

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

UNILOC 2017, LLC
Plaintiff,

v.

GOOGLE LLC,
Defendant.

§
§
§
§
§
§
§

CIVIL ACTION NO. 2-18-cv-00502

JURY TRIAL DEMANDED

**PLAINTIFFS' PRELIMINARY CLAIM CONSTRUCTIONS
AND IDENTIFICATION OF EXTRINSIC EVIDENCE PURSUANT TO P.R. 4-2**

Plaintiff Uniloc 2017, LLC (“Uniloc”) submits the following preliminary claim constructions and identification of extrinsic evidence pursuant to P.R. 4-2 and the Docket Control Order regarding United States Patent No. 8,407,609. No terms are governed by 35 U.S.C. Section 112, Paragraph 6.

Uniloc contends that any additional terms identified by Defendant in their P.R. 4-1 disclosures and not addressed below do not require construction and their plain and ordinary meaning suffice. Uniloc reserves the right to amend its contention based on the constructions proposed by Defendant.

Uniloc reserves the right to supplement, amend, and/or modify the following list of claim terms and proposed constructions for any reason including, consistent with P.R. 4-2, to facilitate the ultimate preparation of the Joint Claim Construction and Prehearing Statement.

Terms for U.S. Patent No 8,407,609		Preliminary Construction
1.	identifier data	“information that can be used to correlate the user and each digital media presentation”
2.	applet	“a software component that runs in the context of another program”
3.	web page	Plain and ordinary meaning
4.	wherein each provided webpage causes	Plain and ordinary meaning
5.	providing identifier data to the user's computer using the first computer system	Plain and ordinary meaning
6.	storing data indicative of the received at least portion of the identifier data using the first computer system	Plain and ordinary meaning
7.	is indicative of an amount of time the digital media presentation is streamed from the second computer system to the user's computer	Plain and ordinary meaning
8.	Indicative of	Plain and ordinary meaning
9.	wherein each provided web page causes corresponding digital media presentation data to be streamed	Plain and ordinary meaning
10.	predetermined temporal period	Plain and ordinary meaning
11.	receiving at least a portion of the identifier data from the user's computer responsively to the timer applet each time a predetermined temporal period elapses using the first computer system	Plain and ordinary meaning
12.	a second computer system distinct from the first computer system	Plain and ordinary meaning

Terms for U.S. Patent No 8,407,609		Preliminary Construction
13.	providing an applet to the user's computer for each digital media presentation to be delivered using the first computer system	Plain and ordinary meaning
14.	the stored data	Plain and ordinary meaning
15.	each stored data	Plain and ordinary meaning
16.	wherein each stored data is together	This term cannot be separated from its contextual limitations and should be considered as part of the claim limitation: "wherein each stored data is together indicative of a cumulative time the corresponding web page was displayed by the user's computer", which is not proposed for construction by either party and should receive its plain and ordinary meaning.
17.	wherein each stored data is together indicative of	This term cannot be separated from its contextual limitations and should be considered as part of the claim limitation: "wherein each stored data is together indicative of a cumulative time the corresponding web page was displayed by the user's computer", which is not proposed for construction by either party and should receive its plain and ordinary meaning.

**UNILOC'S PRELIMINARY IDENTIFICATION OF
SUPPORTING EXTRINSIC EVIDENCE**

At this time, no extrinsic evidence is necessary. Uniloc reserves the right to rely on the deposition testimony of any witness deposed in this lawsuit, including any expert identified by Defendant. Uniloc also reserves the right to identify additional extrinsic evidence as claim construction proceeds in view of any contentions made or information disclosed by Defendant, including, for example, in rebuttal to Defendant's claim construction positions and/or extrinsic evidence Defendant may present in support of their proposed claim constructions.

Uniloc may also offer expert testimony to rebut the testimony of any experts offered by Defendant in support of its proposed claim constructions of the disputed terms and phrases and any extrinsic evidence relied upon by Uniloc or its experts for those constructions. The expert may rely upon the prosecution history, including any claims under prosecution, the issued claims, the references of record cited, and distinguished during prosecution, and any extrinsic evidence to rebut the constructions proposed by Defendant.

Date: September 24, 2019

Respectfully submitted,

By: /s/ Ryan S. Loveless

James L. Etheridge
Texas Bar No. 24059147
Ryan S. Loveless
Texas Bar No. 24036997
Brett A. Mangrum
Texas Bar No. 24065671
Travis L. Richins
Texas Bar No. 24061296
Jeff Huang
Etheridge Law Group, PLLC
2600 E. Southlake Blvd., Suite 120 / 324
Southlake, TX 76092
Tel.: (817) 470-7249

Fax: (817) 887-5950
Jim@EtheridgeLaw.com
Ryan@EtheridgeLaw.com
Brett@EtheridgeLaw.com
Travis@EtheridgeLaw.com
Jeff@EtheridgeLaw.com

Attorneys for Plaintiff Uniloc 2017, LLC

CERTIFICATE OF SERVICE

I certify that on September 24, 2019, the foregoing document was served upon all counsel of record via email in accordance with the Federal Rules of Civil Procedure.

/s/ Ryan S. Loveless
Ryan S. Loveless