IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NEC CORPORATION, Plaintiff, v. PELOTON INTERACTIVE, INC., Defendant.	Case No. 1-22-cv-00987-CJB **JURY TRIAL DEMANDED**

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the scheduling order (D.I. 36), Plaintiff NEC Corporation ("NEC" or "Plaintiff") and Defendant Peloton Interactive, Inc. ("Peloton" or "Defendant") hereby provide this Joint Claim Construction Chart for U.S. Patent Nos. 8,752,101 ("the '101 Patent"); 8,909,809 ("the '809 Patent"); and 9,769,427 ("the '427 Patent").

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
"content"	'101 Patent, claims 1, 5, 11, 15, 16, 21, 22, 26 '809 Patent, claims 1, 8, 14, 18, 22, 26, 30	video and/or audio	'101 Patent Specification, including, e.g.: • 1:5–2:17, 5:63–11:16, 15:40–17:2, 18:23–47, 19:10–24:4, Figures 2–8, 13–15 '101 Patent Claims, including, e.g.: • 1, 5, 7–11, 15, 16, 21, 22, 26–29, Figures 1–16 '101 Patent File History, including, e.g.: • May 3, 2012 Application Filing including Preliminary Amendment • September 3, 2013 Office Action • November 12, 2013 Applicant Response including Amendment • February 4, 2014 Notice of Allowance	Plain and Ordinary Meaning *Alternatively*: video and/or audio	Petition (Paper No. 3) for IPR2023-01239 (Exhibit 7). '101 Patent at 1:23-27; 7:1-8; 12:49-64; 18:4-7 (Exhibit 1).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			Patents and Applications to which '101 Patent claims priority, including: • JP 2009-253581 • PCT/JP2010/006067 '809 Patent Specification, including, e.g.: • 5:53–59, 9:16–28, 16:61–17:29, *see also* 1:13–17, 57–63, 2:15–20, 49–51, 3:5–10, 30–34, 58–63, 6:4–7, 24:40–45, 27:37–42, Figure 9 '809 Patent Claims, including, e.g.: • 1, 14, 18, 22, 26, 30, 34–36 '809 Patent File History, including, e.g.: • July 18, 2011 Application Filing including Preliminary Amendment • September 13, 2013 Office Action		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			• January 6, 2014 Applicant Response including Amendment • March 25, 2014 Office Action • July 22, 2014 Applicant Response including Amendment • August 15, 2015 Notice of Allowance Patents and Applications to which '809 Patent claims priority, including: • JP 2009-15262 • PCT/JP2010/0001587		
"reproduction start time set as time at which the reception device starts reproduction of the content" / "reproduction start time set as time to start reproduction of the content"	'101 Patent, claims 1, 11, 16, 21, 22, 26	reproduction start time set as time that the reception device having transmitted a session participation request first starts reproduction of the content	'101 Patent Specification, including, e.g.: • Abstract, Figures 2–15, 1:11–2:17, 2:21–4:17, 5:63–11:16, 12:19–40, 12:65–13:9, 13:41–60, 14:12–19, 14:52–65, 15:10–16, 15:63–16:64, 17:25–18:3,	Plain and Ordinary Meaning	Petition (Paper No. 3) for IPR2023-01239 (Exhibit 7).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			18:19–32, 19:10–23:48 '101 Patent Claims, including, e.g.: • 1, 6–11, 16, 21, 22, 26–29 '101 Patent File History, including, e.g.: • May 3, 2012 Application Filing including Preliminary Amendment • September 3, 2013 Office Action • November 12, 2013 Applicant Response including Amendment • February 4, 2014 Notice of Allowance Patents and Applications to which '101 Patent claims priority, including: • JP 2009-253581 • PCT/JP2010/006067		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
"code rate"	'101 Patent, claims 1, 2, 4, 11, 12, 14, 16, 21–23, 25, 26	a rate representing the data amount (the data size, e.g., the number of bytes) of content data for reproducing content at constant speed (reproducing content at 1× speed) for a unit time (e.g., one second)	'101 Patent Specification, including, e.g.: • 7:8–10 '101 Patent Claims, including, e.g.: • 1, 2, 4, 11, 12, 14, 16, 21–23, 25, 26 '101 Patent File History, including, e.g.: • May 3, 2012 Application Filing including Preliminary Amendment • September 3, 2013 Office Action • November 12, 2013 Applicant Response including Amendment • February 4, 2014 Notice of Allowance Patents and Applications to which '101 Patent claims priority, including: • JP 2009-253581 PCT/JP2010/006067	Plain and Ordinary Meaning *Alternatively*: a rate representing the data amount (the data size, e.g., the number of bytes) of content data for reproducing content at constant speed (reproducing content at 1× speed) for a unit time (e.g., one second).	Petition (Paper No. 3) for IPR2023-01239 (Exhibit 7).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
"code rate determining unit"	'101 Patent, claims 1, 2, 4, 22, 23, 25, 26	Means-plus-function term governed by 35 U.S.C. § 112, ¶ 6 **<u>Functions</u>:** Claim 1: • Determine the code rate based on a remaining time before reproduction start time set as time at which the reception device starts reproduction of the content from a present moment and based on an available reproduction time, which is a time available for reproducing the content based on the content data stored in the storage device of	'101 Patent Specification, including, e.g.: • Figures 1–16, 2:39–46, 3:52–57, 4:4–10, 5:21–11:16, 18:54–57, 19:11–18, 19:44–20:6, 22:12–35, 22:62–23:40 '101 Patent Claims, including, e.g.: • 1–4, 16–29 '101 Patent File History, including, e.g.: • May 3, 2012 Application Filing including Preliminary Amendment • September 3, 2013 Office Action • November 12, 2013 Applicant Response including Amendment • February 4, 2014 Notice of Allowance Patents and Applications to which '101 Patent	Plain and Ordinary Meaning not subject to 35 U.S.C. § 112, ¶ 6.	Petition (Paper No. 3) for IPR2023-01239 (Exhibit 7). '101 Patent at Figs. 1, 2, 10, and 16; and 26:61-65; 28:29-54; 29:4-24 (Exhibit 1). Non-Final Rejection dated September 3, 2013, with respect to U.S. Patent App. No. 13/508,025 (Exhibit 4 at 296-300).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		the reception device Claim 2: • The functions cited in claim 1 • Determine a value becoming smaller as the available reproduction time becomes shorter than a target available reproduction time, which is a target value of the available reproduction time, and becoming smaller as the remaining time becomes shorter, as the code rate Claim 4: • The functions cited in claim 1	claims priority, including: • JP 2009-253581 PCT/JP2010/006067		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		• Determine the code rate with every change period set in advance Claim 22: • Determining the code rate based on a remaining time before reproduction start time set as time to start reproduction of the content from a present moment and based on an available reproduction time, which is a time available for reproducing the content based on the content data stored in the storage device Claim 23:			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		• The functions cited in claim 22 • Determine a value becoming smaller as the available reproduction time becomes shorter than a target available reproduction time, which is a target value of the available reproduction time, and becoming smaller as the remaining time becomes shorter, as the code rate Claim 25: • The functions cited in claim 22 • Determine the code rate with every change			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		period set in advance Claim 26: • Determining the code rate based on a remaining time before reproduction start time set as time at which the reception device starts reproduction of the content from a present moment, and based on an available reproduction time, which is a time available for reproducing the content based on the content data stored in the storage device of the reception device			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		Corresponding Structure: A central processing unit (CPU) programmed to carry out the algorithm disclosed in the '101 Patent at 10:7–59.			
"content transmitting unit"	'101 Patent, claims 1, 16, 21	Means-plus-function term governed by 35 U.S.C. § 112, ¶ 6 **Functions:** Claim 1: • Transmit content data, which is one content coded with any one code rate of a plurality of code rates different from each other, to the reception device • Change the code rate of the content data to be transmitted to the reception device to the	'101 Patent Specification, including, e.g.: • Figures 1–16, 2:30–3:41, 5:21–11:16, 18:54–57, 18:66–19:3, 19:19–21, 20:30–40, 21:66–22:11, 22:–36–51 '101 Patent Claims, including, e.g.: • 1, 7, 16, 21, 27, 28 '101 Patent File History, including, e.g.: • May 3, 2012 Application Filing including Preliminary Amendment • September 3, 2013 Office Action • November 12, 2013 Applicant Response	Plain and Ordinary Meaning not subject to 35 U.S.C. § 112, ¶ 6.	Petition (Paper No. 3) for IPR2023-01239 (Exhibit 7) '101 Patent at Figs. 1, 2, 10, and 16; and 28:29-29:24 (Exhibit 1). Non-Final Rejection dated September 3, 2013, with respect to U.S. Patent App. No. 13/508,025 (Exhibit 4 at 296-300).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		determined code rate Claim 16: • Transmit content data, which is one content coded with any one code rate of a plurality of code rates different from each other, to the reception device • Change the code rate of the content data to be transmitted to the reception device to a code rate determined based on a remaining time before reproduction start time set as time at which the reception device starts reproduction of	including Amendment • February 4, 2014 Notice of Allowance Patents and Applications to which '101 Patent claims priority, including: • JP 2009-253581 PCT/JP2010/006067		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		the content from a present moment and based on an available reproduction time, which is a time available for reproducing the content based on the content data stored in the storage device of the reception device Claim 21: • Transmit content data, which is one content coded with any one code rate of a plurality of code rates different from each other, to the reception device • Change the code rate of the content data to			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		be transmitted to the reception device to a code rate determined based on a remaining time before reproduction start time set as time at which the reception device starts reproduction of the content from a present moment, and based on an available reproduction time, which is a time available for reproducing the content based on the content data stored in the storage device of the reception device **Corresponding Structure**: A central			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		processing unit (CPU) programmed to carry out the algorithm disclosed in the '101 Patent as follows: Claim 1: • 10:60–11:10 Claims 16, 21: • 10:7–11:10			
"synchronous reproduction controlling unit"	'101 Patent, claim 5	Means-plus-function term governed by 35 U.S.C. § 112, ¶ 6 **<u>Functions</u>:** • Match reproduction positions of the content to be reproduced by the plurality of the reception devices, respectively, with each other among the	'101 Patent Specification, including, e.g.: • Figures 1–16, 1:11–2:17, 5:58–62, 6:3–11, 8:26–45, 9:56–59, 15:46–50, 16:65–17:2, 18:23–27, 20:7–12 '101 Patent Claims, including, e.g.: • 5 '101 Patent File History, including, e.g.: • May 3, 2012 Application Filing	Plain and Ordinary Meaning not subject to 35 U.S.C. § 112, ¶ 6.	Petition (Paper No. 3) for IPR2023-01239 (Exhibit 7). '101 Patent at Figs. 1, 2 and 16 (Exhibit 1). Non-Final Rejection dated September 3, 2013, with respect to U.S. Patent App. No. 13/508,025 (Exhibit 4 at 296-300).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		plurality of the reception devices **<u>Corresponding Structure</u>**: A central processing unit (CPU) programmed to carry out the algorithm disclosed in the '101 Patent at 8:25–45.	including Preliminary Amendment • September 3, 2013 Office Action • November 12, 2013 Applicant Response including Amendment • February 4, 2014 Notice of Allowance Patents and Applications to which '101 Patent claims priority, including: • JP 2009-253581 • PCT/JP2010/006067		
"the bit rate"	'809 Patent, claims 1, 14, 18, 22, 26, 30	the bit rate of the content data currently transmitted	'809 Patent Specification, including, e.g.: • 7:24–8:67, 11:22–67, 12:35–13:44, 15:65–16:47, 18:35–20:54, Figures 2–4, 6–8 '809 Patent Claims, including, e.g.: • 1, 14, 18, 22, 26, 30 '809 Patent File History, including, e.g.:	Not indefinite: Plain and Ordinary Meaning. *Alternatively*: "the bit rate of the content data to be transmitted."	'809 Patent at 6:4-7; 11:15-21; 11:25-28; 14:10-16; 14:23-52; 16:43-47; 17:30-40; 20:55-57; 21:11-18; 21:47-54; 22:14-22; 22:36-48; 26:53-57; 27:36-59 (Exhibit 2).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			• July 18, 2011 Application Filing including Preliminary Amendment • September 13, 2013 Office Action • January 6, 2014 Applicant Response including Amendment • March 25, 2014 Office Action • July 22, 2014 Applicant Response including Amendment • August 15, 2015 Notice of Allowance Patents and Applications to which '809 Patent claims priority, including: • JP 2009-15262 • PCT/JP2010/0001587		
"the calculated correction amount"	'809 Patent, claims 1, 18, 22, 26, 30	Indefinite under 35 U.S.C. § 112, ¶ 2	'809 Patent Specification, including, e.g.: • 22:13–19, 36–50, Figure 12	Not indefinite: Plain and Ordinary Meaning.	

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			'809 Patent Claims, including, e.g.: • 1, 14, 18, 22, 26, 30 '809 Patent File History, including, e.g.: • July 18, 2011 Application Filing including Preliminary Amendment • September 13, 2013 Office Action • January 6, 2014 Applicant Response including Amendment • March 25, 2014 Office Action • July 22, 2014 Applicant Response including Amendment • August 15, 2015 Notice of Allowance Patents and Applications to which '809 Patent claims priority, including: • JP 2009-15262 • PCT/JP2010/0001587		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
"bit rate changing unit"	'809 Patent, claims 1, 2, 8, 13, 18–20, 22–24	Means-plus-function term governed by 35 U.S.C. § 112, ¶ 6 **<u>Functions</u>:** Claim 1: • Calculate, according to a predetermined correction amount calculation procedure, a correction amount for correcting the bit rate of the content data transmitted by the server device based on the acquired remaining reproduction time and a preset target value so as to approximate the remaining reproduction	'809 Patent Specification, including, e.g.: • 5:13–51, 7:24–16:30, 19:10–21:10, 22:36–50, 23:8–12, 23:65–67, 24:36–39, 25:34–47, 25:52–59, 26:15–28, 26:34–41, Figures 2–4, 6–8, 11, 12 '809 Patent Claims, including, e.g.: • 1, 2, 8, 13, 18–20, 22–24 '809 Patent File History, including, e.g.: • July 18, 2011 Application Filing including Preliminary Amendment • September 13, 2013 Office Action • January 6, 2014 Applicant Response including Amendment • March 25, 2014 Office Action	Plain and Ordinary Meaning not subject to 35 U.S.C. § 112, ¶ 6.	'809 Patent at Figs. 1, 2, 11, and 12; 35:31-36:59 (Exhibit 2). Non-Final Rejection dated September 13, 2013 (Exhibit 5 at 444-55), and Final Rejection dated March 25, 2014, with respect to U.S. Patent App. No. 13/145,083 (Exhibit 4 at 497-500).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		time to the target value • Change the bit rate based on the calculated correction amount • Calculate, when the bit rate is within a predetermined correction amount reducing range, a correction amount having a smaller magnitude than a magnitude of the correction amount calculated according to the correction amount calculation procedure Claim 2:	• July 22, 2014 Applicant Response including Amendment • August 15, 2015 Notice of Allowance Patents and Applications to which '809 Patent claims priority, including: • JP 2009-15262 • PCT/JP2010/0001587		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		• The functions cited in claim 1 • Determine the correction amount reducing range based on the acquired reception rate, the acquired remaining reproduction time, and the target value Claim 8: • The functions cited in claim 1 • Determine the correction amount reducing range based on the acquired reproduction speed Claim 13: • The functions cited in claim 1			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		• Set the correction amount to zero when a bit rate of content data being transmitted by the server device is within the correction amount reducing range Claim 18: • Calculate, according to a predetermined correction amount calculation procedure, a correction amount for correcting the bit rate of content data transmitted to the client device based on the received remaining reproduction			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		time and a preset target value so as to approximate the remaining reproduction time to the target value • Change the bit rate based on the calculated correction amount • Calculate, when the bit rate is within a predetermined correction amount reducing range, a correction amount having a smaller magnitude than a magnitude of the correction amount calculated according to the correction amount			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		calculation procedure Claim 19: • The functions cited in claim 18 • Determine the correction amount reducing range based on the received reception rate, the received remaining reproduction time, and the target value Claim 20: • The functions cited in claim 18 • Narrow the correction amount reducing range as the received remaining reproduction			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		time approaches the target value Claim 22: • Calculate, according to a predetermined correction amount calculation procedure, a correction amount for correcting the bit rate of content data transmitted to the client device based on the received remaining reproduction time and a preset target value so as to approximate the remaining reproduction time to the target value • Change the bit rate based on the			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		calculated correction amount • Calculate, when the bit rate is within a predetermined correction amount reducing range, a correction amount having a smaller magnitude than a magnitude of the correction amount calculated according to the correction amount calculation procedure Claim 23: • The functions cited in claim 22 • Determine the correction amount reducing			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		range based on the received reception rate, the received remaining reproduction time, and the target value Claim 24: • The functions cited in claim 22 • Narrow the correction amount reducing range as the received remaining reproduction time approaches the target value **<u>Corresponding Structure</u>**: A central processing unit (CPU) programmed to carry out the algorithm disclosed in the '809 Patent as follows: "[T]he correction amount for the bit rate is calculated			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		according to a procedure using the equations (1) to (9), the equation (19), the equation (21), the equation (22), and the equations (24) to (27),"15:5–9, which is also disclosed in Figures 7 and 8. These equations can be modified with Equations (28)–(42) as specified in 19:4–21:10.			
"bit rate change request transmission unit"	'809 Patent, claims 26, 27, 30, 31	Means-plus-function term governed by 35 U.S.C. § 112, ¶ 6 **<u>Functions</u>:** Claim 26: • Calculate, according to a predetermined correction amount calculation procedure, a correction amount for correcting the bit rate of the	'809 Patent Specification, including, e.g.: • 5:13–51, 7:24–16:30, 19:10–21:10, 21:47–67, 22:36–50, 23:8–12, 23:65–67, 24:36–39, 25:34–47, 25:52–59, 26:15–28, 26:34–41, 26:66–27:13, 27:17–21, 27:50–65, 28:3–7, Figures 2–4, 6–8, 11, 12 '809 Patent Claims, including, e.g.: • 26, 27, 30, 31	Plain and Ordinary Meaning not subject to 35 U.S.C. § 112, ¶ 6.	'809 Patent at Figs. 1, 2, 11, and 12; 35:31-36:59 (Exhibit 2). Non-Final Rejection dated September 13, 2013 (Exhibit 5 at 444-55), and Final Rejection dated March 25, 2014, with respect to U.S. Patent App. No. 13/145,083 (Exhibit 4 at 497-500).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		content data transmitted by the server device based on the acquired remaining reproduction time and a preset target value so as to approximate the remaining reproduction time to the target value • Transmit, to the server device, a bit rate change request for changing the bit rate based on the calculated correction amount • Calculate, when the bit rate is within a predetermined correction amount reducing range, a correction	'809 Patent File History, including, e.g.: • July 18, 2011 Application Filing including Preliminary Amendment • September 13, 2013 Office Action • January 6, 2014 Applicant Response including Amendment • March 25, 2014 Office Action • July 22, 2014 Applicant Response including Amendment • August 15, 2015 Notice of Allowance Patents and Applications to which '809 Patent claims priority, including: • JP 2009-15262 • PCT/JP2010/0001587		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		amount having a smaller magnitude than a magnitude of the correction amount calculated according to the correction amount calculation procedure Claim 27: • The functions cited in claim 26 • Determine the correction amount reducing range based on the acquired reception rate, the acquired remaining reproduction time, and the target value Claim 30:			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		• Calculate, according to a predetermined correction amount calculation procedure, a correction amount for correcting the bit rate of the content data transmitted by the server device based on the acquired remaining reproduction time and a preset target value so as to approximate the remaining reproduction time to the target value • Transmit, to the server device, a bit rate change request for changing the bit rate based on the			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		calculated correction amount • Calculate, when the bit rate is within a predetermined correction amount reducing range, a correction amount having a smaller magnitude than a magnitude of the correction amount calculated according to the correction amount calculation procedure Claim 31: • The functions cited in claim 30 • Determine the correction amount reducing			

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		range based on the acquired reception rate, the acquired remaining reproduction time, and the target value **Corresponding Structure**: A central processing unit (CPU) programmed to carry out the algorithm disclosed in the '809 Patent as follows: The structure for the "bit rate changing unit" and 21:57–62.			
"remaining reproduction time acquisition unit"	'809 Patent, claims 1, 26, 30	Means-plus-function term governed by 35 U.S.C. § 112, ¶ 6 **Functions:** Claim 1: • Acquire remaining reproduction time that is a	'809 Patent Specification, including, e.g.: • 5:13–51, 6:46–7:8, 15:47–64, 21:26–29, 22:31–35, 26:61–65, 27:46–50, Figures 2–8, 11–12 '809 Patent Claims, including, e.g.:	Plain and Ordinary Meaning not subject to 35 U.S.C. § 112, ¶ 6.	'809 Patent at Figs. 1, 2, 11, and 12; 35:31-36:59 (Exhibit 2). Non-Final Rejection dated September 13, 2013 (Exhibit 5 at 444-55), and Final Rejection dated March 25, 2014,

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		period of time during which the content can be reproduced based on a portion of the data stored in the storage device of the client device that has not been reproduced Claim 26: • Acquire remaining reproduction time that is a period of time during which the content can be reproduced based on a portion of the data stored in the storage device that has not been reproduced Claim 30:	• 1, 26, 30 '809 Patent File History, including, e.g.: • July 18, 2011 Application Filing including Preliminary Amendment • September 13, 2013 Office Action • January 6, 2014 Applicant Response including Amendment • March 25, 2014 Office Action • July 22, 2014 Applicant Response including Amendment • August 15, 2015 Notice of Allowance Patents and Applications to which '809 Patent claims priority, including: • JP 2009-15262 • PCT/JP2010/0001587		with respect to U.S. Patent App. No. 13/145,083 (Exhibit 4 at 497-500).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
		• Acquire remaining reproduction time that is a period of time during which the content can be reproduced based on a portion of the data stored in the storage device that has not been reproduced **<u>Corresponding Structure</u>**: A general purpose computer or microprocessor programmed to carry out the algorithm disclosed in the '809 Patent at 6:46–7:5.			
"sub content" / "sub content data"	'427 Patent, claims 1, 4, 5, 14–18, 20, 22, 32, 34–36	advertisement / advertisement data	'427 Patent Specification, including, e.g.: • Abstract, 1:33–52, 1:61–2:11, 2:27–67, 3:1–39, 5:62–67, 6:51–7:2, 7:5–14,	Plain and Ordinary Meaning *Alternatively:* content in addition to the main content / content data	'427 Patent at 1:33-39; 7:36-46; 14:49-64 (Exhibit 3). Preliminary Amendment of May 17, 2011 in U.S.

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			7:39–46, 9:14–27, 9:31–39, 9:59–10:13, 10:31–11:11, 11:56–60, 11:65–12:3, 12:17–23, 14:5–35, 14:56–64, 15:57–16:9, 18:4–9, 17:37–51, 18:12–19:1, 19:7–12, 20:3–10, 22:13–23:27, 23:32–59, 23:66–24:9, 24:12–28, 24:44–67, 25:1–30, 25:42–57, 25:62–26:61, 27:3–18, 27:25–48, 27:54–59, 28:14–23, 28:28–30:58, 30:65–31:21, 31:36–34:44, 35:5–18, 35:28–32, 35:45–56, 36:13–18, Figures 2, 3, 6–10, 14, 16, 17, 19, 20 '427 Patent File History, including, e.g.: • May 17, 2011 Application Filing including Original Claims and Preliminary Amendment	in addition to the main content data	App. No. 13/129,756 (Exhibit 6 at 169-185). Petition (Paper No. 3) for IPR2023-01240 (Exhibit 8). Petition (Paper No. 3) for IPR2023-01241 (Exhibit 9). Ex.1003 of IPR2023-01240 (Ueda) ¶¶ 0005, 0083, 0100, Fig. 1 (Exhibit 10). Ex. 1003 of IPR2023-01241 (Ueda) ¶¶ 0005, 0083, 0100, Fig. 1 (Exhibit 10).

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			• May 15, 2013 Office Action • November 15, 2013 Applicant Response including Amendment • March 3, 2014 Office Action • June 3, 2014 Applicant Response including Amendment • September 11, 2014 Office Action • November 26, 2014 Applicant Response including Amendment • April 8, 2015 Office Action • August 10, 2015 Applicant Response including Amendment • September 16, 2015 Office Action • December 17, 2015 Applicant Response including Amendment		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			• March 23, 2016 Office Action • July 25, 2016 Applicant Response including Amendment • December 9, 2016 Request for Continued Examination • January 17, 2017 Office Action • April 14, 2017 Applicant Response including Amendment • May 26, 2017 Notice of Allowance Patents and Applications to which '427 Patent claims priority, including: • JP 2008-294270 • PCT/JP2009/006140		
"sub content . . . is inserted in main content"	'427 Patent, claims 1, 14, 16, 18, 20, 22	sub content . . . is placed in between main content	'427 Patent Specification, including, e.g.: • 1:33–44, 7:39–46, 9:31–39, 10:3–13, 10:44–55, 10:65–	Plain and Ordinary Meaning	

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			11:5, 14:15–35, 18:50–62, 22:22–28, 22:58–64, 23:11–27, 24:15–28, 24:50–53, 24:63–67, 25:4–8, 25:52–61, 26:18–27, 26:42–45, 26:50–61, 27:38–48, 28:39–52, 29:9–22, 29:64–67, 30:16–20, 32:12–19, 33:15–22, 34:21–29, 35:22–32, Figures 2, 7–10, 14, 16, 17, 19 '427 Patent Claims, including, e.g.: • 1, 10, 12, 14, 16, 18–24 '427 Patent File History, including, e.g.: • May 15, 2013 Office Action • November 15, 2013 Applicant Response including Amendment • March 3, 2014 Office Action • June 3, 2014 Applicant Response		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			including Amendment • September 11, 2014 Office Action • November 26, 2014 Applicant Response including Amendment • April 8, 2015 Office Action • August 10, 2015 Applicant Response including Amendment • September 16, 2015 Office Action • December 17, 2015 Applicant Response including Amendment • March 23, 2016 Office Action • July 25, 2016 Applicant Response including Amendment • December 9, 2016 Request for Continued Examination		

Claim Terms or Phrases	Patent/Claim(s)	Peloton Proposed Construction	Peloton's Intrinsic Evidence	NEC Proposed Construction	NEC's Intrinsic Evidence
			• January 17, 2017 Office Action • April 14, 2017 Applicant Response including Amendment • May 26, 2017 Notice of Allowance Patents and Applications to which '427 Patent claims priority, including: • JP 2008-294270 • PCT/JP2009/006140		

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