

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

UNILOC 2017 LLC,

Plaintiff

v.

GOOGLE LLC,

Defendant.

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Civil Action No. 2:18-cv-551-JRG

JURY TRIAL DEMANDED

**DEFENDANT GOOGLE LLC'S RESPONSIVE CLAIM CONSTRUCTION BRIEF**

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## **I. INTRODUCTION**

Plaintiff Uniloc 2017 LLC (“Plaintiff” or “Uniloc”) alleges that Defendant Google LLC (“Defendant” or “Google”) infringes claims 1, 4, and 5 of U.S. Patent No. 7,012,960 (“the ’960 Patent”). Claim 1 fails to satisfy the definiteness requirements of 35 U.S.C. § 112 ¶ 2. It includes a facially ambiguous limitation containing the phrases “intended to” and “such as.” The uncertain language of that limitation results in the absence of reasonable certainty regarding the scope of the invention. This renders claim 1 invalid for indefiniteness.

Claims 1 and 4 include multiple terms requiring construction: “transformed coefficients,” “transformed signal[s],” and “transformed motion-compensated signal.” The plain and ordinary meaning of those terms, when read in light of the surrounding claim language and specification, encompasses video data that has been discrete cosine transformed and inverse quantized. Those terms must be construed accordingly.

## **II. LAW OF CLAIM CONSTRUCTION AND INDEFINITENESS**

In view of the Court’s familiarity with the applicable law for claim construction, Defendant cites pertinent cases in the context of disputed issues. Patent claims must point out and distinctly claim the subject matter that the applicant regards as the invention. 35 U.S.C. § 112 ¶ 2. A patent is invalid for indefiniteness “if its claims, read in light of the specification delineating the patent, and the prosecution history, fail to inform, with reasonable certainty, those skilled in the art about the scope of the invention.” *Nautilus, Inc. v. Biosig Instruments, Inc.*, 572 U.S. 898, 901 (2014). The definiteness requirement “mandates clarity.” *Id.* at 910. Patent claims “must be precise enough to afford clear notice of what is claimed.” *Id.* at 909.

## **III. BACKGROUND OF THE TECHNOLOGY**

The ’960 Patent is directed to transcoding a video stream from a higher bitrate to a lower bitrate with a filtering step to improve picture quality. ’960 Patent at Abstract, 1:24–29. The ’960

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