

EXHIBIT H

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VII. THE ACCUSED TV REMOTE FUNCTIONALITIES DO NOT INFRINGE ANY ASSERTED CLAIM OF THE ASSERTED PATENTS 42

A. The '251 Patent 43

1. The Accused TV Remote Functionalities do not infringe Claim 1 43

a) 1.C: No server system “stor[es]...a record establishing an association between the personal computing device and the display device based on the synchronization code” 43

b) 1.D: No “signals from the personal computing device . . . identify[] a particular media player for playing the video content” 49

c) 1.F: There is no “storing, in a database associated with the server system, information for transmission to or retrieval by the display device wherein the information . . . includes the corresponding programming code to control playing of the video content on the display device” 52

2. The Accused TV Remote Functionalities do not infringe Claims 5, 7, 8, and 9 57

B. The '751 Patent 58

1. The Accused TV Remote Functionalities do not infringe Claim 12 58

a) To the extent Touchstream suggests there must be only one “remote server device,” there is no such device that satisfies all requirements of Claim 12 58

b) 12.B: An X1 set-top box does not “provid[e]...the synchronization code to a remote computing device” 58

c) 12.B: No “provided synchronization code causes the remote server device to store an association between the content presentation device and the remote computing device” 61

d) 12.D: An X1 set-top box does not “select[] . . . a first media player application from a plurality of media player applications based at least in part on the first format of the first message” 62

2. The Accused TV Remote Functionalities do not infringe Claim 13: The media player application is not “selected based further in part

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