

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CELLSPIN SOFT, INC.,

Plaintiff,

v.

**BYTEDANCE LTD., BYTEDANCE PTE.
LTD., TIKTOK PTE. LTD.**

Defendants.

Case No. 2:23-cv-496-JRG-RSP

DEMAND FOR JURY TRIAL

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

In accordance with the governing Docket Control Order [Dkt. No. 35], and further pursuant to Local Patent Rule 4-3, Plaintiff Cellspin Soft, Inc., together with Defendants ByteDance Ltd., ByteDance Pte. Ltd., TikTok Pte. Ltd., respectfully submit this Joint Claim Construction and Prehearing Statement.

The “Asserted Patents” are U.S. Patent Nos. 8,756,336 (the “’336 Patent”), 8,862,757 (the “’757 Patent”), 8,898,260 (the “’260 Patent”), 8,904,030 (the “’030 Patent”), 11,659,381 (the “’381 Patent”), 11,234,121 (the “’121 Patent”), and 9,900,766 (the “’766 Patent”) (collectively, the “Asserted Patents”). The “Asserted Claims” are as follows:

- ’336 Patent: Claims 1–5.
- ’757 Patent: Claims 1–26.
- ’260 Patent: 1–18.
- ’030 Patent: 1–2, 4–7, 9–18.
- ’381 Patent: Claims 1–16.
- ’121 Patent: Claims 1–10.
- ’766 Patent: Claims 1, 4–15.

I. Agreed Constructions (Local Patent Rule 4-3(a)(1))

The Parties have agreed to the following constructions for the identified terms in the Asserted Claim. At this time, the Parties agree that any term not otherwise identified herein shall be construed in accordance with its plain and ordinary meaning.

Terms	[Partial] Agreed Constructions
“Bluetooth enabled data capture device”	“separate and apart from the mobile device and has the ability to send and/or receive Bluetooth wireless messages”
“short-range wireless enabled data capture device”	“separate and apart from the short-range wireless enabled cellular phone and has the ability to send and receive short-range wireless messages”
“paired”	“in the condition of having an exchanged link key (either before connection establishment was requested or during connecting phase)”
“after the paired secure Bluetooth connection is established” / “after establishing a paired Bluetooth connection” “after establishing the short-range paired wireless connection” / “after the short-range paired wireless connection is established”	“after the paired connection is established and maintained on a continuous basis between the Bluetooth enabled data capture device and the Bluetooth enabled mobile device” / “after the paired connection is established and maintained on a continuous basis between the Bluetooth enabled data capture device and the Bluetooth enabled cellular phone” “after the paired connection is established and maintained on a continuous basis between the short-range wireless enabled data capture device and the short-range wireless enabled cellular phone”
“short-range paired wireless connection”	“in the condition of having an exchanged link key (either before connection establishment was requested or during connecting phase) between the short-range wireless enabled data capture device and the short-range wireless enabled cellular phone”
“cryptographically authenticating”	“verified as legitimate by use of encryption and decryption involving an algorithm”
“data signal notification(s)”	“an indication of the presence of newly acquired data”

“poll” / “polling”	“checking status [of] on a predetermined basis,” where “predetermined” refers to programming that sets the frequency of the status checks (e.g., at set intervals, dynamic intervals, randomly, etc.)
“user authentication credential”	“data used to verify the identity of the user”

II. Disputed Constructions (Local Patent Rule 4-3(a)(2))

See **Exhibit A**. The disputed terms for construction include:

Relevant Patent(s)	Term(s)
'336 Patent, '757 Patent	“using a segmented data transfer protocol due in part to present data size and data transfer capabilities of the Bluetooth enabled mobile device” / “wherein said file is segmented in part due to size of said file and data transfer capabilities of said Bluetooth enabled mobile device”
All Asserted Patents	“along with”
'336 Patent	“resuming, the segmented data transfer from the point immediately following the last successful receipt of the segmented data by the web service, for said user identifier.”
'336 Patent, '757 Patent, '260 Patent	“application layer level”
'336 Patent, '757 Patent, '260 Patent	“after a network connection to the web service is restored”
'336 Patent, '757 Patent, '260 Patent	“synchronization” message/protocol
'757 Patent, '260 Patent	“corresponds to the content range”
'336 Patent, '757 Patent, '260 Patent '030 Patent '766 Patent	“user identifier”
'336 Patent, '757 Patent, '260 Patent	“segment identifier”

'030 Patent, '381 Patent, '121 Patent, '766 Patent	Claims elements must be in an ordered combination
'030 Patent, '381 Patent, '121 Patent, '766 Patent	“over the established Bluetooth paired wireless connection”
'030 Patent, '766 Patent	“new data object”
'030 Patent, '381 Patent, '121 Patent, '766 Patent	“detecting and signaling” / “determining existence of” / “acquire” / “store” / “upload” / “signal” / “publish” / “create” . . . “new-data” / “new-data object”
'381 Patent, '121 Patent, '766 Patent	“a mobile software application for a Bluetooth enabled cellular phone” / “mobile client application”
'381 Patent	“user profile”
'121 Patent	“timer setting on the single mobile client application” / “timer setting is no wait automatic or wait X minutes automatic”
'121 Patent	“user data publishing website”
'121 Patent	“user data publishing web service”
'766 Patent	“private consumption”

III. Anticipated Length of Claim Construction Hearing (Local Patent Rule 4-3(a)(3))

The Parties anticipate that the Claim Construction hearing in this matter can be completed in **four hours** but respectfully request permission to extend the hearing beyond four hours, if it then appears necessary or productive. Each side will have equal time to argue the disputed terms.

IV. Use of Witnesses During Claim Construction Hearing (Local Patent Rule 4-3(a)(4))

The Parties do not intend to call any witnesses during the Claim Construction Hearing.

V. Other Issues (Local Patent Rule 4-3(a)(5))

The Parties are not presently aware of any issues appropriate to be heard at a prehearing conference in advance of the Claim Construction Hearing. Each party reserves the right to submit a technology tutorial with its initial *Markman* brief.

Date: December 20, 2024

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**COUNSEL FOR DEFENDANTS
BYTEDANCE LTD., BYTEDANCE
PTE. LTD., AND TIKTOK PTE. LTD.**

CERTIFICATE OF SERVICE

I HEREBY CERTIFY on December 20, 2024, I caused to be electronically-filed the foregoing document with the Clerk of Court using the Court's CM/ECF system. As such, this document was served on all counsel who are deemed to have consented to electronic service.

By: /s/ Randall Garteiser
Randall Garteiser

Exhibit A

I. U.S. PATENT NO. 8,756,336

Term No.	Claim No(s).	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
1.	1	"using a segmented data transfer protocol due in part to present data size and data transfer capabilities of the Bluetooth enabled mobile device"	Plain and ordinary meaning.	"selecting a segmented data transfer protocol based on both the present data size and data transfer capabilities of the Bluetooth enabled mobile device" <u>Intrinsic Evidence:</u> • 4:22-54 • 5:4-11 • 6:33-46 • 7:23-67 • 8:1-22 • 9:37-10:9 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
2.		"along with"	"in addition to" <u>Intrinsic Evidence:</u> • Paragraph [0047] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • https://www.merriam-webster.com/dictionary/along%20with	Plain and ordinary meaning. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *11-12 (N.D. Cal. Apr. 14, 2021).
3.	1	"resuming, the segmented data transfer from the point immediately following the last successful receipt"	Plain and ordinary meaning.	"resuming, the segmented data transfer by transferring the next data segment in sequence after the last successfully transmitted data segment . . ." <u>Intrinsic Evidence:</u>

Term No.	Claim No(s).	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
		of the segmented data by the web service, for said user identifier."		• 7:52-67 • 8:1-22 • 8:56-9:11 • 9:61-10:9 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
4.	1	"application layer level"	"The highest layer of standards in the Open Systems Interconnection (OSI) reference model. The application layer contains signals that perform useful work for the user, such as file transfer or remote access to a computer, as opposed to lower levels, which control the exchange of data between transmitter and receiver." Alternatively, "The highest layer of standards in the Open Systems Interconnection (OSI) reference model." <u>Intrinsic Evidence:</u> • Prosecution History <u>Extrinsic Evidence:</u> • Microsoft Computer Dictionary (5th Ed. 2002)	"performed by the client application" <u>Intrinsic Evidence:</u> • 3:41-55 • 5:18-54 • 6:33-46 • 7:23-33 • 8:43-10:9 • Fig. 4 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
5.	1	"after a network connection to the web service is restored"	Plain and ordinary meaning.	"in response to a network connection being restored" <u>Intrinsic Evidence:</u> • Claim 1 • 9:61-10:9 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u>

Term No.	Claim No(s).	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
				• HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
6.	1	"Synchronization" message/protocol	"the process of updating or backing up the data" <u>Extrinsic Evidence:</u> • Microsoft Computer Dictionary (5th Ed. 2002) • https://csrc.nist.gov/glossary/term/synchronization_protocols	"The action of identifying the point in sequence after the last successfully transmitted data segment" <u>Intrinsic Evidence:</u> • 9:61-10:9 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • IBM Dictionary of Computing (10th ed 2003) • Microsoft Computer Dictionary (5th Ed. 2002) • Shorter Oxford English Dictionary (6th Ed. 2007) • Collins English Dictionary (7th Ed. 2005) • Heinle's Newbury House Dictionary of American English (4th Ed. 2004) • Webster's Third New International Dictionary of the English Language Unabridged (2002) • The American Heritage Dictionary of the English Language (4th Ed. 2006) • The Chambers Dictionary (10th Ed. 2006) • Random House Webster's College Dictionary (2005) • Merriam-Webster's Collegiate Dictionary (11th Ed. 2003) • Longman Dictionary of American English (3rd Ed. 2004). • Bloomsbury English Dictionary (2nd Ed. 2004) • Cambridge Advanced Learner's Dictionary (2003-2004) • Macmillan English Dictionary For Advanced Learners (2002) • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
7.	1	"segment identifier"	"a text string that identifies uniquely a data segment"	Plain and ordinary meaning.

Term No.	Claim No(s).	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			<u>Intrinsic Evidence:</u> • 4:60-4:63 • 7:09-7:18 • 7:40-7:45 • 8:50-8:55 <u>Extrinsic Evidence:</u> • TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a data segment"</i> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) • Microsoft Computer Dictionary (5th Ed. 2002)	
8.	1, 5	"user identifier"	"a text string that identifies uniquely a user of a web service and contains sufficient information to authenticate a user of the web service." <u>Intrinsic Evidence:</u> • 6:34-6:50 • 7:52-7:60 • 8:28-8:41 • 8:64 -9:22 • 9:55-9:61 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a user of a web service and contains sufficient information to authenticate a user of the web service."</i> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)	Plain and ordinary meaning.

Term No.	Claim No(s).	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			• Microsoft Computer Dictionary (5th Ed. 2002)	

II. U.S. PATENT NO. 8,862,757

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
9.		"Synchronization" message/protocol	"the process of updating or backing up the data" <u>Extrinsic Evidence:</u> • Microsoft Computer Dictionary (5th Ed. 2002) • https://csrc.nist.gov/glossary/term/synchronization_protocols	"The action of identifying the point in sequence after the last successfully transmitted data segment" <u>Intrinsic Evidence:</u> • 9:61-10:9 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • IBM Dictionary of Computing (10th ed 2003) • Microsoft Computer Dictionary (5th Ed. 2002) • Shorter Oxford English Dictionary (6th Ed. 2007) • Collins English Dictionary (7th Ed. 2005) • Heinle's Newbury House Dictionary of American English (4th Ed. 2004) • Webster's Third New International Dictionary of the English Language Unabridged (2002) • The American Heritage Dictionary of the English Language (4th Ed. 2006) • The Chambers Dictionary (10th Ed. 2006) • Random House Webster's College Dictionary (2005) • Merriam-Webster's Collegiate Dictionary (11th Ed. 2003) • Longman Dictionary of American English (3rd Ed. 2004). • Bloomsbury English Dictionary (2nd Ed. 2004) • Cambridge Advanced Learner's Dictionary (2003-2004) • Macmillan English Dictionary for Advanced Learners (2002) • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
10.	1, 8, 15, 21	"along with"	"in addition to" <u>Intrinsic Evidence:</u> - Paragraph [0047] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> https://www.merriam-webster.com/dictionary/along%20with	Plain and ordinary meaning. <u>Extrinsic Evidence:</u> <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *11-12 (N.D. Cal. Apr. 14, 2021).
11.	1, 8, 15, 21	"wherein said file is segmented in part due to size of said file and data transfer capabilities of said Bluetooth enabled mobile device"	Plain and ordinary meaning.	"selecting a segmented data transfer protocol based on both the present data size and data transfer capabilities of the Bluetooth enabled mobile device" <u>Intrinsic Evidence:</u> 4:22-54 5:4-11 6:33-46 7:23-67 8:1-22 9:37-10:9 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1)

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
				<u>Extrinsic Evidence:</u> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
12.	7, 14, 20, 26	"corresponds to the content range"	Plain and ordinary meaning.	Indefinite Alternatively, "corresponds to the start and end of a portion of content, in bytes or other specified unit, in relation to the full body of content" <u>Intrinsic Evidence:</u> 7:52-67 9:61-10:9 757 Patent Prosecution History - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) - Expert testimony that a person of ordinary skill in the art would not understand the meaning of the terms using "corresponds to the content range" in the '757 patent with reasonable certainty.
13.	1, 8, 15, 21	"application layer level"	"The highest layer of standards in Open Systems Interconnection (OSI) reference model. The application layer contains signals that perform useful work for the user, such as file transfer or remote access to a computer, as opposed to lower levels, which control the exchange of data between transmitter and receiver." Alternatively, "The highest layer of standards in the Open Systems Interconnection (OSI) reference model."	"performed by the client application" <u>Intrinsic Evidence:</u> 3:41-55 5:18-54 6:33-46 7:23-33 8:43-10:9 - Fig. 4 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1)

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			<u>Intrinsic Evidence:</u> - Prosecution History <u>Extrinsic Evidence:</u> - Microsoft Computer Dictionary (5th Ed. 2002)	<u>Extrinsic Evidence:</u> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
14.	1	"after a network connection to the web service is restored"	Plain and ordinary meaning	"in response to a network connection being restored" <u>Intrinsic Evidence:</u> - Claim 1 9:61-10:9 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
15.	1, 7, 8, 14, 15, 20, 21, 26	"segment identifier"	"a text string that identifies uniquely a data segment" <u>Intrinsic Evidence:</u> 4:60-4:63 7:09-7:18 7:40-7:45 8:50-8:55 <u>Extrinsic Evidence:</u> TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a data segment"</i> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) - Microsoft Computer Dictionary (5th Ed. 2002)	Plain and ordinary meaning.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
16.	1, 4, 8, 11, 15, 17, 21, 23.	"user identifier"	"a text string that identifies uniquely a user of a web service and contains sufficient information to authenticate a user of the web service." <u>Intrinsic Evidence:</u> • 6:34-6:50 • 7:52-7:60 • 8:28-8:41 • 8:64 -9:22 • 9:55-9:61 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a user of a web service and contains sufficient information to authenticate a user of the web service."</i> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) • Microsoft Computer Dictionary (5th Ed. 2002)	Plain and ordinary meaning.

III. U.S. PATENT NO. 8,898,260

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
17.	1, 6, 10, 15	"Synchronization" message/protocol	"the process of updating or backing up the data" <u>Extrinsic Evidence:</u> - Microsoft Computer Dictionary (5th Ed. 2002) https://csrc.nist.gov/glossary/term/synchronization_protocols	"The action of identifying the point in sequence after the last successfully transmitted data segment" <u>Intrinsic Evidence</u> 9:61-10:9 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> - IBM Dictionary of Computing (10th ed 2003) - Microsoft Computer Dictionary (5th Ed. 2002) - Shorter Oxford English Dictionary (6th Ed. 2007) - Collins English Dictionary (7th Ed. 2005) - Heinle's Newbury House Dictionary of American English (4th Ed. 2004) - Webster's Third New International Dictionary of the English Language Unabridged (2002) - The American Heritage Dictionary of the English Language (4th Ed. 2006) - The Chambers Dictionary (10th Ed. 2006) - Random House Webster's College Dictionary (2005) - Merriam-Webster's Collegiate Dictionary (11th Ed. 2003) - Longman Dictionary of American English (3rd Ed. 2004). - Bloomsbury English Dictionary (2nd Ed. 2004) - Cambridge Advanced Learner's Dictionary (2003-2004) - Macmillan English Dictionary for Advanced Learners (2002) - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
18.	1, 6, 10, 15	"along with"	"in addition to"	Plain and ordinary meaning.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			<u>Intrinsic Evidence:</u> - Paragraph [0047] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> https://www.merriam-webster.com/dictionary/along%20with	<u>Intrinsic Evidence</u> 11:50–12:43. 12:56–13:45. 13:55–14:46. 14:53–16:4. <u>Extrinsic Evidence:</u> <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *11-12 (N.D. Cal. Apr. 14, 2021).
19.	1, 6, 10, 15	“corresponds to the content range”	Plain and ordinary meaning.	Indefinite Alternatively, “corresponds to the start and end of a portion of content, in bytes or other specified unit, in relation to the full body of content” <u>Intrinsic Evidence:</u> 7:52-67 9:61-10:9 260 Patent Prosecution History - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) - Expert testimony that a person of ordinary skill in the art would not understand the meaning of the terms using “corresponds to the content range” in the '260 patent with reasonable certainty.
20.	1, 5, 6, 9, 10, 14, 15	“application layer level”	“The highest layer of standards in Open Systems Interconnection (OSI) reference model. The application layer contains signals that perform useful work for the user, such as file transfer or remote access to a computer, as opposed to lower levels, which control the exchange of data between transmitter and receiver.”	“performed by the client application” <u>Intrinsic Evidence:</u> 3:41-55 5:18-54 6:33-46 7:23-33

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			Alternatively, “The highest layer of standards in the Open Systems Interconnection (OSI) reference model.” <u>Intrinsic Evidence:</u> - Prosecution History <u>Extrinsic Evidence:</u> - Microsoft Computer Dictionary (5th Ed. 2002)	8:43-10:9 - Fig. 4 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
21.	1, 6, 10, 15	“after a network connection to the web service is restored”	Plain and ordinary meaning	“in response to a network connection being restored” <u>Intrinsic Evidence:</u> - Claims 1, 6, 10, 15 9:61-10:9 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616)
22.	1, 4, 6, 8, 10, 13, 15, 17	“user identifier”	“a text string that identifies uniquely a user of a web service and contains” <u>Intrinsic Evidence:</u> 6:34-6:50 7:52-7:60 8:28-8:41 8:64 -9:22 9:55-9:61 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u>	Plain and ordinary meaning.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			• TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a user of a web service and contains sufficient information to authenticate a user of the web service."</i> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) • Microsoft Computer Dictionary (5th Ed. 2002)	
23.	1, 6, 10, 15	"segment identifier"	"a text string that identifies uniquely a data segment" <u>Intrinsic Evidence:</u> • 4:60-4:63 • 7:09-7:18 • 7:40-7:45 • 8:50-8:55 <u>Extrinsic Evidence:</u> • TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a data segment"</i> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) • Microsoft Computer Dictionary (5th Ed. 2002)	Plain and ordinary meaning.

IV. U.S. PATENT NO. 8,904,030

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
24.	1, 6, 12, 15	Claims Elements Must be in an Ordered Combination	No temporal restriction unless stated so in the claim language <u>Extrinsic Evidence:</u> The Federal Circuit's precedent regarding construction of the order of claim steps. See, e.g., <i>Mformation Techs., Inc. v. Rsch. in Motion Ltd.</i>, 764 F.3d 1392, 1398–99 (Fed. Cir. 2014) (explaining that unless an order is expressly recited “steps are not ordinarily construed to require” an order, but that “a claim requires an ordering of steps when the claim language, as a matter of logic or grammar, requires that the steps be performed in the order written, or the specification directly or implicitly requires an order of steps”) (internal quotations omitted).	The elements must be performed in the order they appear in the claims. <u>Intrinsic Evidence:</u> • 11:50–12:43. • 12:56–13:45. • 13:60–14:46. • 14:53–16:14. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *6-8 (N.D. Cal. Apr. 14, 2021).
25.	1, 6, 12, 15	“along with”	“in addition to” <u>Intrinsic Evidence:</u> • Paragraph [0047] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • https://www.merriam-webster.com/dictionary/along%20with	Plain and ordinary meaning. <u>Intrinsic Evidence:</u> • 11:50–12:43. • 12:56–13:45. • 13:60–14:46. • 14:53–16:14. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *11-12 (N.D. Cal. Apr. 14, 2021).
26.	1, 6, 12, 15	“user identifier”	“a text string that identifies uniquely a user of a web service and contains” <u>Intrinsic Evidence:</u> • 6:34-6:50 • 7:52-7:60 • 8:28-8:41 • 8:64 -9:22	Plain and ordinary meaning.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			9:55-9:61 - U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a user of a web service and contains sufficient information to authenticate a user of the web service."</i> - HTTP: The Definitive Guide (2002) - Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) - Microsoft Computer Dictionary (5th Ed. 2002)	
27.	1, 6, 12, 15	"over the established Bluetooth paired wireless connection"	Plain and Ordinary Meaning.	"through the continuous, secure Bluetooth connection between the Bluetooth enabled data capture device and the Bluetooth enabled cellular phone" <u>Intrinsic Evidence:</u> 2:17–27. 3:41–55. 11:50–12:43. <u>Extrinsic Evidence:</u> "Specification of the Bluetooth System" Version 2.1 + EDR (26 July 2007), Volumes 0 to 4.
28.	1, 4-6, 9-10, 12-17	"detecting and signaling" / "determining existence of" / "acquiring" / "get" / "obtaining" / "transfer" / "encrypting" / "creation of" / "change in status of" . . . "new data"	Plain and ordinary meaning.	"an indication of the presence of newly acquired data by the Bluetooth enabled data capture device" <u>Intrinsic Evidence:</u> 11:50–12:43. 12:56–13:45. 13:60–14:46. 14:53–16:14. <u>Extrinsic Evidence:</u> <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *12-13 (N.D. Cal. Apr. 14, 2021).

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
29.	6, 15	"new data object"	"An object can be a variable, a data structure, a function, or a method. Object contains value and is referenced by an identifier" <u>Intrinsic Evidence:</u> • 4:24–4:30 <u>Extrinsic Evidence:</u> • Microsoft Computer Dictionary (5th Ed. 2002) • https://en.wikipedia.org/w/index.php?title=Object_(computer_science)&oldid=1111438032 • "Bluetooth Specification Version 1.1" • Infrared Data Association (IrDA) Object Exchange Protocol OBEX Version 1.3 (2003)	Plain and ordinary Meaning. <u>Intrinsic Evidence:</u> • 11:50–12:43. • 12:56–13:45. • 13:60–14:46. • 14:53–16:14.

V. U.S. PATENT NO. 11,659,381

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction and Supporting Evidence	Defendants' Proposed Construction and Supporting Evidence
30.	1, 7, 12	Claims Elements Must be in an Ordered Combination	No temporal restriction unless stated so in the claim language <u>Extrinsic Evidence:</u> The Federal Circuit's precedent regarding construction of the order of claim steps. See, e.g., <i>Mformation Techs., Inc. v. Rsch. in Motion Ltd.</i>, 764 F.3d 1392, 1398–99 (Fed. Cir. 2014) (explaining that unless an order is expressly recited “steps are not ordinarily construed to require” an order, but that “a claim requires an ordering of steps when the claim language, as a matter of logic or grammar, requires that the steps be performed in the order written, or the specification directly or implicitly requires an order of steps”) (internal quotations omitted).	The elements must be performed in the order they appear in the claims. <u>Intrinsic Evidence:</u> • 12:28–13:30. • 13:45–14:20. • 14:34–15:6. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *6-8 (N.D. Cal. Apr. 14, 2021).
31.	1, 7, 12	“along with”	“in addition to” <u>Intrinsic Evidence:</u> • Paragraph [0047] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • https://www.merriam-webster.com/dictionary/along%20with	Plain and ordinary meaning. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *11-12 (N.D. Cal. Apr. 14, 2021).
32.	1, 7, 12	“a mobile software application for a Bluetooth enabled cellular phone”	Plain and Ordinary Meaning.	“software application provided with a Bluetooth-enabled cellular phone” <u>Intrinsic Evidence:</u> • Abstract. • 2:41–3:15. • 3:43–46. • 4:3–18. • 4:56–5:9. • 5:20–50. • 5:61–67.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction and Supporting Evidence	Defendants' Proposed Construction and Supporting Evidence
				• 6:1–33. • 6:44–51. • 7:1–15. • 7:60–8:3. • 8:4–38. • 9:8–15. • 9:25–27. • 9:33–44. • 10:24–52.
33.	1, 7, 12	“over the established paired Bluetooth connection”	Plain and Ordinary Meaning.	“through the continuous, secure Bluetooth connection between the Bluetooth enabled data capture device and the Bluetooth enabled cellular phone” <u>Intrinsic Evidence:</u> • 2:30–40. • 3:43–46. • 4:19–52. • 6:44–67. • 8:62–9:15. • 9:30–44. <u>Extrinsic Evidence:</u> • “Specification of the Bluetooth System” Version 2.1 + EDR (26 July 2007), Volumes 0 to 4.
34.	1, 6	“user profile”	“a collection of information associated with a user. It contains information such as their Username, Password, Email, Age, Gender, Country/Address” <u>Intrinsic Evidence:</u> • Paragraph [0017], [0025] [0035] [0038] [0048] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u>	“data associated with a specific user” <u>Intrinsic Evidence:</u> • 4:53–5:9. • 12:28–13:29. • 13:43–14:20.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction and Supporting Evidence	Defendants' Proposed Construction and Supporting Evidence
			- In 2007 a "User Profile" database would have at least these fields according to 2007 articles and MIT papers. https://computer.howstuffworks.com/internet/social-networking/networks/myspace.htm - Social Network Profiles: Massachusetts Institute of Technology https://academic.oup.com/jcmc/article/13/1/252/4583067 https://en.wikipedia.org/wiki/User_profile	
35.	1, 3-4, 7, 8-10, 12, 14-15	"detect and receive" / "store the received" / "transfer the received" . .. "new-data"	Plain and Ordinary Meaning.	"an indication of the presence of newly acquired data by the Bluetooth enabled data capture device" <u>Intrinsic Evidence:</u> 12:28–13:30. 13:45–14:20. 14:34–15:6. <u>Extrinsic Evidence:</u> <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *12-13 (N.D. Cal. Apr. 14, 2021).

VI. U.S. PATENT NO. 11,234,121

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
36.	1, 4, 7, 9	Claims Elements Must be in an Ordered Combination	No temporal restriction unless stated so in the claim language <u>Extrinsic Evidence:</u> The Federal Circuit's precedent regarding construction of the order of claim steps. See, e.g., <i>Mformation Techs., Inc. v. Rsch. in Motion Ltd.</i>, 764 F.3d 1392, 1398–99 (Fed. Cir. 2014) (explaining that unless an order is expressly recited “steps are not ordinarily construed to require” an order, but that “a claim requires an ordering of steps when the claim language, as a matter of logic or grammar, requires that the steps be performed in the order written, or the specification directly or implicitly requires an order of steps”) (internal quotations omitted).	The elements must be performed in the order they appear in the claims. <u>Intrinsic Evidence:</u> • 12:22–13:15. • 13:25–14:31. • 14:39–15:17. • 15:23–16:46. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *6-8 (N.D. Cal. Apr. 14, 2021).
37.	1, 4, 9	“along with”	“in addition to” <u>Intrinsic Evidence:</u> • Paragraph [0047] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • https://www.merriam-webster.com/dictionary/along%20with	Plain and ordinary meaning. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *11-12 (N.D. Cal. Apr. 14, 2021).
38.	1, 4, 9	“over the established short-range paired wireless connection”	Plain and Ordinary Meaning.	“through the continuous, secure short-range wireless connection between the short-range wireless enabled data capture device and the short-range wireless enabled cellular phone” <u>Intrinsic Evidence:</u> • 2:32–38. • 3:41–44. • 4:16–50. • 6:41–64. • 8:57–9:9

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
				12:22–13:15. <u>Extrinsic Evidence:</u> “Specification of the Bluetooth System” Version 2.1 + EDR (26 July 2007), Volumes 0 to 4. <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419 (N.D. Cal. Apr. 14, 2021)
39.	1, 3-4, 7, 9	“mobile client application”	Plain and Ordinary Meaning.	“software application provided with the short-range wireless enabled cellular phone” <u>Intrinsic Evidence:</u> - Abstract. 2:41–3:15. 3:43–46. 4:3–18. 4:56–5:9. 5:20–50. 5:61–67. 6:1–33. 6:44–51. 7:1–15. 7:60–8:3. 8:4–38. 9:8–15. 9:25–27. 9:33–44. 10:24–52.
40.	1, 4, 7, 9	“timer setting on the single mobile client application” / “timer setting is no wait automatic or wait X minutes automatic”	Plain and Ordinary Meaning.	“a configurable time parameter that controls the timing of the upload of data, either immediately (‘no wait’) or after a specified delay (‘wait X minutes’)” <u>Intrinsic Evidence:</u> 2:60–3:14. 5:49–6:19. 7:12–54. 7:66–8:17. 8:40–56. 9:10–23.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
				12:22–13:15.
41.	1, 3-4, 6, 9	“user data publishing website”	Plain and Ordinary Meaning.	“a website corresponding to a specific user” <u>Intrinsic Evidence:</u> 2:60–3:14. 5:49–65. 12:22–13:15. 13:21–25. 13:26–14:31. 14:37–38. 15:23–46.
42.	7	“user data publishing web service”	“User data publishing service that is modular collection of Web protocol based applications that use standard Internet protocols such as HTTP, XML, and SOAP to provide connectivity” <u>Extrinsic Evidence:</u> “Web Service” define in Microsoft Computer Dictionary (5th Ed. 2002)	“a web service corresponding to a specific user” <u>Intrinsic Evidence:</u> 12:22–13:15. 13:21–25. 13:26–14:31. 14:37–38. 14:39–15:17.
43.	1, 3, 4, 7, 9	“acquire” / “store” / “upload” / “detect” / “transfer” / “receive” . . . “new-data”	Plain and Ordinary Meaning.	“an indication of the presence of newly acquired data by the short-range wireless enabled cellular phone” <u>Intrinsic Evidence:</u> 12:19–13:15. 13:21–14:31. 14:39–15:17. 15:22–16:46. <u>Extrinsic Evidence:</u> <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *12-13 (N.D. Cal. Apr. 14, 2021).

VII. U.S. PATENT NO. 9,900,766

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
44.	1, 4, 9, 13	Claims Elements Must be in an Ordered Combination	No temporal restriction unless stated so in the claim language <u>Extrinsic Evidence:</u> The Federal Circuit's precedent regarding construction of the order of claim steps. See, e.g., <i>Mformation Techs., Inc. v. Rsch. in Motion Ltd.</i>, 764 F.3d 1392, 1398–99 (Fed. Cir. 2014) (explaining that unless an order is expressly recited “steps are not ordinarily construed to require” an order, but that “a claim requires an ordering of steps when the claim language, as a matter of logic or grammar, requires that the steps be performed in the order written, or the specification directly or implicitly requires an order of steps”) (internal quotations omitted).	The elements must be performed in the order they appear in the claims. <u>Intrinsic Evidence:</u> • 12:19–13:7. • 13:18–14:13. • 14:29–15:7. • 15:23–16:44. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *6-8 (N.D. Cal. Apr. 14, 2021).
45.	1, 4, 9, 13	“along with”	“in addition to” <u>Intrinsic Evidence:</u> • Paragraph [0047] of U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u> • https://www.merriam-webster.com/dictionary/along%20with	Plain and ordinary meaning. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *11-12 (N.D. Cal. Apr. 14, 2021).
46.	1, 4,9,12	“user identifier”	“a text string that identifies uniquely a user of a web service and contains” <u>Intrinsic Evidence:</u> • 6:34-6:50 • 7:52-7:60 • 8:28-8:41 • 8:64 -9:22 • 9:55-9:61 • U.S. Patent App. No. 11/901,802 (Published as US20080103906A1) <u>Extrinsic Evidence:</u>	Plain and ordinary meaning.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
			• TikTok proposed the same construction for the same term in its 4-2 Disclosure <i>"a text string that identifies uniquely a user of a web service and contains sufficient information to authenticate a user of the web service."</i> • HTTP: The Definitive Guide (2002) • Hypertext Transfer Protocol -- HTTP/1.1 (https://www.rfc-editor.org/rfc/rfc2616) • Microsoft Computer Dictionary (5th Ed. 2002)	
47.	1, 4, 9	"over the established short-range paired wireless connection"	Plain and Ordinary Meaning.	"through the continuous, secure short-range wireless connection between the short-range wireless enabled data capture device and the short-range wireless enabled cellular phone" <u>Intrinsic Evidence:</u> • 2:24–34. • 3:36–39. • 4:13–46. • 6:37–60. • 8:53–9:5. • 9:21–44. <u>Extrinsic Evidence:</u> • "Specification of the Bluetooth System" Version 2.1 + EDR (26 July 2007), Volumes 0 to 4. • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419 (N.D. Cal. Apr. 14, 2021)
48.	1, 4, 9, 13	"private consumption"	Plain and Ordinary Meaning.	"providing access to a specific user authorized by the user data publishing website" <u>Intrinsic Evidence:</u> • 9:60–10:3.
49.	1, 4, 9, 13	"mobile client application"	Plain and Ordinary Meaning.	"software application provided with the short-range wireless communication device" <u>Intrinsic Evidence:</u> • 5:14–61.

Term No.	Patent Claim(s)	Term	Cellspin's Proposed Construction	Defendants' Proposed Construction
				• 6:61–7:7. • 7:8–61. • 7:62–8 :13. • 8:53–9:5. • 9:6–20. • 10:16–28. • 10:29–44.
50.	1, 4, 9, 13	“new data object”	“An object can be a variable, a data structure, a function, or a method. Object contains value and is referenced by an identifier.” <u>Intrinsic Evidence:</u> • 4:24–4:30 <u>Extrinsic Evidence:</u> • Microsoft Computer Dictionary (5th Ed. 2002) • https://en.wikipedia.org/w/index.php?title=Object_(computer_science)&oldid=1111438032 • “Bluetooth Specification Version 1.1” • Infrared Data Association (IrDA) Object Exchange Protocol OBEX Version 1.3 (2003)	Plain and ordinary meaning. <u>Intrinsic Evidence:</u> • 12:19–13:7. • 13:13–14:13. • 14:22–15:7. • 15:13–16:44. • 16:50–53.
51.	1-4, 7-9, 11-13, 15	“acquire” / “store” / “upload” / “signal” / “publish” / “create” . . . “new-data” / “new-data object”	Plain and ordinary meaning.	“an indication of the presence of newly acquired data by the short-range wireless enabled cellular phone” <u>Intrinsic Evidence:</u> • 12:19–13:7. • 13:13–14:13. • 14:22–15:7. • 15:13–16:44. • 16:50–53. <u>Extrinsic Evidence:</u> • <i>Cellspin Soft, Inc. v. Fitbit, Inc.</i>, 2021 WL 1417419, at *12-13 (N.D. Cal. Apr. 14, 2021).