JOINTLY SUBMITTED

Courtland L. Reichman
SBN 268873
creichman@mckoolsmith.com
MCKOOL SMITH HENNIGAN, P.C.
255 Shoreline Drive, Suite 510
Redwood Shores, CA 94065
Telephone: (650) 394-1400
Fax: (650) 394-1422

Theodore Stevenson III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
300 Crescent Court, Suite 1500
MCKOOL SMITH, P.C.
Dallas, Texas 75201
Telephone: (214) 978-4000
Fax: (214) 978-4044

Kevin Burgess
Texas State Bar No. 24006927
kburgess@mckoolsmith.com
John B. Campbell
Texas State Bar No. 24036314
jcampbell@mckoolsmith.com
MCKOOL SMITH, P.C.
300 W. 6th St., Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Fax: (512) 692-8744

Attorneys for Plaintiff

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNWIRED PLANET LLC, a Nevada limited liability company, **Plaintiff,** **v.** **APPLE INC., a California corporation,** **Defendant.**	**CIVIL ACTION NO.** **4:13-cv-04134-YGR** **JOINT CLAIM CONSTRUCTION STATEMENT PURSUANT TO PATENT LOCAL RULE 4-3** **JURY TRIAL DEMANDED**

Netflix v. VideoLabs
IPR2023-00628
Netflix. Ex. 1019

Plaintiff Unwired Planet, LLC ("UP"), by its attorneys, and Defendant Apple Inc. ("Apple"), by its attorneys, submit the following Joint Claim Construction Statement pursuant to Patent L.R. 4-3 and the Court's Standing Order for Patent Cases ("Standing Order").

Pursuant to the Court's scheduling order dated January 15, 2014 and the discussion with the Court at the case management conference on January 6, 2014, UP identified the following ten (10) claims for purposes of initial claim construction:[1]

U.S. Patent No. 6,647,260 – claims 1 and 16

U.S. Patent No. 6,321,092 – claim 20

U.S. Patent No. 6,317,831 – claims 17, 23, and 25

U.S. Patent No. 6,532,446 – claims 15 and 35

U.S. Patent No. 6,813,491 – claims 15 and 26.

A. Construction of Agreed Terms

Pursuant to Patent L.R. 4-3(a), the parties have agreed that the term "quantification of the motion" found in claim 21[2] of the '491 patent should be construed as "degree or amount of the motion."

B. Proposed Construction Of Disputed Terms

Pursuant to Patent L.R. 4-3(b)-(c) and the Court's Standing Order, the parties identify the terms and each party's proposed construction in Exhibit A. In compliance with the Court's Standing Order, the parties also identify the supporting intrinsic and extrinsic evidence for their respective proposed constructions in Exhibit B. The patents-in-suit are attached as Exhibits C–G.

UP's Statement: W hile UP has no obj ection, UP notes that Apple has proposed construing 11 terms despite the Court's order limiting it to 10 terms.

---

[1] Unwired Planet reserves all rights with respect to the claims in U.S. Patents Nos. RE43,113; 7,233,790; 6,317,594; 7,522,927; and 7,020,685, as well as all rights in the claims not identified in the patents listed above.

Apple does not agree with Unwired Planet's statements in this footnote, and reserves its right to respond to those statements if and when Unwired Planet attempts to assert claims beyond the ten claims listed above.

[2] Claim 26 of the '491 patent is a dependent claim of claim 21.

Apple's Statement: There are only 10 claim construction disputes because the only issue to be addressed with respect to the terms "active preferences" and "stationary preferences" is with respect to the word "preferences." Because the word "preferences" appears in both phrases, the phrases have been listed separately. However, the construction of "preferences" is a single dispute that should be briefed and addressed as such. To the extent the Court nevertheless believes that "active preferences" and "stationary preferences" constitute two disputes and therefore exceed the Court's limits, Apple is willing to agree to drop "active preferences" from the list of disputed claim terms.

C. Length Of Claim Construction Hearing

Unwired Planet's Statement

Pursuant to Patent L.R. 4-3(d) and the Court's Standing Order, Unwired Planet states that the no more than three hours will be required for the claim construction hearing scheduled on May 14, 2014.

Apple's Statement

Pursuant to Patent L.R. 4-3(d), Apple states that at least 3.5 hours will be required for the May 14, 2014 claim construction hearing as the parties will be addressing claim terms from five unrelated patents that relate to five unrelated technologies.

D. Witnesses

Pursuant to Patent L.R. 4-3(e), the parties do not propose calling any witnesses at the claim construction hearing, but reserve the right to submit the expert witness declarations identified in Exhibit B in the claim construction briefing.

DATED: March 10, 2014

MCKOOL SMITH HENNIGAN, P.C.

By /s/ Courtland L. Reichman

Courtland L. Reichman (SBN 268873)
creichman@mckoolsmithhennigan.com
MCKOOL SMITH HENNIGAN, P.C.
255 Shoreline Drive, Suite 510
Redwood Shores, CA 94065
Telephone: (650) 394-1400
Facsimile: (650) 394-1422

Theodore Stevenson III
Texas State Bar No. 19196650
tstevenson@mckoolsmith.com
Mitchell R. Sibley
Texas State Bar No. 24073097
msibley@mckoolsmith.com
MCKOOL SMITH, P.C.
300 Crescent Court, Suite 1500
Dallas, Texas 75201
Telephone: (214) 978-4000
Fax: (214) 978-4044

Kevin Burgess
Texas State Bar No. 24006927
kburgess@mckoolsmith.com
John B. Campbell
Texas State Bar No. 24036314
jcampbell@mckoolsmith.com
Kevin Kneupper
Texas State Bar No. 24050885
kkneupper@mckoolsmith.com
James E. Quigley
Texas State Bar No. 24075810
jquibley@mckoolsmith.com
Mario A. Apreotesi
Texas State Bar No. 24080772
mapreotesi@mckoolsmith.com
MCKOOL SMITH, P.C.
300 W. 6th St., Suite 1700
Austin, Texas 78701
Telephone: (512) 692-8700
Fax: (512) 692-8744

ATTORNEYS FOR PLAINTIFF UNWIRED PLANET LLC

By: /s/ Y. Ernest Hsin

Josh Krevitt
jkrevitt@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Ave., New York, NY 10166-0193
Tel.: 212.351.4000
Fax: 212.351.4035

H. Mark Lyon
mlyon@gibsondunn.com
Y. Ernest Hsin
ehsin@gibsondunn.com
Stuart Rosenberg
srosenberg@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1881 Page Mill Rd., Palo Alto, CA 94304-1211
Tel.: 650.849.5300; Fax: 650.849.5333

ATTORNEYS FOR DEFENDANT APPLE INC.

Pursuant to L.R. 5-1(i)(3), the above-signatory attests that concurrence in the filing of this document has been obtained from the signatories below:

DATED: March 10, 2014

Respectfully submitted,

McKOOL SMITH HENNIGAN, P.C.

By: /s/ Courtland Reichman
COURTLAND REICHMAN
Attorney for Plaintiff Unwired Planet LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on March 10, 2014 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system. Any other counsel of record will be served by electronic mail, facsimile, U.S. Mail and/or overnight delivery.

__*/s/ Courtland L. Reichman*__