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21 Attorneys for Playvuu, Inc.

22 **IN THE UNITED STATES DISTRICT COURT**
23 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

24 PLAYVUU, INC.,
25 Plaintiff and Counterdefendant,
26 v.
27 SNAP INC.,
28 Defendant and Counterclaimant.

Case No. 2:22-cv-06019-GW-PD

**PLAYVUU'S PRELIMINARY
PROPOSED CONSTRUCTION
OF TERMS**

1 Pursuant to the Court's Scheduling Order (Dkt. 41) in the above-captioned case,
2 Plaintiff Playvuu, Inc. ("Playvuu") hereby discloses its preliminary proposed
3 construction of each claim term or phrase which the parties have identified for claim
4 construction purposes. Playvuu's investigation in connection with this action is
5 ongoing, and these disclosures are based on information obtained to date. Playvuu
6 reserves the right to supplement or modify this disclosure, particularly in light of claim
7 construction and/or invalidity positions taken by Snap, including in light of the
8 positions that Defendant Snap, Inc. ("Snap") subsequently takes in this litigation,
9 and/or in view of further information, analysis, discovery and/or discussion among the
10 parties.

11 Playvuu has not completed discovery and has not received Snap's preliminary
12 proposed construction of terms. Playvuu therefore reserves the right to revise,
13 supplement, amend, or subtract from this disclosure based on further discovery and
14 Snap's preliminary proposed construction of terms.

15 The information set forth in this disclosure is provided without waiving: (1) the
16 right to object to the use of any statement for any purpose, in this action or any other,
17 on the grounds of privilege, relevance, materiality, or any other appropriate grounds;
18 (2) the right to object to any request involving or relating to the subject matter of the
19 statements herein; (3) the right to revise, correct, supplement, or clarify any of the
20 statements provided below at any time, including at trial; or (4) any of Playvuu's
21 claims or defenses in this litigation.

22 Playvuu's preliminary proposed constructions and list of supporting evidence is
23 attached as Exhibit A.

24 Dated: May 8, 2023

Pillsbury Winthrop Shaw Pittman LLP

25 By: /s/ David J. Tsai

26 David J. Tsai

27 *Attorney for Plaintiff and*
28 *Counter-Defendant Playvuu, Inc.*

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CERTIFICATE OF SERVICE

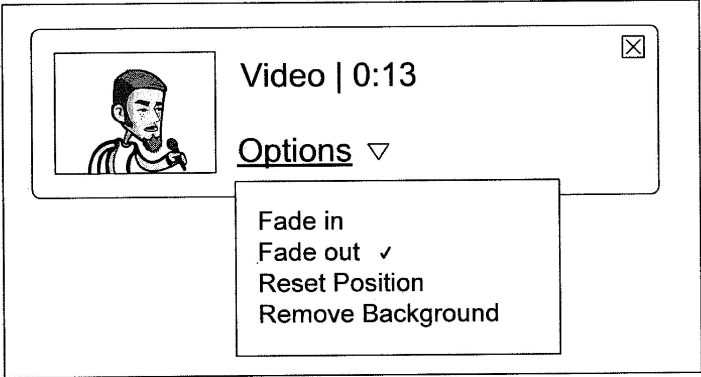
The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been caused to be served on all counsel of record via email on May 8, 2023.

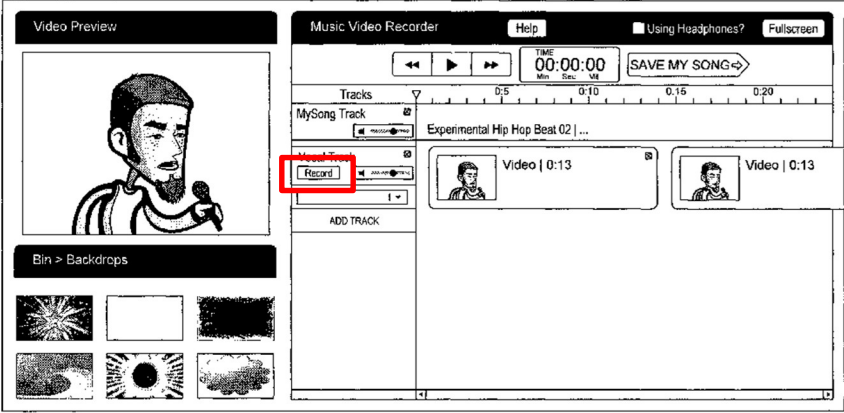
/s/ David J. Tsai
David J. Tsai

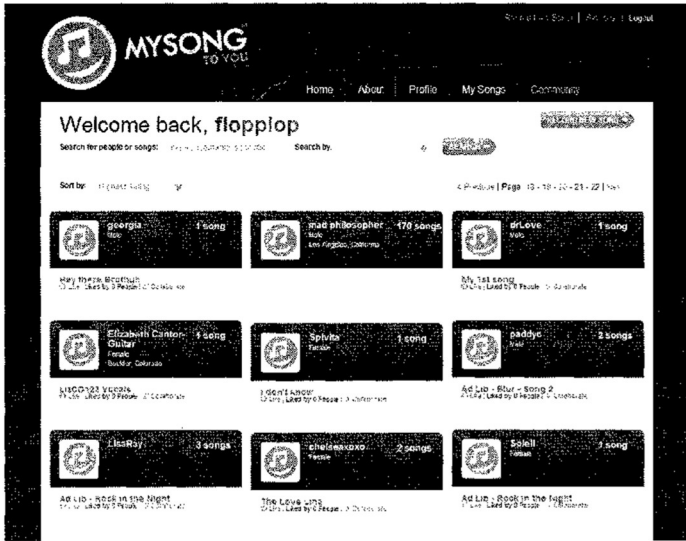
EXHIBIT A

CLAIM TERM '911 Patent	PLAYVUU'S PROPOSED CONSTRUCTION AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE
"to relative to" (claim 1)	<u>Proposed Construction:</u> "relative to" Specification: 9:64 - 10-8 (emphasis added): The preview module 216 could further enable a recording user to preview the synchronization of audio content/recording along with a video recording/content. The preview would thus allow the recording user to decide to save or discard the recorded content and re-record. In addition, the preview allows the user to make any adjustments to the recorded content (e.g., sound or imaging effects, fade-in, fade-out, frequency, timing, etc.). For example, the recording user can change the underlying composition and/or the timing or latency adjustment (e.g., to the beat) of the audio recording for the synchronization of the composition and audio recording.
"access to other users" (claim 1)	<u>Proposed Construction:</u> "access by other users" Specification: 5:4-6 (emphasis added): When a multi-media file is permanently saved upon user request, the user can determine whether the work is accessible by other users. 5:6-9: The user can select the privacy attribute associated with the audio content and/or video content. For example, the recording user can make the recorded content publicly accessible...

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“an interface to selectively edit the instance of pre-recorded visual media content” (claim 1)	<u>Proposed Construction:</u> “a graphical user interface by which a user can edit all or a portion of the instance of pre-recorded visual media content.” Specification: 17:11-14: Modifications to the pre-recorded video recording include filtering, color correction, color saturation, speed adjustment, etc. to adapt to a genre of a particular audio content. 16:44-48: FIG. 17 illustrates an example user interface having a audio/multimedia player/recorder for recording a video recording. The screenshot in FIG. 17 is an example user interface having a audio/multimedia player/recorder suitable for controlling audio/video playback and recording. FIG. 17 16:53-59: FIG. 18 illustrates an example user interface for editing a video recording. A video recording can be modified after recording. In one embodiment, options to edit a video recording include: fading in, fading out, resetting the position of a video recording, and superposition of composite images to remove a background. Each listing can, in some instances, include an icon uploaded by the artist.

CLAIM TERM '911 Patent	PLAYVUU'S PROPOSED CONSTRUCTION AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE
	 FIG. 18
“prompting the user to record content” (claim 1)	<u>Proposed Construction:</u> “encouraging the user, through a user interface, to record audio/video content by presenting a “record” button” Specification: 14:7-20: The user interface 800 includes the audio/multimedia player/recorder 801 with selectable buttons for playing of a prerecorded composition 802 or video recording and/or recording of an audio/video recording. For example, the user can generate an audio recording (e.g., rap, sing, speak, and/or any other form of vocalization) when the record button 804 is clicked. Once the record button is selected, a recording session generally begins with the detection of the recording user's audio input device (e.g., microphone). Once the input device is accessible, the user can click the record button of the audio recorder/player (or multimedia recorder/player) to initiate a recording session over the pre-recorded beat or any other selected multimedia content. 16:44-48: FIG. 17 illustrates an example user interface having a audio/multimedia player/recorder for recording a video recording. The screenshot in FIG. 17 is an example user interface having a

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	audio/multimedia player/recorder suitable for controlling audio/video playback and recording.  FIG. 17 FIG. 17 shows prompting the user to record content by presenting the user with a “Record” button.
“prompting the user to select an audio composition” (claim 1)	<u>Proposed Construction:</u> “encouraging the user, through a user interface, to select an audio composition from a list” Specification: 13:1-5: FIG. 3 illustrates an example user interface of a listing of pre-recorded audio content. The example user interface of a listing of pre-recorded audio content allows a user to select audio content that was previously recorded by the user or another user.

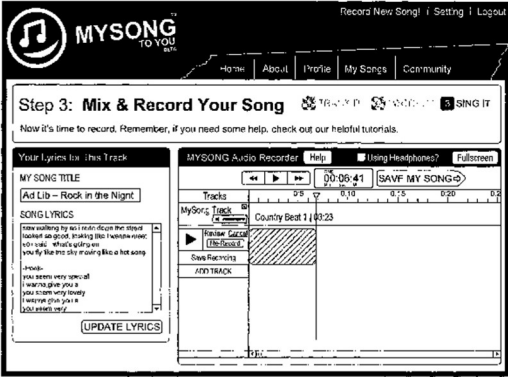
CLAIM TERM '911 Patent	PLAYVUU'S PROPOSED CONSTRUCTION AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE
	 The screenshot shows a web browser displaying the MYSONG TO YOU website. The page has a dark theme with a grid of song cards. Each card features a circular profile picture, the artist's name, and the number of songs. The cards are arranged in three rows and three columns. The top row includes cards for 'georgia', 'mad philosopher', and 'dr.love'. The middle row includes 'Elizabeth Cotten', 'Spivak', and 'paddy'. The bottom row includes 'LisaRay', 'chelonaxo', and 'Solli'. Navigation links like 'Home', 'About', 'Profile', 'My Songs', and 'Contact' are visible at the top. A search bar and a 'Welcome back, flopplop' message are also present. FIG. 3
“interface to selectively edit the instance of pre-recorded visual media content” (claim 1)	<u>Proposed Construction:</u> “a graphical user interface by which a user can edit [a portion] of the instance of pre-recorded visual media content.” 17:11-14: Modifications to the pre-recorded video recording include filtering, color correction, color saturation, speed adjustment, etc. to adapt to a genre of a particular audio content. 16:44-48: FIG. 17 illustrates an example user interface having a audio/multimedia player/recorder for recording a video recording. The screenshot in FIG. 17 is an example user interface having a audio/multimedia player/recorder suitable for controlling audio/video playback and recording.

CLAIM TERM '911 Patent	PLAYVUU'S PROPOSED CONSTRUCTION AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE
	FIG. 17 16:53-59: FIG. 18 illustrates an example user interface for editing a video recording. A video recording can be modified after recording. In one embodiment, options to edit a video recording include: fading in, fading out, resetting the position of a video recording, and superposition of composite images to remove a background. Each listing can, in some instances, include an icon uploaded by the artist. FIG. 18
“providing simultaneous aural playback of the audio composition	<u>Proposed Construction:</u> Plain and ordinary meaning. Specification:

CLAIM TERM '911 Patent	PLAYVUU'S PROPOSED CONSTRUCTION AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE
during a recording session" (claim 1)	9:3-7: During a recording session, the recording engine 206 can perform simultaneous aural playback of a composition to the recording user during a recording session when the recording user has requested to record over the composition. 14:22-23: The pre-recorded composition 802 may be played back during the recording session. File History: Notice of Appeal, filed 2019-01-15, page 7: The Examiner asserts that Cohen discloses "providing simultaneous aural playback of the composition during a recording session," citing to Paragraph 0074. That paragraph, though, consistent with Cohen's direction to recording audio over beats, provides only that the recording engine "can perform simultaneous aural playback of a beat to the recording user during a recording session when the recording user has requested to record over a beat." (emphasis added). Consistent with the overall purpose of Cohen, and as shown by the language "record over a beat," this type of request is for audio—not video—recording sessions.
"generating recorded content" (claim 1)	<u>Proposed Construction:</u> "generating and recording content" Generating content by recording content As is clear from the claim read as a whole the "recorded content" is the composition of the "video captured during the recording session with the instance of pre-recorded visual media content" Specification: 3:51-53 In one aspect, the present disclosure relates to using a network for generating audio and video content over a network.

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	File History: Response to November 15, 2019 Office Action, Page 7: “Support for the limitation, generating recorded content... can be found in at least Figure 20, showing a user-recorded video made selectively transparent to reveal a pre-recorded background video. Paragraph [0118] additionally describes, ‘the user interface allows for a technique of compositing two frames together, wherein one image is selectively made transparent to reveal the other image...”
“compositing” (claim 1)	<u>Proposed Construction:</u> Plain and ordinary meaning. Specification: 17:22-25: In one embodiment, the user interface allows for a technique of compositing two frames together, wherein one image is selectively made transparent to reveal the other image, as well known in the prior art. Extrinsic Evidence: Ron Brinkmann, <i>The Art and Science of Digital Compositing</i>, Academic Press, 1999, p. 2 (defining digital compositing as “the process of integrating images from multiple sources into a single, seamless whole.”) Alyson Majikes, <i>What is Compositing in Video Editing? A Beginner's Guide</i>, Storyblocks, May 20, 2022 (“Compositing in video editing refers to combining two video sources into a single video.”) <i>Compositing: Guide to Compositing in Movies and Photography</i>, MasterClass, June 7, 2021 (“Compositing is the process of combining multiple images to form a single, cohesive image.”) Academic Press Dictionary of Science and Technology (Composite: an item made up of a combination of various elements.)

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“recording session” (claims 1, 2, and 8)	<u>Proposed Construction:</u> “period of time during which recording takes place” Specification: 4:24-27: The recording session of an audio or video recording, or a combination thereof, can be initiated via the user interface, by clicking a button on the audio recorder/player for example. 14:16-18: The user can click the record button of the audio recorder/player (or multimedia recorder/player) to initiate a recording session...
“selectively made transparent” (claim 1)	<u>Proposed Construction:</u> This phrase must be construed as part of the entire phrase “the video captured during the recording session is selectively made transparent,” a construction for which is provided below.
“the video captured during the recording session is selectively made transparent” (claim 1)	<u>Proposed Construction:</u> “all or a portion of the video captured during the recording session is made transparent” Specification: 17:22-27: In one embodiment, the user interface allows for a technique of compositing two frames together, wherein one image is selectively made transparent to reveal the other image, as well known in the prior art. As a result, the principal subject is recorded against a background of the pre-recorded video recording.

CLAIM TERM '911 Patent	PLAYVUU'S PROPOSED CONSTRUCTION AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE
“the preview enables the user to change the timing or latency of the recorded content to relative to the selected audio composition” (claim 1)	<u>Proposed Construction:</u> “the preview includes a user interface which enables the user to change the timing or change the latency of the recorded content relative to the selected audio composition” Specification: 10:2-8: In addition, the preview allows the user to make any adjustments to the recorded content (e.g., sound or imaging effects, fade-in, fade-out, frequency, timing, etc.). For example, the recording user can change the underlying composition and/or the timing or latency adjustment (e.g., to the beat) of the audio recording for the synchronization of the composition and audio recording. 14:38-41 (emphasis added): FIG. 9 illustrates an example user interface having an audio recorder/player (or multimedia recorder/player) for the recording, playing, editing, and saving of an audio recording.  FIG. 9
“wherein the preview is stored in temporary memory and re-written to non-transient memory upon receiving a	<u>Proposed Construction:</u> “wherein the preview is stored in transient memory and is saved to non-transient memory upon receiving a save request from the user” Specification:

CLAIM TERM '911 Patent	PLAYVUU'S PROPOSED CONSTRUCTION AND SUPPORTING INTRINSIC AND EXTRINSIC EVIDENCE
save request from the user" (claim 1)	9:48-32: Multimedia content stored in the preview module 216 may be stored temporarily (e.g., in the memory buffer 214) during preview and/or further until the user decides to save or discard the stored content. 4:46-47: If and when the recorded audio recording or video recording is satisfactory to the user, the recording can be permanently saved.