

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

MULTIMEDIA CONTENT	§	
MANAGEMENT LLC,	§	Civil Action No.: 6:18-cv-00207-ADA
Plaintiff	§	
	§	JURY TRIAL DEMANDED
v.	§	
	§	PATENT CASE
DISH NETWORK L.L.C.,	§	
Defendant.	§	
	§	

**PLAINTIFF’S OPENING CLAIM CONSTRUCTION BRIEF**

In accordance with the Court’s Initial Scheduling Order, Plaintiff Multimedia Content Management LLC (“Plaintiff” or “MCM”) submits the following brief in support of MCM’s claim constructions submitted to the Court as part of the Joint Claim Construction Statement (“JCCS”), D.I. 39.

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Table of Authorities

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*Ushijima v. Samsung Elecs. Co.*, 2014 WL 4825373 (W.D. Tex. Jan. 6, 2014) ..... 7

## Exhibit List

Exhibit No.	Description
2001	Declaration of Mr. Joel R. Williams
2002	File History of U.S. Patent Application No. 13/369,174
2003	Decision Denying Institution of <i>Inter Partes</i> Review, IPR2017-01934, Paper No. 10
2004	U.S. Patent No. 8,799,468
2005	U.S. Patent No. 9,465,925

## **I. INTRODUCTION**

Plaintiff Multimedia Content Management LLC (“Plaintiff” or “MCM”) submits the following brief in support of MCM’s claim constructions submitted to the Court as part of the Joint Claim Construction Statement (“JCCS”), D.I. 39. As detailed below, MCM’s proposed constructions are supported by, and consistent with, the specifications and file histories of the patents-in-suit. In accordance with the Court’s Scheduling Order, D.I. 33 (Jan. 4, 2019), and the parties’ Joint Stipulation Regarding Proposed Amended Scheduling Order, D.I. 42 (March 12, 2019), the parties have not exchanged any extrinsic evidence regarding claim construction and no discovery has taken place. MCM does not believe any extrinsic evidence is necessary for the Court to properly construe the disputed terms, and therefore MCM has not cited to any extrinsic evidence in support of its proposed constructions. Should Defendant Dish Network L.L.C. (“Defendant” or “Dish”) cite to any extrinsic evidence in its opening claim construction brief, Plaintiff reserves the right to continue to object to entry of such extrinsic evidence or, in the alternative, to offer additional extrinsic evidence in rebuttal as well as to cross-examine any testimonial extrinsic evidence.

## **II. PATENTS-IN-SUIT**

Plaintiff asserts Dish infringes two duly and legally issued United States Patents: U.S. Pat. No. 8,799,468 (“the ’468 Patent”) and U.S. Pat. No. 9,465,925 (“the ’925 Patent”). The ’468 Patent is entitled “System for Regulating Access to and Distributing Content in a Network,” and issued to Robert M. Burke II and David Z. Carman on August 5, 2014. The ’468 Patent claims priority from United States Patent Application No. 10/989,023 (now U.S. Pat. No. 8,122,128), and claims priority to U.S. Provisional Pat. App. No. 60/523,057, filed on November 18, 2003. A true and correct copy of the ’468 Patent is attached hereto as EX2004. The ’925 Patent is entitled “System

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