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IN THE UNITED STATES DISTRICT COURT

FOR THE CENTRAL DISTRICT OF CALIFORNIA

WESTERN DIVISION

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GOTV STREAMING, LLC

Plaintiff,

v.

NETFLIX, INC.,

Defendant.

_____

Case No. 2:22-cv-07556-RGK-SHK

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CORRECTED DECLARATION OF DR. JOHN VILLASENOR

REGARDING INVALIDITY OF U.S. PATENT NOS. 8,989,715; 8,478,245;

AND 8,103,865

June 23, 2023

I declare under penalty of perjury under the laws of the United States that to the best

of my knowledge the below is true and correct.

Date: June 23, 2023 _____

John Villasenor, Ph.D.

VIII. OPINIONS REGARDING CLAIM CONSTRUCTION

A.   Summary of Opinions

123.   In this section, I give my opinions regarding the view of a POSITA as to the meaning of certain terms in the Asserted Claims of the '865, '245, and '715 patents. I am informed that the Parties have proposed certain claim terms from the

Asserted Claims be construed. I have also been informed of certain agreed-upon terms which appear in the Asserted Claims, and their corresponding agreed constructions, which are listed in the table below:

Claim Term	Agreed Upon Construction[4]
"content items" ('865 patent claim 1)	plain and ordinary meaning; no construction necessary
"page description" ('865 patent claims 1, 4)	plain and ordinary meaning; no construction necessary
"compiled content" ('245 patent claims 1, 2, 4, 5, 12, 13, 15, 16) ('715 patent claims 1, 3, 4, 12)	plain and ordinary meaning; no construction necessary
"rendering [capability/capabilities] of said wireless device" ('865 patent claims 1, 12) ('245 patent claims 5, 16) ('715 patent claims 4, 12)	plain and ordinary meaning; no construction necessary

124.   I also have been informed of the disputed terms which appear in the Asserted Claims, and their corresponding proposed constructions by the parties, which

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[4] I am informed that on June 12, 2023 the parties agreed on the construction of these terms.

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are listed in the table below:

Claim Term	Defendant's Proposed Construction[5]	Plaintiff's Proposed Construction
"discrete low level rendering command" ('865 patent claims 1, 4)	Indefinite	Not indefinite Alternatively, "discrete rendering command that is tailored based on wireless device capability"
"render[ing] command[s]"[6] ('865 patent claims 1, 4, 16) ('245 patent claims 1) ('715 patent claims 1)	"instruction[s] to generate graphics on a display"	"a description for rendering a page component, such as the width or the height of the component"

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[5] I am informed that Netflix adopted claim constructions for "render[ing] command[s]," "custom configuration," and "rendering blocks" on June 9, 2023, that it had proposed as compromise constructions to Plaintiff on June 8, 2023. The analysis and conclusions that I have reached regarding prior art invalidity apply Netflix's current proposals for those three terms. I have considered Netflix's former constructions for "render[ing] command[s]," "custom configuration," and "rendering blocks," and the opinions that I offer herein would apply equally under the former constructions.

[6] Plaintiff has construed only the term "command."

"custom configuration" ('865 patent claims 1, 10) ('245 patent claim 1) ('715 patent claim 1)	"instructions that determine the look and feel of the application"	Not indefinite "a configuration that determines certain graphical appearances, or the look and feel, of the application"
"wireless device generic template" ('865 patent claim 1)	"a screen description in a high level language"	Plain and ordinary meaning Alternatively, "a template for a wireless device that is independent of a capability of the device"
"rendering blocks" ('865 patent claims 4, 10) ('245 patent claim 1) ('715 patent claims 1)	"graphical user interface items that display application content to a user and enable a user to interact with an application"	"blocks that perform discrete rendering operations"

125. I have applied the constructions in the table above in forming my opinions in Section X below.

126. For claim terms that were not proposed to be construed by the Parties, or agreed upon by the parties, I have applied those terms by giving them the ordinary meaning they would have to one of ordinary skill in the art as of the priority date in light of the specification and the file history of the '865, '715, and '245 patents, respectively. To the extent that the Court may later supply any constructions or orders that affect the meaning of the claims I have considered, I respectfully reserve the right to augment my opinions as appropriate, and/or to submit a supplemental report

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