

**THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STELLAR, LLC,

Plaintiff,

v.

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Defendants.

C.A. No. 4:23-cv-750-SDJ

MOTOROLA SOLUTIONS, INC., and
WATCHGUARD VIDEO, INC.,

Counterclaim Plaintiffs,

v.

STELLAR, LLC,

Counterclaim Defendant.

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to P.R. 4-3, Plaintiff Stellar, LLC (“Stellar” or “Plaintiff”) and Defendants Motorola Solutions, Inc. (“MSI”) and WatchGuard Video, Inc. (“WatchGuard”) (collectively, “Defendants”) submit the following Joint Claim Construction and Prehearing Statement.

(1) The construction of those claim terms, phrases, or clauses on which the parties agree

The parties have agreed on the following constructions:

Claim Term	Agreed Construction
“a local memory functionally coupled to the camera” '034 patent, claim 1	“a memory that is distanced less than 20 cm from the camera and is coupled to the camera using entirely physical connectors”
“a local memory functionally coupled to the sensor” '471 patent, claim 1	“a memory that is distanced less than 20 cm from the sensor and is coupled to the sensor using entirely physical connectors”

(2) Each party's proposed claim construction or indefiniteness position for each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that position, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its position or to oppose any other party's position, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses

Claim Term to be Construed	Stellar Preliminary Construction	Stellar Intrinsic and Extrinsic Evidence ¹	Defendants' Preliminary Construction	Defendants' Intrinsic and Extrinsic Evidence ¹
"A method of storing discrete segments of imaged data in a camera, comprising" '540 patent, claim 1	No construction necessary.	<u>Intrinsic Evidence</u> '540 Patent, 1:64-2:8; 2:64-3:24, 3:54-65, 6:15-21 FIGS 1-6 claims 1, 2, 3, 4, and 7.	Preamble is limiting.	<u>Intrinsic Evidence</u> '540 Patent, claims 1, 7.
"A method of storing discrete segments of imaged data in a camera, comprising: using a sensor in the camera to capture image data; providing a recorder coupled to the camera and having a memory; using multiple portions of the memory as a memory loop in which to record segments of the image data in approximately real time" '540 patent, claim 1	Plain and ordinary meaning and it is not necessary for the Court to construe the term.	<u>Intrinsic Evidence</u> Same as above.	Indefinite.	<u>Intrinsic Evidence</u> '540 Patent, claims 1, 7.

In addition, Defendants contend that the following claim terms should be governed by 35 U.S.C. § 112(f). Defendants also

¹ The parties each reserve the right to rely on authorities or evidence cited or identified by the other party.

contend that two of the terms are indefinite.

Stellar contends that none of these claim terms are governed by 35 U.S.C. § 112(f) and none are indefinite.

Claim Elements	Stellar: Structure(s), Act(s), or Material(s) Corresponding to Element	Defendants: Structure(s), Act(s), or Material(s) Corresponding to Element
“hardware that executes an instruction set that utilizes an area of the memory as a circular buffer” ’752 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: utilizing an area of the memory as a circular buffer Structure: - FIGS 3A-H, 4 and 5 including corresponding descriptions in the specification and equivalents thereof; 2:25-44, 4:64-5:4, 5:35-61, Abstract; - Any recording device including a processor that runs software to accomplish the described function	Function: utilizes an area of the memory as a circular buffer Structure: hardware and software programmed to perform the circular buffer algorithm disclosed at 2:36-39, 4:67-5:1, Figs. 3A-3H, 3:13-4:45, Fig. 5 (Step 51), 5:35-40. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[hardware that executes an instruction set that] records the first data stream in the buffer” ’752 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: recording the first data stream in the circular buffer Structure: - FIGS 3A-H, 4 and 5 including corresponding descriptions in the specification and equivalents thereof; 2:25-44, 4:64-5:4, 5:35-61, Abstract;	Function: records the first data stream in the buffer Structure: hardware and software programmed to perform the circular buffer algorithm disclosed at 2:36-39, 4:67-5:1, 5:12-14, Fig. 3A, 3:13-16, Fig. 5 (Step 52), 5:48. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth

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	Any recording device including a processor that runs software to accomplish the described function	
“[hardware that executes an instruction set that] responds to a first signal by protecting a recently used segment of the buffer storing at least a portion of the first data stream corresponding to a duration of time prior to the first signal, while at the same time continuously recording the first data stream as the second data stream in an unprotected segment of the buffer, without overwriting the protected segment” ’752 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: responding to a first signal by protecting a segment of the buffer corresponding to a duration of time prior to the first signal, while at the same time continuously recording the first data stream as the second data stream in an unprotected segment Structure: - FIGS 3A-H, 4 and 5 including corresponding descriptions in the specification and equivalents thereof; 2:25-44, 4:64-5:4, 5:35-61, Abstract; - Any recording device including a processor that runs software to accomplish the described function	Indefinite because no corresponding structure for performing the claimed function disclosed in the specification. Function: responding to a first signal by protecting a segment of the buffer corresponding to a duration of time prior to the first signal, while at the same time continuously recording the first data stream as the second data stream in an unprotected segment Structure: Not disclosed in specification <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[hardware that executes an instruction set that] responds to a second signal received after the first signal by increasing the duration of the protected segment of the buffer prior to the first signal”	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: responding to a second signal received after the first signal by increasing the duration of the protected segment of the buffer prior to the first signal	Indefinite because no corresponding structure for performing the claimed function disclosed in the specification. Function: responding to a second signal received after the first signal by increasing the duration of the protected segment of the buffer prior to the first signal

Claim Elements	Stellar: Structure(s), Act(s), or Material(s) Corresponding to Element	Defendants: Structure(s), Act(s), or Material(s) Corresponding to Element
'752 patent, claim 1	Structure: - FIGS 3A-H, 4 and 5 including corresponding descriptions in the specification and equivalents thereof; 2:25-44, 4:64-5:4, 5:35-61, Abstract; - Any recording device including a processor that runs software to accomplish the described function	Structure: Not disclosed in specification <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“a computer processor configured to: record the sensor data in the first memory” '901 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: recording the sensor data in the first memory Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:18-3:19, 4:67-5:3, 6:5-21; - A component of a recording device including software or hardware that accomplishes the functions described	Function: record the sensor data in the first memory Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:33-39, 4:67-5:2, 5:38-50, Fig. 3, 7:48-59, Fig. 4A, 7:60-65. <u>Other Intrinsic Evidence:</u> '540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] in response to a first trigger signal, designate for saving a first portion of the sensor data that was captured prior to occurrence of the first	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: designating for saving in response to a first trigger signal a first portion of sensor data captured prior to occurrence of the first	Function: in response to a first trigger signal, designate for saving a first portion of the sensor data that was captured prior to occurrence of the first trigger signal, wherein the portion of the sensor data occupies a portion of the first memory that is less than the entirety of the first

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trigger signal, wherein the portion of the sensor data occupies a portion of the first memory that is less than the entirety of the first memory and corresponds to a length of time prior to the first trigger signal” ’901 patent, claim 1	trigger signal, wherein the saved sensor data includes data captured prior to the first trigger signal and occupies less than the entirety of the first memory Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:18-3:19, 4:67-5:3, 6:5-21; - A component of a recording device including software or hardware that accomplishes the functions described	memory and corresponds to a length of time prior to the first trigger signal Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:33-39, 2:46-64, 4:67-5:2, 5:38-50, Fig. 4B, 8:9-37, Fig. 4C, 8:52-67, 9:62-10:5. <u>Other Intrinsic Evidence:</u> ’540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] contiguously continuing to record the sensor data in the first memory while the first portion of the sensor data is designated for saving” ’901 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: contiguously continuing to record the sensor data in the first memory while the first portion of the sensor data is designated for saving Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:18-3:19, 4:67-5:3, 6:5-21;	Function: contiguously continuing to record the sensor data in the first memory while the first portion of the sensor data is designated for saving Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:33-39, 2:46-64, 4:67-5:2, 5:38-50, Fig. 3, 7:48-59, Fig. 4D, 9:21-26, Fig. 4B, 8:9-37, Fig. 4C, 8:52-67, 9:62-10:5. <u>Other Intrinsic Evidence:</u> ’540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u>

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	A component of a recording device including software or hardware that accomplishes the functions described	Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] in response to a subsequent second trigger signal, designate for saving a second portion where in the second portion occupies less than the remaining entirety of the first memory not designated for saving and corresponds to a length of time prior to the second trigger signal” ’901 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: designating for saving in response to a second trigger signal a second portion of sensor data captured prior to occurrence of the second trigger signal, wherein the saved sensor data includes data captured prior to the second trigger signal and occupies less than the remaining entirety of the first memory not previously designated for saving Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:18-3:19, 4:67-5:3, 6:5-21; - A component of a recording device including software or hardware that accomplishes the functions described	Function: in response to a subsequent second trigger signal, designate for saving a second portion where in the second portion occupies less than the remaining entirety of the first memory not designated for saving and corresponds to a length of time prior to the second trigger signal Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:33-39, 2:46-64, 4:67-5:2, 5:38-50, Fig. 4E, 9:48-50, 9:62-10:5. <u>Other Intrinsic Evidence:</u> ’540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] automatically overwrite portions of the sensor data that were recorded in the first memory that were not designated for saving”	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: automatically overwriting portions of the recorded sensor data not previously designated for saving	Function: automatically overwrite portions of the sensor data that were recorded in the first memory that were not designated for saving Structure: hardware and/or software programmed to perform the circular buffer

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'901 patent, claim 1	Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:18-3:19, 4:67-5:3, 6:5-21; - A component of a recording device including software or hardware that accomplishes the functions described	algorithm disclosed at 2:33-39, 4:67-5:2, 5:38-50, Fig. 3, 7:48-59, Fig. 4A, 7:60-65. <u>Other Intrinsic Evidence:</u> '540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“a computer processor configured to: record sensor data obtained by the sensor in the at least one memory” '910 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: recording sensor data in the at least one memory Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:21-3:21, 5:1-6, 6:6-22; - A component of a recording device including software or hardware that accomplishes the functions described	Function: record sensor data obtained by the sensor in the at least one memory Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:36-42, 5:3-5, 5:40-52, Fig. 3, 7:48-59, Fig. 4A, 7:60-65. <u>Other Intrinsic Evidence:</u> '540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] in response to a first trigger signal, designate for write-protecting a first portion of the sensor data that	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: designating a portion of the memory for write-protecting including at least a portion	Function: in response to a first trigger signal, designate for write-protecting a first portion of the sensor data that was captured prior to occurrence of the first trigger signal, wherein the first portion of the sensor data occupies a portion

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was captured prior to occurrence of the first trigger signal, wherein the first portion of the sensor data occupies a portion of the at least one memory that is less than the entirety of the at least one memory and corresponds to a length of time prior to the first trigger signal” ’910 patent, claim 1	captured prior to the trigger signal and a portion and which is less than the entirety of the at least one memory Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:21-3:21, 5:1-6, 6:6-22; - A component of a recording device including software or hardware that accomplishes the functions described	of the at least one memory that is less than the entirety of the at least one memory and corresponds to a length of time prior to the first trigger signal Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:36-42, 2:49-67, 5:3-5, 5:40-52, Fig. 4B, 8:10-40, Fig. 4C, 8:55-9:3, 9:65-10:8. <u>Other Intrinsic Evidence:</u> ’540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] continuing to record the sensor data in the at least one memory while the first portion of the sensor data is designated for write-protecting” ’910 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: continuing to record additional data while designating a portion of the memory for write-protecting Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:21-3:21, 5:1-6, 6:6-22;	Function: continuing to record the sensor data in the at least one memory while the first portion of the sensor data is designated for write-protecting Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:36-42, 2:49-67, 5:3-5, 5:40-52, Fig. 3, 7:48-59, Fig. 4D, 9:24-29, Fig. 4B, 8:10-40, Fig. 4C, 8:55-9:3, 9:65-10:8. <u>Other Intrinsic Evidence:</u> ’540 patent at 5:20-21; 5:28-33.

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	A component of a recording device including software or hardware that accomplishes the functions described	<u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] in response to a subsequent second trigger signal, designate for write-protecting a second portion wherein the second portion occupies less than the remaining entirety of the at least one memory not designated for write-protecting and corresponds to a length of time prior to the second trigger signal” ’910 patent, claim 1	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: designating for write protection an additional portion of the remaining memory not previously designated for write-protecting Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:21-3:21, 5:1-6, 6:6-22; - A component of a recording device including software or hardware that accomplishes the functions described	Function: in response to a subsequent second trigger signal, designate for write-protecting a second portion wherein the second portion occupies less than the remaining entirety of the at least one memory not designated for write-protecting and corresponds to a length of time prior to the second trigger signal Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:36-42, 2:49-67, 5:3-5, 5:40-52, Fig. 4E, 9:51-53, 9:65-10:8. <u>Other Intrinsic Evidence:</u> ’540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth
“[a computer processor configured to:] upon reaching at least one of the first portion and the second portion while continuing to record the sensor data in the at least one memory, excluding from	Not subject to 112(f); should the Court conclude that the term is subject to 112(f): Function: excluding from overwriting the at least one of the first portion and second portion, upon reaching a protected portion in the at least one memory	Function: upon reaching at least one of the first portion and the second portion while continuing to record the sensor data in the at least one memory, excluding from overwriting the at least one of the first portion and second portion

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overwriting the at least one of the first portion and second portion” ’910 patent, claim 1	Structure: - FIGS 1, 3, and 4A-H including corresponding descriptions in the specification and equivalents thereof; 2:21-3:21, 5:1-6, 6:6-22; - A component of a recording device including software or hardware that accomplishes the functions described	Structure: hardware and/or software programmed to perform the circular buffer algorithm disclosed at 2:36-42, 5:3-5, 5:40-52, Fig. 3, 7:48-59, Fig. 4A, 7:62-65, Fig. 4G, 9:56-60. <u>Other Intrinsic Evidence:</u> ’540 patent at 5:20-21; 5:28-33. <u>Extrinsic Evidence:</u> Expert testimony from Dr. Kevin Almeroth

(3) The anticipated length of time necessary for the Claim Construction Hearing

Given the number of issues in dispute, the parties anticipate that three (3) hours are necessary for the Claim Construction Hearing.

(4) The anticipated number of pages for briefing

Given the number of issues in dispute, the parties propose the following claim construction briefing limits: thirty (30) pages for Stellar's opening brief, forty (40) pages for Defendants' responsive brief, and ten (10) pages for Stellar's reply brief.

(5) Whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing and the identity of each such witness

At this time, neither party anticipates calling any live witnesses at the Claim Construction Hearing.

(6) A list of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing, and proposed dates, if not previously set, for any such prehearing conference

At this time, the parties are not aware of any such issues or need for a prehearing conference.

Dated: April 16, 2024

Respectfully submitted,

/s/Robert Kiddie

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CERTIFICATE OF SERVICE

I hereby certify that on April 16, 2024, a copy of the foregoing document and any attachments thereto was filed electronically with the Clerk of Court via CM/ECF system, which sent notification to all counsel of record.

/s/ Robert Kiddie
Robert Kiddie