

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DIGITAL MEDIA TECHNOLOGY
HOLDINGS, LLC,

Plaintiff,

v.

DISNEY MEDIA & ENTERTAINMENT
DISTRIBUTION LLC,

Defendant.

C.A. No. 22-1642-CJB

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 12 of the Court’s Revised Scheduling Order (D.I. 34), Plaintiff Digital Media Technology Holdings, LLC (“DMTH”) and Defendant Disney Media & Entertainment Distribution LLC (“DMED”) submit this Joint Claim Construction Chart, which is attached to this document as Appendix A and which identifies for the Court the claim terms of U.S. Patent No. 7,574,725 (“the ’725 Patent”) for which the parties have a dispute, together with the parties’ proposed constructions of the disputed claim language, and citations to the supporting intrinsic evidence. A copy of the ’725 Patent (Exhibit 1) and excerpts from file history for the ’725 Patent relied upon by Plaintiff and Defendants (Exhibit 2) are included with this filing.

The parties reserve the right to rely upon extrinsic evidence in support of their constructions. The parties also reserve the right to rely on additional intrinsic evidence to the extent it is necessary to provide context or to rebut arguments made during the claim construction briefing.

Dated: May 22, 2024

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APPENDIX A: JOINT CLAIM CONSTRUCTION CHART

Disputed Term(s)/Phrase(s)	Pltf.'s Proposed Construction	Pltf.'s Identification of Intrinsic Evidence	Dft.'s Proposed Construction	Dft.'s Identification of Intrinsic Evidence
“correlated information” U.S. Patent No. 7,574,725, Claim 1	Plain and ordinary meaning. No construction necessary. Alternatively, “information comprising associated materials.”	<p>“b. storing said multimedia material and associated advertising material on a computer readable storage medium as correlated information in digital format . . .” (Claim 1, limitation 1.b.)</p> <p>“The present invention relates to the marketing and distribution of multimedia material . . . and associated marketing materials . . .” (Col. 1 ll. 20-25.)</p> <p>“Another problem facing producers and distributors is the high cost of transportation and shipping of the films . . . and marketing and advertising materials associated therewith.” (Col. 1 ll. 54-56.)</p> <p>“It is noted that in accordance with the invention, the servicing of smaller facilities . . . is particularly cost effective as compared to conventional methods for transporting film and</p>	“data associated with other data”	<p>’725 Patent at, <i>e.g.</i>, Abstract; 1:20-25; 1:54-64; 72:48-59; 3:1-11; 4:24-27; 4:28-37; 4:38-52; 4:53-65; 5:24-38; 5:39-56; 5:57-63; 5:64-6:2; 6:4-14; 6:15-24; 6:34-54; 6:55-7:6; 7:7-23; 7:24-35; 7:36-57; 8:7-14; 8:22-34; 8:35-44; 8:45-53; 8:54-61; 8:62-9:2; 10:30-40; 11:33-40; 13:61-63; 14:34-53; 14:54-15:3; 15:49-53; 17:16-18; 17:43-60; 18:6-11; 18:26-33; 18:36-42; 18:51-59; 19:26-32; 20:1-7; 20:12-15; 20:18-21; Figs. 2-4.</p> <p>’725 Patent File History: <i>see, e.g.</i>, Transmittal of New Application (April 23, 2001); Office Action (June 6, 2005); Amendment/Request for Reconsideration After Non-Final Rejection (September 9, 2005); Office Action (November 28, 2005); Amendment/Continued Prosecution Application (CPA)/Request for Continued Examination (RCE) (May 30, 2006); Office Action (August 23, 2006); Amendment/Request</p>

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		<p>associated promotional materials.” (Col. 4 ll. 24-27.)</p> <p>“In accordance with present invention, there are a plurality of input paths over which films and associated materials can be transported for storage in media 28.” (Col. 4 ll. 53-55.)</p> <p>“Such material associated with the title may include the actual film . . . graphics for a newspaper advertisement, a radio spot, a poster, a coming attractions film segment, handbills, or the like.” (Col. 4 ll. 62-65.)</p>		<p>for Reconsideration After Non-Final Rejection (November 20, 2006); Office Action (February 8, 2007);</p> <p>Amendment/Continued Prosecution Application (CPA)/Request for Continued Examination (RCE) (August 10, 2007); Office Action (October 16, 2007); Amendment/Request for Reconsideration After Non-Final Rejection (February 15, 2008); Amendment/Request for Reconsideration-After Non-Final Rejection (March 25, 2008); Supplemental Response or Supplemental Amendment (March 26, 2008);</p> <p>Amendment/Request for Reconsideration-After Non-Final Rejection (October 6, 2008); Office Action (December 3, 2008);</p> <p>Amendment in Response to Final Office Action (April 3, 2009); Amendment in Response to Final Office Action (April 8, 2009); Notice of Allowance (April 8, 2009); Notice of Allowance (July 13, 2009).</p>

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"said purchasers" U.S. Patent No. 7,574,725, Claim 1	Not indefinite. The antecedent basis of "said purchasers" is "potential purchasers" recited in limitation 1.c. Plain and ordinary meaning. No construction necessary. Alternatively, "potential purchasers" means "users that may be interested in obtaining multimedia material."	"c. providing a server system accessible over a communication network, said server system accessing said correlated information in a digital format from said computer readable storage medium for transfer of said correlated information in a digital format over said communication network to potential purchasers; d. providing samples of said correlated information in a digital format from said server system over said communication network to said potential purchasers, said purchasers being linked to the server system through said communication network" (Claim 1, limitations c and d.) "The server can provide samples of the multimedia material to potential purchasers depending upon the marketing strategy employed by the producer or owner." (Col. 2 ll. 57-59.) "It is also contemplated that various advertisements may	Indefinite.	'725 Patent at, <i>e.g.</i> , 1:48-53; 2:4-14; 2:26-30; 2:48-59; 2:60-65; 5:34-38; 9:30-49; 10:18-29; 11:15-20; 12:33-50; 12:51-61; 13:61-14:3; 14:4-20; 15:4-11; 15:18-27; 15:28-42; 15:43-56; 15:57-16:2; 17:54-64; 18:49-65; 20:22-25; Figs. 1, 3-10. '725 Patent File History: <i>see, e.g.</i> , Amendment/Continued Prosecution Application (CPA)/Request for Continued Examination (RCE) (May 30, 2006); Office Action (August 23, 2006); Amendment/Request for Reconsideration After Non-Final Rejection (November 20, 2006); Office Action (February 8, 2007); Amendment/Continued Prosecution Application (CPA)/Request for Continued Examination (RCE) (August 10, 2007); Office Action (October 16, 2007); Amendment/Request for Reconsideration After Non-Final Rejection (February 15, 2008); Amendment/Request for Reconsideration-After Non-Final Rejection (March 25, 2008); Supplemental Response

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		<p>also appear on the home page. In accordance of the invention it is contemplated that such advertisements will be specific to particular users, their geography and the like and will be based on information held in the system with respect to prior exhibition of various titles, their popularity and the like.” (Col. 10 ll. 4-10.)</p> <p>“However, in the case of ‘trade’ users, more sophisticated arrangements may become necessary with correspondingly different input screens.” (Col. 11 ll. 60-62.)</p> <p>“In addition to providing multimedia to users, the server system collects data about the users and information respecting the economics and sales success of exhibitors and broadcasters.” (Col. 3 ll. 22-25.)</p> <p>“If a valid password is entered the user can then</p>		<p>or Supplemental Amendment (March 26, 2008); Amendment/Request for Reconsideration-After Non-Final Rejection (October 6, 2008); Office Action (December 3, 2008); Amendment in Response to Final Office Action (April 3, 2009); Amendment in Response to Final Office Action (April 8, 2009); Notice of Allowance (April 8, 2009); Notice of Allowance (July 13, 2009).</p>

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		<p>make a selection or enter a desired title. Once logged on, a user can enter a title or click on search button to locate a particular type of movie.” (Col. 9 ll. 13-16.)</p> <p>“Once the searching has been completed, the title of the product, which the user is interested in obtaining, appears after ‘Movie Title’ in screen 100.” (Col. 9 ll. 21-23.)</p> <p>“If the user is an exhibitor and wishes to view the conditions for sale of the particular product selected, the exhibitor clicks on an enter sales data button 106 in FIG. 3.” (Col. 11 ll. 1-3.)</p> <p>Referring to Fig. 5, “[u]ser 18 then selects type of material that is desired at the select format step 176. . . . This selection is also recorded at step 168 for later analysis. The selected material is then</p>		

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		<p>downloaded at step 180 and the download is stored on the user's local storage media at step 182. Step 180 is implemented in a separate screen illustrated in FIG. 8, which will be described in detail below. The exhibitor's account or credit card is charged at 184. The user is then permitted to either select another title or leave the web site at step 128.” (Col. 14 ll. 9-20.)</p> <p>“It is contemplated that many different types of transactions will be available. For example, a user does not purchase a major motion picture with a credit card, since payment is usually based on revenues, such as a royalty payment, often keyed to box office receipts.” (Col. 12 ll. 33-37.)</p>		
<p>“said purchasers storing ...” U.S. Patent No. 7,574,725, Claim Element 1(e)</p>	<p>Plain and ordinary meaning. No construction necessary. Contrary to Defendant's statement, these are not</p>	<p>“e. downloading to said purchasers, upon request of said purchasers, over said communication network, said correlated information in a</p>	<p>These are active storing or downloading steps to be performed by “said purchasers,”</p>	<p>'725 Patent at, <i>e.g.</i>, Abstract; 2:15-30; 2:48-59; 2:60-65; 3:1-11; 3:12-19; 3:20-21; 3:55-56; 6:22-24; 10:30-40; 10:41-51; 10:52-54; 11:33-40; 11:41-59;</p>

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<p>“said purchasers downloading ...” / “said purchasers storing ...”</p> <p>U.S. Patent No. 7,574,725, Claim Element 1(f)</p>	<p>active storing or downloading steps to be performed by “said purchasers”; “said purchasers storing” is part of the “downloading to said purchasers” step recited in limitation 1.e., and as such is part of the “downloading” step being performed “to purchasers” “from [the] server system”; “said purchasers downloading . . . / said purchasers storing” is part of the “providing said correlated information” step recited in limitation 1.f., and as such is part of the “providing” step being performed “to said purchasers from said server system over said communication network.”</p>	<p>digital format corresponding to said multimedia material from said server system, said purchasers storing downloaded correlated information in a digital format corresponding to said multimedia material; and f. providing said correlated information in a digital format corresponding to said advertising material that is associated with said multimedia material to said purchasers from said server system over said communication network, allowing purchasers to locally market and sell said multimedia material, said purchasers downloading said correlated information in a digital format corresponding to said advertising material that is associated with said multimedia material, said purchasers storing the downloaded correlated information in a digital format corresponding to said</p>	<p>i.e., the terms require “said purchasers perform the step of storing ...,” “said purchasers perform the step of downloading ...,” and “said purchasers perform the step of storing”</p>	<p>12:5-13; 12:14-23; 12:24-32; 12:33-50; 12:51-61; 12:62-13:2; 13:3-8; 13:9-14; 13:15-41; 14:4-20; 14:21-53; 14:54-15:3; 15:28-42; 17:55-64; 20:12-21; Figs. 1, 3-10.</p> <p>’725 Patent File History: <i>see, e.g.</i>, Amendment/Request for Reconsideration-After Non-Final Rejection (March 25, 2008); Supplemental Response or Supplemental Amendment (March 26, 2008); Amendment/Request for Reconsideration-After Non-Final Rejection (October 6, 2008); Office Action (December 3, 2008); Amendment in Response to Final Office Action (April 3, 2009); Amendment in Response to Final Office Action (April 8, 2009); Notice of Allowance (April 8, 2009); Notice of Allowance (July 13, 2009).</p>

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		<p>advertising material” (Claim 1, limitations e and f.)</p> <p>“The system then proceeds to download the selected material at step 180, as illustrated in FIG. 5, and the material stored and the account of the client charged, or the transaction financially implemented by other means.” (Col. 15 ll.39-41.)</p> <p>Referring to Fig. 5, “[u]ser 18 then selects type of material that is desired at the select format step 176. . . . This selection is also recorded at step 168 for later analysis. The selected material is then downloaded at step 180 and the download is stored on the user's local storage media at step 182. Step 180 is implemented in a separate screen illustrated in FIG. 8, which will be described in detail below. The exhibitor's account or credit card is charged at 184. The user is then permitted to either select another title or leave the web</p>		

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		<p>site at step 128.” (Col. 14 ll. 9-20.)</p> <p>“The inventive system provides for the download, upon request, from the server system over a public or private network of multimedia material and then advertising material to exhibitors purchasing rights over the inventive communications network. This allows exhibitors and broadcasters to locally use the multimedia material.” (Col. 2 ll. 60-65.)</p>		
<p>“wherein the exhibition of multimedia material ...”</p> <p>U.S. Patent No. 7,574,725, Claim 5</p>	<p>Not indefinite. The antecedent basis of “the exhibition of multimedia material” is “an exhibitor exhibiting said multimedia material” in claim 1’s limitation 1.g.</p>	<p>“g. wherein said purchaser is an exhibitor exhibiting said multimedia material, after deriving said multimedia material from said stored correlated information in a digital format corresponding to said multimedia material, in a public theater to a number of individuals in exchange for a paid admission or a broadcast exhibitor, said advertising material, after deriving of</p>	<p>Indefinite.</p>	<p>’725 Patent at, <i>e.g.</i>, Abstract; 1:20-25; 2:55-57; 2:60-65; 3:22-25; 3:60-63; 4:20-27; 4:28-37; 5:18-23; 6:8-10; 9:5-17; 9:24-29; 9:40-48; 9:49-55; 9:56-63; 10:4-17; 10:30-40; 11:1-14; 11:15-20; 11:21-32; 11:33-40; 11:41-55; 11:60-12:3; 12:4-13; 12:14-23; 12:33-50; 12:51-61; 13:9-14; 13:15-40; 13:41-48; 13:49-60; 13:61-14:3; 14:4-20; 14:21-33; 14:34-53; 14:54-15:3; 15:4-11; 15:29-42; 16:58-17:2; 17:33-38; 17:39-41; 17:61-64;</p>

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		<p>said advertising material from said correlated information in a digital format corresponding to said stored associated advertising material, being shown to the public at a time or in a place different from the time or place at which said associated multimedia material is displayed.” (Claim 1, limitation 1.g.)</p> <p>“5. The method of claim 1, wherein the exhibition of multimedia material is the public showing of a motion picture.” (Claim 5.)</p> <p>“Similarly, a plurality of exhibitors, including a movie theater 18a, a television station 18b, a satellite television operator 18c, a cable television operator 18d and a high school 18e. are also connected through cyberspace 12 to central server 16.” (Col. 4 ll. 20-24.)</p> <p>“Referring back to FIG. 5, central server 16 examines the log on entry at step 31 to</p>		<p>18:49-65; 18:66-19:5; 19:6-8; 19:9-11; 19:12-15; 19:16-19; 19:20-23; 20:8-15; 20:18-26; 20:27-30; Figs. 1, 3-10.</p> <p>’725 Patent File History: <i>see, e.g.</i>, Amendment/Request for Reconsideration After Non-Final Rejection (September 9, 2005); Amendment/Request for Reconsideration After Non-Final Rejection (February 15, 2008); Amendment/Request for Reconsideration-After Non-Final Rejection (March 25, 2008); Supplemental Response or Supplemental Amendment (March 26, 2008); Amendment/Request for Reconsideration-After Non-Final Rejection (October 6, 2008); Office Action (December 3, 2008); Amendment in Response to Final Office Action (April 3, 2009); Amendment in Response to Final Office Action (April 8, 2009); Notice of Allowance (April 8, 2009); Notice of Allowance (July 13, 2009).</p>

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		determine whether the individual is . . . an exhibitor who Will have product downloaded to his site for exhibition, posting, advertising" (Col. 12, ll. 5-9.)		
"automatically collecting sales information from exhibitor recipients . . ." U.S. Patent No. 7,574,725, Claim 11	Plain and ordinary meaning. No construction necessary. Alternatively, "collecting, by the server system, sales data from exhibitor recipients."	<p>"In addition to providing multimedia to users, the server system collects data about the users and information respecting the economics and sales success of exhibitors and broadcasters." (Col. 3 ll. 22-25.)</p> <p>"Such statistics may include past box office in cities of various sizes, with various language use characteristics, and so forth, such data being collected by the system during the course of a customer's signing up for the inventive service, and the customers using the inventive service." (Col. 15 ll. 22-27.)</p>	"requesting and receiving without any manual intervention box office receipts or television ratings from exhibitor recipients"	<p>'725 Patent at, <i>e.g.</i>, 1:48-53; 1:54-62; 3:22-25; 3:64-67; 9:30-48; 10:4-17; 10:18-29; 11:1-14; 11:56-59; 11:60-12:4; 12:25-32; 12:33-50; 12:51-61; 12:62-13:2; 13:3-8; 13:9-14; 13:33-40; 13:42-48; 14:4-20; 15:4-11; 15:12-17; 15:18-27; 15:28-42; 15:43-56; 15:57-16:2; 17:39-41; 19:6-8; 19:9-11; 19:12-15; 19:16-19; 19:20-23; 20:22-26; 20:27-30; Figs. 1, 3, 5-7, 10.</p> <p>'725 Patent File History: <i>see, e.g.</i>, Amendment/Request for Reconsideration After Non-Final Rejection (September 9, 2005); Office Action (November 28, 2005); Amendment/Continued Prosecution Application (CPA)/Request for Continued Examination (RCE) (May 30, 2006); Office Action (August 23, 2006); Amendment/Request</p>

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