

1 DIAMOND McCARTHY LLP  
Matthew K. Blackburn (CSB No. 261959)  
2 mblackburn@diamondmccarthy.com  
Evan E. Boetticher (CSB No. 274377)  
3 evan.boetticher@diamondmccarthy.com  
150 California Street, Suite 2200  
4 San Francisco, California 94111  
Tel: 415.692.5200 | Fax: 415.263.9200

5 Allan B. Diamond (*pro hac vice*)  
adiamond@diamondmccarthy.com  
6 John B. Sample, IV (*pro hac vice*)  
john.sample@diamondmccarthy.com  
7 909 Fannin Street, 37th Floor  
Houston, Texas 77010  
8 Tel: 713.333.5100 | Fax: 713.333.5199

COOLEY LLP  
Heidi L. Keefe (CSB No. 178960)  
Dena Chen (CSB No. 286452)  
Alexandra D. Leeper (CSB No. 307310)  
Lauren J. Krickl (CSB No. 305379)  
Patrick W. Lauppe (CSB No. 322218)  
3175 Hanover Street  
Palo Alto, CA 94304  
Telephone: (650) 843-5000  
Facsimile: (650) 849-7400  
hkeefe@cooley.com  
dchen@cooley.com  
aleeper@cooley.com  
lkrickl@cooley.com  
plauppe@cooley.com

COOLEY LLP  
Michael G. Rhodes (CSB No. 116127)  
101 California Street, 5th Floor  
San Francisco, CA 94111-5800  
Telephone: (415) 693-2000  
Facsimile: (415) 693-2222  
rhodesmg@cooley.com

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12 *Attorneys for Plaintiffs NANTWORKS, LLC  
and NANT HOLDINGS IP, LLC*

*Attorney for Defendant NIANTIC, INC.*

14 **UNITED STATES DISTRICT COURT**  
15 **NORTHERN DISTRICT OF CALIFORNIA**  
16 **SAN FRANCISCO DIVISION**

17 NANTWORKS, LLC, AND  
18 NANT HOLDINGS IP, LLC.,

19 Plaintiffs,

20 v.

21 NIANTIC, INC.,

22 Defendant.  
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CASE NO. 3:20-cv-06262-LB

**PATENT L.R. 4-3 JOINT CLAIM  
CONSTRUCTION AND PREHEARING  
STATEMENT**

Hearing: August 19, 2021 (11:00 A.M.)  
Place: Courtroom B, 15<sup>th</sup> Floor  
Judge: Honorable Laurel Beeler

Pursuant to Patent Local Rule (“PLR”) 4-3, Plaintiffs NantWorks, LLC, and Nant Holdings IP, LLC., (together, “NantWorks”) and Defendant Niantic, Inc. (“Niantic”) (collectively, the “Parties”) having met and conferred, jointly submit this Joint Claim Construction and Prehearing Statement for the August 19, 2021 claim construction hearing on NantWorks’ U.S. Patent No. 10,403,051 (“the ’051 Patent”) and U.S. Patent No. 10,664,518 (“the ’518 Patent”).

**I. CONSTRUCTION OF THOSE TERMS ON WHICH THE PARTIES AGREE (PLR 4-3(a))**

To narrow their disputes, the counsel for the parties have meet and conferred on May 3<sup>rd</sup> and May 10<sup>th</sup>, and the parties have reached agreement on the constructions for the following claim terms:

Term	Claim	Construction
“tessellated tiles”	’518 Patent, claim 1	“tiles fitted together to cover an area without gaps”

**II. CONSTRUCTION OF THOSE TERMS ON WHICH THE PARTIES DISAGREE, AND IDENTIFICATIONS OF EACH PARTY’S INTRINSIC AND EXTRINSIC EVIDENCE (PLR 4-3(b))**

There are ten claim terms in dispute. The parties proposals as to the disputed claim terms are as follows:

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Claim Term	NantWorks' Proposed Construction and Support	Niantic's Proposed Construction and Support
<p>“determine at least one context related to the AR capable device and pertinent to the environment based at least on the device location” ('051 Patent, claim 1)</p>	<p>Proposed Construction: Determine at least one augmented reality experience on the AR capable device based on real world element attributes related to the local environment of the AR capable device.</p> <p>Intrinsic Evidence: '051 Patent: 2:3-15; 3:43-52; 3:49-52; 4:10-16; 4:42-44; 5:10-17; 7:67-8:3; 8:23-25; 8:41-44; 8:49-53; 9:13-26; 9:44-47; 11:4-8; 11:65-12:5; 12:13-21; 12:27-28; 12:31-37; 12:44-48; 13:1-7; 14:65-15:28; 15:34-43; 15:64-16:3; 16:20-23; 18:64-19:1; Figs 2, 3, 5.</p> <p>File History: '405 Appl., Mar. 25, 2019 Amdt, pp. 11-14; and Apr. 10, 2019 Ntc of Allow., pp. 2-4; '244 Appl., March 3, 2014 Resp. Off. Act. p. 9.</p> <p>Bathiche (U.S. App 09/167,787): ¶¶ 0021, 0048, 0052; Fig. 5.</p>	<p>Proposed Construction: It is presently unclear why NantWorks wishes to construe the entire claim element, or why plain and ordinary meaning does not suffice.</p> <p>Intrinsic Evidence: '051 Patent: 6:39-41; 7:19-35; 8:23-24</p>

Claim Term	NantWorks' Proposed Construction and Support	Niantic's Proposed Construction and Support
<p>1 "AR object" ('051 Patent, claim 1)</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p>	<p>Proposed Construction: Data structure of at least the virtual object image for integration into an AR experience.</p> <p>Intrinsic Evidence: '051 Patent: Abstract; 1:33-34; 2:1-3; 3:58-62; 4:12-16; 4:40-41; 5:10-17; 5:57-59; 5:66-6:7; 6:13-17; 7:19-25; 7:29-35; 9:15-28; 9:48-60; 14:20-26; 16:45-51; 16:61-17:6; 19:54-60; 20:23-26; Figs. 1, 2, 3, 4, 5, 6.</p> <p>File History: '405 Appl., Mar. 25, 2019 Amdt, pp. 13-14; Apr. 10, 2019 Ntc of Allow., pp. 2-4; and Oct. 29, 2019 Amdt., pp. 1-4.</p> <p>Extrinsic Evidence: Object, render, <u>The American Heritage Dictionary</u>, (5<sup>th</sup> ed. 2011) NW_NIANTIC_001760 - 1767; Object, render, <u>Microsoft Encarta College Dictionary</u>, (1<sup>st</sup> ed. 2001) NW_NIANTIC_001768 - 1774.</p>	<p>Proposed Construction: The virtual item that is to be presented to the user.</p> <p>Intrinsic Evidence: '051 Patent: Abstract; Fig. 1, 4, 5, 6; 1:32-33; 5:57-59; 6:13-23; 6:36-38; 8:4-13; 9:9-60; 12:9-13; 15:62; 17:18; 21:17-18.</p>
<p>18 "AR object repository" / "AR repository" ('051 Patent, claim 1)</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Proposed Construction: Plain and ordinary meaning. If the Court finds construction necessary: Memory storing AR objects.</p> <p>Intrinsic Evidence: '051 Patent: 5:64-66; 7:59-60; 8:45-49; 8:57-60; 8:63-9:8; 10:46-51; 12:26-31; 19:1-4; Figs. 1, 2, 5.</p> <p>File History: '405 Appl., Mar. 25, 2019 Amdt, pp. 13-14; Apr. 10, 2019 Ntc of Allow., pp. 2-4; and Oct. 29, 2019 Amdt., pp. 1-4.</p>	<p>Proposed Construction: The database(s) that contain(s) the AR objects.</p> <p>Intrinsic Evidence: '051 Patent: 5:7-17; 5:64-66; 8:45-9:11; 19:1-4.</p> <p>File History: 2019-3-25 Amdt/Req. Reconsideration After Non- Final Rejection, pp. 13-14.</p>

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Claim Term	NantWorks' Proposed Construction and Support	Niantic's Proposed Construction and Support
<p>"identify relevant AR objects from the AR repository representing available AR objects corresponding to the at least one context" ('051 Patent, claim 1)</p>	<p>Proposed Construction: Identify a set of AR objects from the AR repository based on context and identify relevant AR objects that are within that set.</p> <p>Intrinsic Evidence: '051 Patent: 5:64-66; 7:59-60; 8:45-49; 8:57-60; 8:63-9:8; 10:46-51; 12:16-21; 12:26-31; and 19:1-4; Figs. 1, 2, 3, 5.</p> <p>File History: '405 Appl., Mar. 25, 2019 Amdt, pp. 13-14; Apr. 10, 2019 Ntc of Allow., pp. 2-4; and Oct. 29, 2019 Amdt., pp. 1-4.</p>	<p>Proposed Construction: See above for the terms "AR object" and "AR repository." It is presently unclear why NantWorks wishes to construe the entire claim element, or why plain and ordinary meaning does not suffice for the remainder.</p> <p>Intrinsic Evidence: See above for the terms "AR object" and "AR repository."</p>
<p>"alter presence" / "altered presence" ('051 Patent, claim 1)</p>	<p>Proposed Construction: The degree of at least a relevant AR object's visual presentation based on a spectrum.</p> <p>Intrinsic Evidence: '051 Patent: Abstract; 4:40-41; 5:38-43; 15:58-16:3; 16:20-29; 16:36-39; 16:47-60; 16:67-17:6; 17:51-59; 17:63-18:9; 18:2-6; 18:10-13; 18:18-25; 18:36-45; Fig. 4.</p> <p>File History: '405 Appl., Apr. 10, 2019 Ntc of Allow., pp. 2-4; '244 Appl., July 18, 2013 Resp. Off. Act. p. 5-7; '244 Appl., Sept. 26, 2013 Resp. Off. Act. p. 5; Oct. 18, 2013 Resp. Off. Act. p. 6; and Mar. 3, 2013 Resp. Off. Act. p. 9, 11.</p>	<p>Proposed Construction: Change anything about the object's presentation.</p> <p>Intrinsic Evidence: '051 Patent: Abstract; 18:18-45.</p>

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