

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

NL GIKEN INC.,

Plaintiff,

v.

AMAZON.COM, INC.,
AMAZON.COM SERVICES LLC,
AMAZON WEB SERVICES, INC., and
TWITCH INTERACTIVE, INC.,

Defendants.

Case No. 1:24-cv-00028-MN

DEFENDANTS' INITIAL PROPOSED CONSTRUCTIONS

Pursuant to the Joint Scheduling Order (Dkt. 32 at 14), Defendants Amazon.com, Inc., Amazon.com Services LLC, Amazon Web Services, Inc., and Twitch Interactive, Inc. (collectively, "Defendants") provide their initial proposed constructions.

The proposed constructions set forth in these disclosures are preliminary and are based on Defendants' current knowledge and understanding of the asserted patents and their file histories. Defendants' investigation is ongoing. Accordingly, Defendants reserve the right to revise, supplement, and/or amend the proposed constructions.

	Claim Term	Defendants' Initial Proposed Construction
1.	The preamble of each asserted independent claim. ('968 patent, claims 1, 5, and 9; '592 patent, claims 1 and 6; '615 patent, claims 4 and 8; '236 patent, claim 1; '391 patent, claims 1 and 10).	Each preamble is limiting

2.	“commutatively connected” (’968 patent, claims 1 and 9)	Indefinite
3.	“a designation software controller configured to control the memory to keep the information in response to a termination of viewing the viewed part and control the processor to automatically designate the succeeding part of the digital moving image contents when the viewing starts again” (’968 patent, claims 1 and 9)	<p>Based on NL Giken’s statements from the <i>inter partes</i> review of the ’968 patent, which constitute prosecution disclaimer, this limitation should be found to be a means-plus-function limitation.</p> <p><u>Function:</u> control the memory to keep the information in response to a termination of viewing the viewed part and control the processor to automatically designate the succeeding part of the digital moving image contents when the viewing starts again</p> <p><u>Corresponding Structure:</u> none</p>
4.	“a designation software controller” (’968 patent, claims 1 and 9)	Please see above construction of “a designation software controller ...”
5.	“a step of controlling the keeping step to keep the information in response to a termination of viewing the viewed part and control the executing step to automatically designate the succeeding part of the digital moving image contents when the viewing starts again” (’968 patent, claim 5)	<p>Based on NL Giken’s statements from the <i>inter partes</i> review of the ’968 patent, which constitute prosecution disclaimer, this limitation should be found to be a step-plus-function limitation.</p> <p><u>Function:</u> controlling the keeping step to keep the information in response to a termination of viewing the viewed part and control the executing step to automatically designate the succeeding part of the digital moving image contents when the viewing starts again</p> <p><u>Corresponding Act:</u> none</p>
6.	“succeeding part” (’968 patent, claim 5)	Plain and ordinary meaning
7.	“at the time of selection by the remote controller” (’592 patent, claims 1 and 6) ¹	Plain and ordinary meaning, <i>i.e.</i> , each instance of this limitation in a claim refers to the same time, which is the time at

¹ This limitation appears twice in each claim.

		which the “remote controller ... manually selects one of the digital moving image contents”
8.	“a predetermined same manual operation from own motive of a viewer ... to instantly carry out replacement of the currently displayed broadcast program with the one definite broadcast program identified by the program selection of the another broadcast program viewing system in response to the same manual operation at the predetermined operating portion, the same manual operation being universal regardless of the information and without any program selecting operation” (’615 patent, claim 4) / “a same manual operation from own motive of a viewer ... the same manual operation being universal regardless of the information and without any program selecting operation ... to instantly carry out the replacement of the currently viewed broadcast program with the one definite broadcast program identified by the program selection of the another broadcast program viewing system” (’615 patent, claim 8)	The claims do not cover any of: a hand shake between different TVs, common viewing operation mode, common viewing program table, simultaneous viewing start request, and a control command from a master to a slave, or the like.
9.	“a receiver arranged to receive, without request or acknowledgement, information of one definite broadcast program which can be displayed on the display and is identified by a program selection of the another broadcast program viewing system” (’615 patent, claim 4) / “the information being without request or acknowledgement from the another broadcast program viewing system” (’615 patent, claim 8)	Based on NL Giken’s statements from the <i>inter partes</i> review of the ’615 patent, which constitute prosecution disclaimer, the receipt of the information excludes any receipt that requires a previous request
10.	“a television function unit” (’236 patent, claims 1, 10, 12-13)	Means-plus-function limitation. <u>Function:</u> arranged to relate to a television function <u>Corresponding Structure:</u> broadcast

		television and/or cable television signal tuner
11.	“a first designator provided inside the television set and arranged to freely designate a desired address of the first type of outside counterpart to which the first information is sent” / “a second designator provided inside the television set and arranged to automatically designate a predetermined address of the second type of outside counterpart to which the second information is sent” (’236 patent, claim 1)	Each limitation is a means-plus-function limitation that lacks corresponding structure and therefore is indefinite.
12.	“without intermediary of the moving image data delivery system” (’391 patent, claims 1 and 10)	the electric data is issued to the moving image viewing system without going through the moving image data delivery system
13.	“moving image data delivery system” (’391 patent, claims 1 and 10)	television station
14.	“electric data denoting a right of viewing the television program” (’391 patent, claims 1 and 10)	Plain and ordinary meaning
15.	“integrated” (’391 patent, claims 9 and 15)	Plain and ordinary meaning

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CERTIFICATE OF SERVICE

The undersigned certifies that the above document was served via email on February 28, 2025 to the following counsel of record.

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