendants propose different constructions. Because each of these terms is potentially claim dispositive, the parties request construction of all of the disputed claim terms, phrases, or clauses by the Court identified in **Exhibit A**. The parties have set forth in **Exhibit A** the intrinsic and extrinsic evidence they each may rely on in support of their respective proposed constructions.

Pursuant to the Docket Control Order (D.I. 60), the parties identify the following terms as the ten (10) most significant terms:

1. “permitting said exposure list to be dynamically updated” (’470 patent: cl. 25) [dispositive of certain prior art arguments]
2. “update said exposure list in real time with control instruction fields via dynamic booking of information in time for exposure from mediators” (’334 patent: cl. 22) [dispositive of certain prior art arguments] / “able to create and update said exposure list in real time with control instruction fields via dynamic booking of information in time for exposure from mediators” (’334 patent: cl. 22) [potentially claim dispositive] / “update an exposure list having control instruction fields, via dynamic booking of display information from mediators” (’334 patent: cl. 32) [dispositive of certain prior art arguments]
3. “means for generating and dynamically updating an exposure list from said control instructions” (’334 patent: cl. 32) [dispositive of certain prior art arguments]
4. “computerized control center means” (’470 patent: cl. 26) [potentially claim dispositive]
5. “computerized means for coordinating and controlling electronic displays” (’334 patent: cl. 32) [potentially claim dispositive]
6. “exposure handler means whereby the control center functions, in real time and through the medium of said exposure handler, to create and update an exposure list having control instruction fields, via dynamic booking of display information from mediators” (’334 patent: cl. 32) [potentially claim dispositive]
7. “a means for displaying images in accordance with said exposure list associated with each on of said computerized devices” (’470 patent: cl. 26) [potentially claim dispositive]
8. “external information mediators,” “mediators,” “mediators of information” (’470 patent: cls. 25, 26; ’334 patent: cls. 22, 32) [potentially claim dispositive]

9. “control instructions,” “control instruction fields” (’470 patent: cls. 25, 26; ’334 patent, cls. 22, 32) [potentially claim dispositive]

10. “various geographic locations” (’603 patent: cl. 13) [potentially claim dispositive]

C. P.R. 4-3(c): ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING

The parties agree that 3 hours will be needed for the Claim Construction Hearing

D. P.R. 4-3(d): WITNESSES TO BE CALLED AT THE CLAIM CONSTRUCTION HEARING

At this time, the parties do not intend to call any live witnesses at the Claim Construction Hearing.

E. P.R. 4-3(e): ISSUES FOR A PREHEARING CONFERENCE

None.

F. PRELIMINARY IDENTIFICATION OF EXPERT TESTIMONY IN RESPONSE TO INDEFINITENESS CHALLENGES

Pursuant to the Docket Control Order (D.I. 60), T-Rex states that, as further set forth in Exhibit A, it may rely on expert declaration(s) in support of certain of its positions and/or constructions set forth in its Claim Construction Brief, including to rebut Defendants’ indefinite allegations and/or constructions. In particular, T-Rex may offer testimony of Zaydoon Jawadi, who is an expert in at least the fields of software development, engineering, consulting, and management in the fields of computing systems, Internet, website technologies, data storage, data networking, software applications, telephony, and telecommunication. Such testimony is expected to relate to: (1) background technical information regarding the fields relating to the patents-in-suit and the prior art; (2) the level of skill in the art; (3) the ordinary meaning in the relevant field(s) of terms or phrases in the patents-in-suit or in other intrinsic or extrinsic evidence; (4) how one of ordinary skill would interpret and understand the technical disclosures of the patents-in-suit and other intrinsic and extrinsic evidence; (5) the appropriate construction

of the disputed claim terms; (6) testimony in support of T-Rex's proposed constructions; (7) rebuttal to Defendants' proposed constructions; (8) how and what one of ordinary skill would identify in the written description as the structures corresponding to the "means" claim terms; and (9) how the structures in the written description corresponding to the "means" claim terms perform the claimed functions. In the event that T-Rex does offer testimony of Mr. Jawadi, the parties agree that Defendants may rely on rebuttal expert declaration(s) first in their Response Claim Construction Brief. T-Rex agrees to make its expert available for deposition at a mutually convenient time prior to Defendants submitting their response brief. Any declaration from Defendants submitted in connection with their response brief would be limited to rebuttal opinions and testimony, and not affirmative opinions/testimony in support of Defendants' claim constructions. In the event that Defendants submit such a rebuttal declaration, Defendants agree to make the witness available for deposition at a mutually convenient time.

Dated: September 14, 2017

Respectfully submitted,

/s/Michael D. Saunders

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