

**UNITED STATES INTERNATIONAL TRADE COMMISSION
WASHINGTON, D.C. 20436**

**Before The Honorable MaryJoan McNamara
Administrative Law Judge**

In the Matter of

**CERTAIN ELECTRONIC DEVICES,
INCLUDING SMARTPHONES,
COMPUTERS, TABLET
COMPUTERS, AND COMPONENTS
THEREOF**

Inv. No. 337-TA-1373

**COMMISSION INVESTIGATIVE STAFF'S
PROPOSED CLAIM CONSTRUCTIONS**

The Commission Investigative Staff (“Staff”) submits this list of proposed constructions for the disputed terms in accordance with Order No. 8. The Staff does not necessarily expect all such terms to remain in dispute after the parties meet and confer to limit the number of disputed claim terms. However, the Staff lists the terms and constructions for the purposes of early discussion and consideration between the parties. The Staff reserves the right to amend, modify, supplement, or clarify its constructions based on further discovery, analysis, investigation, review of newly or yet-to-be produced documents, and the disclosures of witnesses.

No.	Proposed Claim Term	Staff’s Proposed Construction
U.S. Patent No. 8,674,859 – Methods for Arithmetic Coding and Decoding and Corresponding Devices		
1	Preamble of claim 10 - “arithmetic decoding method for symbols coded in the form of a stream, comprising the following steps applied at switching points distributed in said stream to decode a current symbol”	The terms “stream” and “current symbol” are limiting at least to the extent that they provide antecedent basis for those terms as they appear elsewhere in the claim. “stream” – stream of data “current symbol” – a symbol that is currently being decoded

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**MICROSOFT CORP.
EXHIBIT 1069**

		The term “switching points” is also limiting – a point in the stream at the level of which the probability used to code the current symbol can be modified
2	“means for decoding from the stream, at switching points distributed in said stream to decode a current symbol, a probability model identifier” / “means for decoding from the stream ... a probability model identifier” Claim 15	Subject to § 112, ¶ 6 <u>Function:</u> At switching points in the stream, decoding a probability model identifier for the current symbol <u>Structure:</u> Fig. 13 and col. 13, ll. 25-52 disclose the structure of a decoding device and, more specifically, an entropy decoding module that implements this step/function. However, it is unclear whether this disclosure alone provides a sufficient structure to a person of ordinary skill in the art, such that they would know how to perform this function. Complainant cites to Figs. 3, 4, 6, 7, 10, and 11 and col. 9, ll. 55-67 and col. 11, ll. 11-34 as disclosing a corresponding algorithm. These figures and cited paragraphs do not appear to disclose an algorithm that shows how the claimed function is carried out, but absent expert testimony, the Staff is not in a position to say that there is clear and convincing evidence showing indefiniteness. Further discovery, including expert discovery, may reveal that the patent does not disclose a corresponding structure, or it may narrow the precise portions of the specification that are the required structure.
3	“means for selecting using said probability model identifier a probability model in a set comprising a current probability model defined from symbols coded previous to the current symbol and a subset of probability models wherein subset comprises at least one probability model defined by default” / “means for selecting using said probability model identifier a	Subject to § 112, ¶ 6 <u>Function:</u> Selecting a probability model using the probability model identifier, where the probability model is selected from a current probability model and a subset of probability models, including a default probability model <u>Structure:</u> Fig. 13 and col. 13, ll. 25-52 disclose the structure of a decoding device and, more specifically, an entropy decoding module that implements this step/function.

	probability model ... defined by default” / “means for selecting ... a probability model” [incomplete recitation of the limitation and not construed by Staff in favor of construing the complete limitation] Claim 15	Complainant cites to Figs. 3, 5, 6, 7, 10, and 11 and col. 5, ll. 10-14, col. 6, ll. 34-40, col. 7, ll. 27-49, col. 11:35-36 as disclosing a corresponding algorithm. Fig. 5 and col. 5, ll. 10-14, and col. 7, ll. 27-49 appear to disclose an algorithm for selecting a probability model according to a coding cost criterion. However, absent expert discovery, it is unclear whether the disclosure related to selecting a probability model according to a coding cost criterion also relates to “selecting using said probability model identifier a probability model” and whether the disclosure provides an algorithm that can be used to perform both functions. Further discovery, including expert discovery, may reveal that the disclosure in Fig. 5 and col. 5, ll. 10-14, and col. 7, ll. 27-49 provides a sufficient structure, or may reveal that the patent does not disclose a corresponding structure.
4	“means for adding in said subset said current probability model, the selected probability model becoming the current probability model” / “means for adding in said subset said current probability model” [incomplete recitation of the limitation and not construed by Staff in favor of construing the complete limitation] Claim 15	Subject to § 112, ¶ 6 <u>Function:</u> Adding the current probability model into the subset of probability models <u>Structure:</u> Fig. 13 and col. 13, ll. 25-52 disclose the structure of a decoding device and, more specifically, an entropy decoding module that possibly implements this step/function. Complainant cites to Figs. 5, 8, and 11 and col. 8, ll. 8-50, col. 10, ll. 14-17, and col. 11, ll. 37-43 as disclosing a corresponding algorithm. Fig. 8 and col. 11, ll. 37-43 appear to disclose an algorithm for performing this step. However, absent expert discovery, it is unclear whether this disclosure provides a sufficient structure to a person of ordinary skill in the art, such that they would know how to perform this function.

5	“means for decoding said current symbol with said current probability model” Claim 15	Subject to § 112, ¶ 6 <u>Function:</u> Decoding the current symbol with the current probability model <u>Structure:</u> Fig. 13 and col. 13, ll. 25-52 disclose the structure of a decoding device and, more specifically, an entropy decoding module that implements this step/function. However, it is unclear whether this disclosure alone provides a sufficient structure to a person of ordinary skill in the art, such that they would know how to perform this function. Complainant cites to Figs. 8 and 11 and col. 1, ll. 23-33, and col. 11, ll. 55-57. These figures and cited paragraphs do not appear to disclose an algorithm that shows how the claimed function is carried out, but absent expert testimony, the Staff is not in a position to say that there is clear and convincing evidence showing indefiniteness. Further discovery, including expert discovery, may reveal that the patent does not disclose a corresponding structure, or it may narrow the precise portions of the specification that are the required structure.
6	“means for updating said current probability model according to the decoding of said current symbol” Claim 15	Subject to § 112, ¶ 6 <u>Function:</u> Updating the current probability model according to the decoding of the current symbol <u>Structure:</u> Fig. 13 and col. 13, ll. 25-52 disclose the structure of a decoding device and, more specifically, an entropy decoding module that implements this step/function. However, it is unclear whether this disclosure alone provides a sufficient structure to a person of ordinary skill in the art, such that they would know how to perform this function. Complainant cites to Fig. 11 and col. 1, ll. 23-33, 47-54, col. 10, ll. 20-22, and col. 11, ll. 30-34, ll. 56-61. Col. 10, ll. 20-22 and col. 11, ll. 57-59 disclose that the current probability model is updated according to the method described previously in reference to the AC coding. Col. 1, ll. 23-33 and ll.

		47-54 describe prior art arithmetic coding. Col. 4, ll. 33-45 also describes “AC entropy coding.” However, absent expert discovery, it is unclear whether this disclosure provides a sufficient structure to a person of ordinary skill in the art, such that they would know how to perform this function.
	“wherein subset comprises” Claim 15	“wherein said subset comprises”
U.S. Patent No. 8,737,933 – Data Transfer Between Wireless Devices		
7	“processor configured to process a touchscreen input to select a media element” / “a processor configured to process” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning - the words of the claim are the best explanation of what the limitation means
8	“circuitry configured to detect, using Bluetooth, a plurality of WTRUs in proximity to the WTRU” / “circuitry configured to detect” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
9	“the processor is further configured to process another touchscreen input to select a WTRU of the plurality of WTRUs” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
10	“circuitry configured to send a message to transfer the selected media element to the selected WTRU” / “circuitry configured to send” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
11	“circuitry configured to receive an acceptance to transfer the selected media element to the selected WTRU” / “circuitry configured to receive”	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means

	Claim 23	
12	“circuitry configured to transfer, using a WiFi communication, the selected media element to the selected WTRU” / “circuitry configured to transfer” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
U.S. Patent No. 9,173,054 – Data Transfer Between Wireless Devices		
13	“circuitry configured to process, from a touch display, an input to select media in an application” / “circuitry configured to process” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
14	“circuitry configured to detect, by the WTRU over bluetooth, another WTRU” / “circuitry configured to detect” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
15	“the circuitry further configured to process another input from the touch display to select the another WTRU” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
16	“circuitry configured to send, by the WTRU to the selected another WTRU, a message to transfer the selected media” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
17	“circuitry configured to receive, by the WTRU, an acceptance to transfer the selected media” / “circuitry configured to receive” Claim 23	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means
18	“circuitry configured to transfer, by the WTRU to the selected another WTRU over WiFi, the selected media”	Not subject to § 112, ¶ 6 Plain and ordinary meaning, the words of the claim are the best explanation of what the limitation means

	Claim 23	
19	“circuitry configured to display”	N/A – In non-asserted claim 24 Withdrawn.
U.S. Patent No. 9,674,556 – Methods and Apparatus for In-Loop De-Artifact Filtering		
20	“adaptive sparse de-noising filter” Claims 1, 5	A spare denoising filter (a filter that reduces noise based on sparsity) that can adjust its own parameters automatically
21	“sparse denoising filter” / “sparse de-noising filter for performing a second pass to reduce noise” Claims 1, 5	A filter that reduces noise based on sparsity
U.S. Patent No. 10,250,877 – Method and Device for Coding an Image Block, Corresponding Decoding Method and Decoding Device		
22	“circuit configured to” Claims 7, 8	This portion of the preamble is limiting. Plain and ordinary meaning (i.e., requires pre-existing programming of hardware and software to perform the cited functionality)

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CERTIFICATE OF SERVICE

The undersigned certifies that on December 4, 2023 the Commission Investigative Staff's Proposed Claim Constructions was served upon the parties in the manner indicated below:

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