

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ADVANCED CODING TECHNOLOGIES
LLC,

Plaintiff,

v.

GOOGLE LLC,

Defendant.

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Case No. 2:24-cv-00353-JRG

JURY TRIAL DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

In accordance with Patent Local Rule 4-3, Plaintiff Advanced Coding Technologies, LLC (“ACT”), and Defendant Google LLC (“Google”), jointly submit this Joint Claim Construction and Prehearing Statement setting for the parties’ proposed constructions for the herein identified terms, phrases, or clauses of United States Patent No. 8,090,025 (the “’025 Patent”), United States Patent No. 9,986,303 (the “’303 Patent”), United States Patent No. 10,218,995 (the “’995 Patent”), United States Patent No. 9,042,448 (the “’448 Patent”), United States Patent No. 8,230,101 (the “’101 Patent”), and United States Patent No. 7,804,891 (the “’891 Patent”).

I. Agreed Constructions (P.R. 4-3(a)(1))

The parties have agreed on the construction of the claim terms in the table below.

Claim Term(s), Phrase(s), or Clause(s)	Patent / Claim	Agreed Construction
“border motion- vector data” / “border motion vector data”	’025 Patent Claims 1, 3, 4, 6-10	“data representing the difference in spatial position between a border of the block to be predicted in the picture to be coded and the best-matched border in the reference picture”
“boundary condition”	’025 Patent Claims 1, 3, 4, 6-10	“gradient data pertaining to the pixels at the boundary of a

		block”
“the input signal being obtained by multiplexing a coded bitstream obtained by predictive coding, border motion-vector data and post-quantization data obtained by quantization in the predictive coding”	’025 Patent Claims 6-8, 10	“the input signal being obtained by multiplexing a coded bitstream, obtained by predictive coding, comprising (1) border motion- vector data and (2) post-quantization data obtained by quantization in the predictive coding”
“basic video image coding data”	’303 Patent, Claims 1-2	“overview video image coding data”
“supplementary video image coding data”	’303 Patent, Claims 1-2	“extension of the basic video image coding data”
“standard resolution”	’995 Patent, Claims 1-4, 8-11 ’448 Patent, Claims 1-3	“the spatial resolution of a picture input into an encoding system as an encoding target”
“decoding with an extension of the standard resolution”	’995 Patent, Claims 2-4, 11	“decoding with an enhancement layer based on standard resolution reference picture(s)”
“A moving picture encoding system that makes an encoding of a sequence of moving pictures with a resolution higher than a standard resolution using moving pictures contents which include a sequence of moving pictures with the standard resolution and do not include a sequence of moving pictures with a resolution higher than the standard resolution, the moving picture encoding system comprising”	’448 Patent, Claims 1-3	Preamble is limiting.

The parties will continue working together to narrow the number of disputed claim terms.

II. Disputed Claim Terms, Phrases, or Clauses (P.R. 4-3(a)(2))

The parties’ proposed constructions of each disputed claim term, phrase, or clause of the Asserted Patents are set forth below. Identification of evidence that supports these constructions

is attached as Exhibit 1. Each party reserves the right to cite to intrinsic and/or extrinsic evidence cited by the other parties.

<u>No.</u>	<u>Term</u>	<u>Patent/Claim(s)</u>	<u>ACT's Preliminary Construction</u>	<u>Google's Preliminary Construction</u>
1.	"an estimated video signal"	'025 Patent Claims 1, 4, 6-7, 9-10	Plain and ordinary meaning	"a predictive signal generated based on boundary conditions"
2.	"[an estimated video signal...] satisfies Poisson's equation"	'025 Patent Claims 1, 4, 6-7, 9-10	"[an estimated video signal] for which Poisson's Equation is true"	"[an estimated video signal] generated by applying Poisson's Equation"
3.	"coding order and display order are earlier by a factor of a group of pictures" / "coding order and display order are earlier by a factor of the group of pictures"	'303 Patent, Claims 1-2	"coding order and display order are earlier by one or more groups of pictures"	Indefinite
4.	"reconstructing video image coding data from the basic video image coding data and the supplementary video image coding data"	'303 Patent, Claims 1-2	"rearranging basic video image coding data with supplementary video image coding data"	Indefinite Alternatively, "rearranging basic video image coding data with supplementary video image coding data so as to reconstruct video image coding data"
5.	"transfer" / "transferring"	'101 Patent, Claims 1, 4, 7	Plain and ordinary meaning	"to move data from one place to another"
6.	"a transfer control unit adapted to transfer and store part of held digital contents in the internal storage device to a network storage device, wherein the network storage device is connected to the network and is capable of storing data, and wherein said	'101 Patent, Claim 1	Subject to 112 p. 6 Structure: Software algorithm that performs the steps of: <ul style="list-style-type: none"> • Selecting the digital contents from the held digital contents in the internal storage device according to any criteria • Transferring part of the held digital contents from the 	Governed by 35 U.S.C. § 112, ¶ 6 Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2, 6. Function: transfer and store part of held digital contents in the internal storage device to a network storage device,

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	transfer control unit does not transfer, from the internal storage device to the network storage device, the digital contents that cannot be recovered if a network failure occurs during the transferring of the digital contents from the internal storage device to the network storage device”		<p>internal storage device to the network storage device for any reason</p> <p>’101 Patent, 6:57-7:12.</p> <p>Function: transfer and store part of held digital contents in the internal storage device to a network storage device, wherein the network storage device is connected to the network and is capable of storing data, and wherein said transfer control unit does not transfer, from the internal storage device to the network storage device, the digital contents that cannot be recovered if a network failure occurs during the transferring of the digital contents from the internal storage device to the network storage device</p>	<p>wherein the network storage device is connected to the network and is capable of storing data, and herein said transfer control unit does not transfer, from the internal storage device to the network storage device, the digital contents that cannot be recovered if a network failure occurs during the transferring of the digital contents from the internal storage device to the network storage device</p> <p>Structure/Algorithm: Insufficient</p>
7.	“a list information transmission unit adapted to respond to a list presentation request for the held digital contents of the server device for media from the network player by transmitting list information to the	’101 Patent, Claim 1	<p>Subject to 112 p. 6</p> <p>Structure: Software algorithm, program, or routine that performs the steps of:</p> <ul style="list-style-type: none"> • transmitting list information to the network player; • if the network storage device is not connected to the 	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2, 6.</p> <p>Function: respond to a list presentation request for the held digital contents of</p>

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	network player, wherein the list information lists the digital contents left in the internal storage device and the digital contents transferred from the internal storage device to the network storage device and stored in the network storage device, and wherein the list information maintains a tree structure of the digital contents in the internal storage device before transferring the digital contents to the network storage device”		<p>network, making the list information for the network player include predetermined information for allowing the network player to perform a process for expressing the non-connection on its display list; and</p> <ul style="list-style-type: none"> excluding the digital contents that cannot be played in response to an instruction to play issued from the network player from the list information to be transmitted from the server device for media to the network player so that the digital contents are not shown on the display list of the network player. <p>’101 Patent, 8:25-9:25</p> <p>Function: respond to a list presentation request for the held digital contents of the server device for media from the network player by transmitting list information to the network player, wherein the list information lists the digital contents</p>	<p>the server device for media from the network player by transmitting list information to the network player, wherein the list information lists the digital contents left in the internal storage device and the digital contents transferred from the internal storage device to the network storage device and stored in the network storage device, and wherein the list information maintains a tree structure of the digital contents in the internal storage device before transferring the digital contents to the network storage device</p> <p>Structure/Algorithm: Insufficient</p>

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			left in the internal storage device and the digital contents transferred from the internal storage device to the network storage device and stored in the network storage device, and wherein the list information maintains a tree structure of the digital contents in the internal storage device before transferring the digital contents to the network storage device	
8.	“said list information transmission unit makes the list information to be transmitted to the network player include information for identifying whether each digital content is currently stored in the internal storage device or the network storage device in the display list of the network player”	'101 Patent Claim 5	<p>Structure: Software algorithm, program, or routine that performs the steps of:</p> <ul style="list-style-type: none"> • transmitting list information to the network player; • if the network storage device is not connected to the network, making the list information for the network player include predetermined information for allowing the network player to perform a process for expressing the non-connection on its display list; and • excluding the digital contents that cannot be played in response to an instruction to play issued 	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>This term provides additive functionality to the functionality required by the term “a list information transmission unit adapted to respond to a list presentation request for the held digital contents of the server device for media from the network player by transmitting list information to the network player, wherein the list information lists the digital contents left in the internal storage device and the digital contents transferred from the internal storage device to the network storage device and stored in the network storage device, and wherein the list information maintains a tree structure of the digital contents in the internal storage device before</p>

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			<p>from the network player from the list information to be transmitted from the server device for media to the network player so that the digital contents are not shown on the display list of the network player.</p> <p>'101 Patent, 8:25-9:25</p> <p>Function: makes the list information to be transmitted to the network player include information for identifying whether each digital content is currently stored in the internal storage device or the network storage device in the display list of the network player</p>	<p>transferring the digital contents to the network storage device” in claim 1. The corresponding structure for the additive functionality in claim 5 is not sufficient to perform the functionality from claim 1 and at most can perform the additional functionality added by claim 5. Therefore, claim 5 is indefinite.</p> <p>Function: makes the list information to be transmitted to the network player include information for identifying whether each digital content is currently stored in the internal storage device or the network storage device in the display list of the network player</p> <p>Structure/Algorithm: shows whether the digital contents is stored in the network storage device or internal storage device using different colors, lighter colors, or an asterisk as set forth in the '101 patent at 8:35-42 and 9:4-25.</p>
9.	“a search unit adapted to respond to a data transmission request for the held digital contents from the network player by searching for a location	'101 Patent, Claim 1	<p>Subject to 112 p. 6</p> <p>Structure: Software algorithm, program, or routine that performs the steps of:</p> <ul style="list-style-type: none"> receiving a data transmission 	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2, 6.</p>

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	where the held digital contents are currently stored"		<p>request for held digital contents from the network player</p> <ul style="list-style-type: none"> • responding to a data transmission request by searching for the location of requested digital contents • transmitting the result of the search to the contents data transmission processing means if the result of the search shows the network storage device <p>'101 Patent, 6:41-48</p> <p>Function: respond to a data transmission request for the held digital contents from the network player by searching for a location where the held digital contents are currently stored</p>	<p>Function: respond to a data transmission request for the held digital contents from the network player by searching for a location where the held digital contents are currently stored</p> <p>Structure/Algorithm: Insufficient</p>
10.	"a digital contents data transmission processing unit adapted to allow the corresponding data in held digital contents to be stream-delivered from the network storage device to the network player, if the result of search shows the	'101 Patent, Claim 1	<p>Subject to 112 p. 6</p> <p>Structure: Software algorithm, program, or routine that performs the steps of:</p> <ul style="list-style-type: none"> • determining whether digital contents should be transmitted from the network storage device to 	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2,6.</p> <p>Function: allow the corresponding data in held digital contents to be stream-delivered from the network storage</p>

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	network storage device”		<p>the network player directly or indirectly</p> <ul style="list-style-type: none"> transmitting digital contents to the network player according to the determination of direct or indirect transmission. <p>’101 Patent, 7:24-65.</p> <p>Function: allow the corresponding data in held digital contents to be stream-delivered from the network storage device to the network player, if the result of search shows the network storage device</p>	<p>device to the network player, if the result of search shows the network storage device</p> <p>Structure/Algorithm: Insufficient</p>
11.	“said digital contents data transmission processing unit causes the network storage device to transmit the corresponding data to the server device for media, and then transmits the corresponding data received from the network storage device from the server device for media to the network player”	’101 Patent, Claim 2	<p>Subject to 112 p. 6</p> <p>Structure: Software algorithm, program, or routine that performs the steps of:</p> <ul style="list-style-type: none"> determining whether digital contents should be transmitted from the network storage device to the network player directly or indirectly transmitting digital contents to the network player according to the determination of direct or 	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2,6.</p> <p>Function: allow the corresponding data in held digital contents to be stream-delivered from the network storage device to the network player, if the result of search shows the network storage device, and causes the network storage device to transmit the corresponding data to the server device for media, and then transmits the</p>

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			<p>indirect transmission.</p> <p>'101 Patent, 7:24-65.</p> <p>Function: allow the corresponding data in held digital contents to be stream-delivered from the network storage device to the network player, if the result of search shows the network storage device, and causes the network storage device to transmit the corresponding data to the server device for media, and then transmits the corresponding data received from the network storage device from the server device for media to the network player</p>	<p>corresponding data received from the network storage device from the server device for media to the network player</p> <p>Structure/Algorithm: Insufficient</p>
12.	<p>"said digital contents data transmission processing unit transmits the corresponding data and information for identifying the network storage device to the network player, and causes the network storage device to directly transmit the corresponding data to the network player."</p>	<p>'101 Patent, Claim 3</p>	<p>Subject to 112 p. 6</p> <p>Structure: Software algorithm, program, or routine that performs the steps of:</p> <ul style="list-style-type: none"> determining whether digital contents should be transmitted from the network storage device to the network player directly or indirectly transmitting digital contents to the network player according to the 	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2,6.</p> <p>Function: allow the corresponding data in held digital contents to be stream-delivered from the network storage device to the network player, if the result of search shows the network storage device, and transmits the corresponding data and information for identifying the network storage device</p>

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			<p>determination of direct or indirect transmission.</p> <p>'101 Patent, 7:24-65.</p> <p>Function: allow the corresponding data in held digital contents to be stream-delivered from the network storage device to the network player, if the result of search shows the network storage device, transmits the corresponding data and information for identifying the network storage device to the network player, and causes the network storage device to directly transmit the corresponding data to the network player</p>	<p>to the network player, and causes the network storage device to directly transmit the corresponding data to the network player</p> <p>Structure/Algorithm: Insufficient</p>
13.	“a return control unit adapted to cause the digital contents corresponding to a predetermined condition among the digital contents which have been transferred to the network storage device to be returned from the network storage device to the internal storage device”	'101 Patent, Claim 4	<p>Subject to 112 p. 6</p> <p>Structure: Software algorithm, program, or routine that performs the steps of:</p> <ul style="list-style-type: none"> determining a predetermined condition whether digital contents have recently been subjected to self-playback among the digital contents which have been transferred to the network storage device; or 	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2,6.</p> <p>Function: cause the digital contents corresponding to a predetermined condition among the digital contents which have been transferred to the network storage device to be returned from the network storage device to the internal storage device</p>

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			<ul style="list-style-type: none"> determining a predetermined condition whether the digital contents have recently been played, whether by self-playback or network-playback; returning digital contents from the network storage device to the internal storage device based on the determined predetermined condition <p>'101 Patent, 7:66-8:24</p> <p>Function: cause the digital contents corresponding to a predetermined condition among the digital contents which have been transferred to the network storage device to be returned from the network storage device to the internal storage device</p>	Structure/Algorithm: Insufficient
14.	"a symbol judging means for obtaining a baseband signal representative of a sequence of multilevel symbols and judging the symbol represented by the baseband signal"	'891 Patent, Claims 1	<p>Plain and ordinary meaning, not subject to 112 p. 6</p> <p>Alternatively, subject to 112 p. 6:</p> <p>Structure: processor and a memory that stores a program executed by the processor that judges the symbol</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Function: "obtaining a baseband signal representative of a sequence of multilevel symbols and judging the symbol represented by the baseband signal"</p> <p>Structure/Algorithm: "a demodulator as</p>

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			<p>represented by a symbol section containing a Nyquist point and, based on the judgment, reproduces data corresponding to a generated interleaved frame, and equivalents thereof</p> <p>'891 Patent, 9:13-20, 9:27-34.</p> <p>Function: obtaining a baseband signal representative of a sequence of multilevel symbols and judging the symbol represented by the baseband signal</p>	<p>set forth in 9:5-12 and a processor and a memory that stores a program executed by the processor in a receiver that judges the instantaneous value of the baseband signal at the Nyquist point against threshold values and determines a symbol value of the section depending on the result as set forth in 9:13-10:4, 14:30-43"</p>
15.	<p>"a communication quality judging means for judging communication quality of a transmission channel over which the baseband signal has been transmitted, based on content of the symbol judged by the symbol judging means; [. . .] wherein the communication quality judging means identifies the number of redundant bits having the predetermined value or the number of redundant</p>	<p>'891 Patent, Claim 1</p>	<p>Plain and ordinary meaning, not subject to 112 p. 6</p> <p>Alternatively, subject to 112 p. 6:</p> <p>Structure: processor and a memory that stores a program executed by the processor that receives output data, performs a bad frame masking process on the data depending on the presence of an error in the most important data contained in the data and/or the number of abnormal bits contained in the protected portion of the data, and provide the data for data restoration, or equivalents</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>Function: "judging communication quality of a transmission channel over which the baseband signal has been transmitted, based on content of the symbol judged by the symbol judging means"; "identifies the number of redundant bits having the predetermined value or the number of redundant bits missing the predetermined value among the redundant bits contained in the symbol that contains a bit belonging to the protected portion, and judges the communication quality of the transmission channel</p>

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	bits missing the predetermined value among the redundant bits contained in the symbol that contains a bit belonging to the protected portion, and judges the communication quality of the transmission channel based on the identified result"		thereof. '891 Patent, 9:13-20, 10:45-54. Function: judging communication quality of a transmission channel over which the baseband signal has been transmitted, based on content of the symbol judged by the symbol judging means"; "identifies the number of redundant bits having the predetermined value or the number of redundant bits missing the predetermined value among the redundant bits contained in the symbol that contains a bit belonging to the protected portion, and judges the communication quality of the transmission channel based on the identified result"	based on the identified result" Structure/Algorithm: "a processor and a memory that stores a program executed by the processor that receives a bit string derived from symbols obtained from a demodulated signal and checks the value of bits and compares the number of bits having or missing a predetermined value to threshold values as set forth in 9:13-25, 10:45-54, 10:63-12:10"
16.	"a data changing means for, [. . .] making a predetermined change to the data to be transmitted represented by the symbol used in the judgment"	'891 Patent Claim 1	Plain and ordinary meaning, not subject to 112 p. 6 Alternatively, subject to 112 p. 6: Structure: processor and a memory that stores a program executed by the processor that either (i) replaces the content of output data with content of previous output data; (ii)	Governed by 35 U.S.C. § 112, ¶ 6 Indefinite due to insufficient corresponding structure (algorithm) in the specification under 35 § 112, ¶¶ 2, 6. Function: "making a predetermined change to the data to be transmitted represented by the symbol

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			<p>destroys/mutes either all of or certain output data of the total output data; or (iii) do not change the output data, and equivalents thereof.</p> <p>'891 Patent, 11:26-34, FIG. 8.</p> <p>Function: if the communication quality judged by the communication quality judging means does not satisfy a predetermined condition, making a predetermined change to the data to be transmitted represented by the symbol used in the judgment</p>	<p>used in the judgment.”</p> <p>Structure/Algorithm: Insufficient</p>
17.	“the data changing means comprises means for externally obtaining a parameter that defines at least a portion of the condition”	'891 Patent, Claim 2	<p>Plain and ordinary meaning, not subject to 112 p. 6</p> <p>Alternatively, subject to 112 p. 6:</p> <p>Structure: processor and a memory that stores a program executed by the processor that either (i) replaces the content of output data with content of previous output data; (ii) destroys/mutes either all of or certain output data of the total output data; or (iii) do not change the output data, and equivalents thereof.</p> <p>'891 Patent, 11:26-34, FIG. 8.</p>	<p>Governed by 35 U.S.C. § 112, ¶ 6</p> <p>This term provides additive functionality to the functionality required by the term “a data changing means for, [. . .] making a predetermined change to the data to be transmitted represented by the symbol used in the judgment” in claim 1. The corresponding structure for the additive functionality in claim 2 is not sufficient to perform the functionality from claim 1 and at most can perform the additional functionality added by claim 2. Therefore, claim 2 is indefinite.</p>

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			Function: if the communication quality judged by the communication quality judging means does not satisfy a predetermined condition, making a predetermined change to the data to be transmitted represented by the symbol used in the judgment, and externally obtaining a parameter that defines at least a portion of the condition	Function: "externally obtaining a parameter that defines at least a portion of the condition" Structure: "a receiver compatible with a switch, keyboard, or other input devices for inputting parameters as set forth in 14:3-16."

III. Claim Construction Briefing and Hearing (P.R. 4-3(a)(3), P.R. 4-3(a)(4))

A. Length of Time for the Hearing

The parties anticipate that the claim construction hearing will run about three hours in length.

B. Witnesses

The parties do not anticipate calling any witnesses at the Markman hearing in support of the parties' respective claim construction arguments.

Dated: June 24, 2025

Respectfully submitted,

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Attorneys for Defendant Google LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 24, 2025, a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

/s/ Peter Lambrianakos
Peter Lambrianakos

CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that Plaintiff's counsel has met and conferred with counsel for Defendants, and all parties have agreed to the submission of the P.R. 4-3 Claim Construction and Prehearing Statement submitted herewith.

/s/ Peter Lambrianakos
Peter Lambrianakos