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22   **UNITED STATES DISTRICT COURT**
           NORTHERN DISTRICT OF CALIFORNIA
23   **SAN FRANCISCO DIVISION**

24 MAXELL, LTD., | Case No. 3:18-cv-01788-VC_

25   Plaintiff, | **JOINT CLAIM CONSTRUCTION**
               v. | **AND PREHEARING STATEMENT**
26 ASUSTeK Computer Inc. and ASUS | **UNDER PATENT L.R. 4-3**
   Computer International
27
            Defendants.
28

Plaintiff Maxell, Ltd. ("Maxell" or "Plaintiff") and Defendants ASUSTeK Computer Inc. and ASUS Computer International ("ASUS" or "Defendant") submit the following Joint Claim Construction and Prehearing Statement for the asserted claims of U.S. Patent Nos. 7,403,226 (the '226 Patent), 9,544,517 (the '517 Patent), 6,430,498 (the '498 Patent), 6,243,340 (the '340 Patent), 6,973,334 (the '334 Patent), 7,551,209 (the '209 Patent), and 9,451,229 (the '229 Patent).

I. CONSTRUCTION OF CLAIM TERMS UPON WHICH THE PARTIES AGREE (4-3(A))

The parties have met and conferred, and have reached agreement on the following terms:

Claim Term	Agreed Construction
"residual storage of a (the) battery" ('340 Patent, Claim 1)	"remaining battery charge"
"when the residual storage of a battery decreases" ('340 Patent, Claim 1)	"when the remaining battery charge decreases"
"detecting a decrease in a residual storage of a battery" ('340 Patent, Claim 1)	"detecting a decrease in a remaining battery charge"
"managing information (intermediate information)"/ "managing information" ('340 Patent, Claim 1)	Plain and ordinary meaning.

Preambles: "A cellular telephone used in a CDMA system" and "A method of controlling a cellular telephone used in a CDMA system, said cellular telephone including a transmitter having a variable amplitude amplifier and a power amplifier" ('334 Patent, Claims 1 and 4)	Preambles are limiting
"detecting an achromatic portion" ('209 Patent, Claims 1, 3, 5, and 6)	"detecting a white portion"

II.   EACH PARTY'S PROPOSED CONSTRUCTION OF DISPUTED TERMS TOGETHER WITH IDENTIFICATION OF SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE (4-3(B))

Exhibit A-1 hereto sets forth Maxell's constructions and identified support including intrinsic and extrinsic evidence regarding disputed claim terms for the asserted patents.

Exhibit B-1 hereto sets forth ASUS's constructions and identified support including intrinsic and extrinsic evidence regarding disputed claim terms for the asserted patents.

III.   THE MOST SIGNIFICANT TERMS FOR CONSTRUCTION (4-3(C))

The parties have collectively identified the following terms as the most significant to the resolution of this case:

No.	Claim Term
1	"MPEG Method" ('229 Patent, Claims 1, 5, and 9)
2	"said walking navigation information" ('498 Patent, Claims 1, 5, and 10)
3	"white balance controlling means" ('209 Patent, Claim 1)

| 4 | "recording means for recording data on said information recording medium" ('340 Patent, Claim 1) |

In addition, the parties individually identify each of the below terms as most significant:

No.	Maxell Terms
5	"wherein the zoom operation unit is interlocked with an optical zoom mechanism" ('517 patent, Claim 3)
6	"a function defining a relation between bias data and gain data stored in said memory" ('334 patent, Claims 1 and 4)
7	"variable amplitude amplifier" ('334 Patent, Claims 1 and 4)
	ASUS Terms
8	"increases gradually to the maximum value ('334 Patent, Claims 1 and 4)
9	"a device for getting location information denoting a present place of said portable terminal" ('498 Patent, Claims 1, 5, and 10)
10	"object distance detecting means" ('209 Patent, Claims 1, 3, 5, and 6)

Of the foregoing ten terms, the parties identify the following terms as claim dispositive, in view of ASUS's contention that such terms are indefinite:

- "said walking navigation information" ('498 Patent, Claims 1, 5, and 10)

- "white balance controlling means" ('209 Patent, Claim 1)

- "wherein the zoom operation unit is interlocked with an optical zoom mechanism" ('517 patent, Claim 3)

- "increases gradually to the maximum value ('334 Patent, Claims 1 and 4)

- "a device for getting location information denoting a present place of said portable terminal" ('498 Patent, Claims 1, 5, and 10)

- "object distance detecting means" ('209 Patent, Claims 1, 3, 5, and 6)

1   ASUS also contends that the following terms are likely to be claim

2   dispositive with respect to the issue of infringement:

3

4   • "MPEG method" ('229 Patent, Claims 1, 5, and 9)

5   • "recording means for recording data on said information recording medium"
        ('340 Patent, Claim 1)
6

7

IV.   ANTICIPATED LENGTH OF TIME FOR CLAIM CONSTRUCTION HEARING (4-4(D))

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9   The parties anticipate that three hours will be sufficient for a claim

10

11   construction hearing on all of the most significant terms for construction.

12

V.   IDENTIFICATION OF WITNESSES FOR CLAIM CONSTRUCTION HEARING (4-3(E))

13

14   Maxell expects to proffer testimony either live or via declaration from the

15   following experts: Dr. Vijay Madisetti, Dr. Michael Braasch, Dr. Brana Vojcic, Dr.

16

17   Shukri Souri, and Dr. Joshua Phinney. Each expert is expected to provide testimony

18   about how the disputed claim terms would have been understood by a person of

19   ordinary skill in the art at the time of the claimed inventions. A summary of each

20

21   expert's anticipated testimony is appended hereto at Exhibits A-2 – A-6.

22   Additionally, Maxell may call any of these experts to testify live to rebut any such

23   testimony proffered by ASUS.

24

25   ASUS expects to proffer testimony either live or via declaration from the

26   following experts: Dr. Barmak Mansoorian, Mr. Scott Andrews, Dr. Zhi Ding, Dr.

27

28   Dan Schonfeld, and Dr. Masud Mansuripur. A summary of each expert's anticipated

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