

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION

MAXELL, LTD.,  
Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
and SAMSUNG ELECTRONICS  
AMERICA, INC.,  
Defendant.

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CASE NO. 5:23-CV-00092-RWS

**PRELIMINARY CONSTRUCTIONS**

To focus oral argument, the Court provides the following proposed constructions for the disputed terms. These constructions are not final and are subject to final review. That is, each party should address the constructions it believes are incorrect at the hearing.

| # | Term                                                                                                                                                                    | Maxell's Proposed Construction | Samsung's Proposed Construction                                                                                                                                                                                                                                                                                                                                                                                         | Preliminary Construction   |
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| 1 | "the processor generates a group of video information based on user preferences determined by the user selections of the video information"<br><br>'815 Patent, Claim 2 | Plain and ordinary meaning     | Plain and ordinary meaning, which is: "generating a group of video information that includes (i) only video information that has previously been selected by a user, (ii) only video information that has not previously been selected by a user, and (iii) a mix of video information including video information that has been previously selected by a user and video information not previously selected by a user" | Plain and ordinary meaning |

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| 2 | "character"<br><br>'815 Patent, Claims 1, 21                                                                                                | Plain and ordinary meaning                                                                                                                                                                   | "A letter, number, punctuation mark, or other symbol or control code that is represented to a computer by one unit of information."                                                        | "A letter, number, punctuation mark, or other symbol or control code that is represented to a computer by one unit of information."                                                        |
| 3 | "receiving, via a network, first video information . . . including second video information that is encrypted"<br><br>'815 Patent, Claim 21 | Plain and ordinary meaning                                                                                                                                                                   | Plain and ordinary meaning, which is: "the second video information is in encrypted form at the time it is received"                                                                       | Plain and ordinary meaning, which is: "receiving first video information . . . including encrypted second video information"                                                               |
| 4 | "being deleted from the first group of video information"<br><br>'815 Patent, Claim 1                                                       | Plain and ordinary meaning                                                                                                                                                                   | "Reversing a registration ( <i>i.e.</i> , unregistering) of video information from the first group"                                                                                        | "being removed from the first group of video information"                                                                                                                                  |
| 5 | "the first group of video information being configured to allow a user to edit"<br><br>'815 Patent, Claim 1                                 | Plain and ordinary meaning                                                                                                                                                                   | Indefinite                                                                                                                                                                                 | "the composition of the first group of video information being editable by a user"                                                                                                         |
| 6 | "user profile"<br><br>'815 Patent, Claims 1, 21, 23                                                                                         | Plain and ordinary meaning                                                                                                                                                                   | Indefinite                                                                                                                                                                                 | "a collection of settings and information associated with a user"                                                                                                                          |
| 7 | "second camera arranged on an opposite side of the touch display"<br><br>'757 Patent, Claim 1                                               | Plain and ordinary meaning, which means "an arrangement of two cameras such that one camera is on the same side as the touch display and the second camera is opposite to the touch display" | Plain and ordinary meaning, which is that "the second camera is located on a side of the touch display that is opposite a side of the touch display on which the first camera is located." | Plain and ordinary meaning, which is that "the second camera is located on a side of the touch display that is opposite a side of the touch display on which the first camera is located." |
| 8 | Allegedly mixed apparatus-method claims<br>'590 Patent, Claims 1, 5, 11, 12, 16, 17, 24<br>'241 Patent, Claims 1, 5, 6, 10, 11, 26, 27      | Not indefinite.                                                                                                                                                                              | Indefinite for being directed to mixed "apparatus-method claims"                                                                                                                           | Not indefinite                                                                                                                                                                             |

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| 9  | <p>wherein . . . when an indication from [the/a] user indicates to transmit video information using the first radio communication circuit, the controller assigns a connection to the first radio communication circuit for transmitting the video”</p> <p>’590 Patent, all claims<br/>’241 Patent, all claims</p> | Plain and ordinary meaning                                                                                                                                                                                                                                            | Plain and ordinary meaning, which requires the user, not the controller, to select the particular radio for assignment. | Plain and ordinary meaning, where the user is not required to select the particular radio                                                                                                                                                                                                                                                                                                                                                                                                       |
| 10 | <p>“first information necessary for an identification of the user”;</p> <p>“second information relating to the identification of the user”</p> <p>’086 Patent, all claims</p>                                                                                                                                      | Plain and ordinary meaning                                                                                                                                                                                                                                            | “information sufficient for the identification of the user, but not including information about a user’s fingerprint”   | <p>Plain and ordinary meaning</p> <p>NOTE: no disclaimer</p>                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| 11 | <p>“peripheral device information collation unit”</p> <p>’161 Patent, Claims 1, 3</p>                                                                                                                                                                                                                              | <p><b>*Agreed Function</b></p> <p><b>Structure:</b> CPU 20 operating in conjunction with ROM 22 and/or RAM 21 included within or external to the network device for executing one of the comparison and judging algorithms disclosed at ’161 Patent at 5:62–6:29.</p> | <p><b>*Agreed Function</b></p> <p><b>Structure:</b> Indefinite for lack of adequate corresponding structure.</p>        | <p><b>*Agreed Function</b></p> <p><b>Structure:</b><br/>“a general purpose processor programmed to:</p> <p>(1) assemble the home network information in the peripheral device information storage unit of the local network device for a given period and the home network information of the other network device in the peripheral device information reception unit for the same period into comparable sets of information;</p> <p>(2) determine the maximum number of consecutive list</p> |

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|  |  |  |  | <p>entries in the home network information of the other device that matches all or portion of the list items of the home network information of the local network device;</p> <p>(3) divide the maximum number of consecutive list entries in the home network information of the other device by the total number of list entries to calculate a percent rate of agreement (RA);</p> <p>(4) compare the percent rate of agreement (RA) to a predetermined percentage value; and</p> <p>(5) if the percentage rate of agreement is equal to or larger than the predetermined percentage value, indicating to other software or hardware on the local network device that the other network device belongs to the same network as the local network device; otherwise, indicating to other software or hardware on the local network device that the other network device does not belong to the same network as the local network device.”</p> <p>NOTE: Agreeing there is no algorithm disclosed for “checking whether the collated sets of peripheral device information exhibit the same tendency”</p> |
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| 12 | <p>“chronological list of network devices connected to the network”</p> <p>’161 Patent, Claims 1, 3, 6</p> | <p>Plain and ordinary meaning</p> | <p>Indefinite.</p> <p>Alternatively, “home network information” must “include, for each device that is a member of a local area network, a list with an entry for each time any device joins the local area network, transmits a message on the local area network, or leaves the local area network”</p> | <p>“a list of network devices ordered chronologically according to corresponding events indicating the participation or non-participation of the devices in the network”</p> |
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