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12 **IN THE UNITED STATES DISTRICT COURT**  
13 **CENTRAL DISTRICT OF CALIFORNIA**  
14 **WESTERN DIVISION AT LOS ANGELES**

15 INTERDIGITAL INC., INTERDIGITAL  
16 VC HOLDINGS, INC., INTERDIGITAL  
17 MADISON PATENT HOLDINGS, SAS,  
AND INTERDIGITAL CE PATENT  
HOLDINGS, SAS,

18 Plaintiffs and  
19 Counterclaim-  
20 Defendants,

21 v.

22 THE WALT DISNEY COMPANY,  
23 DISNEY MEDIA AND  
24 ENTERTAINMENT DISTRIBUTION LLC,  
25 DISNEY DTC LLC, DISNEY  
26 STREAMING SERVICES LLC, DISNEY  
ENTERTAINMENT & SPORTS LLC,  
DISNEY PLATFORM DISTRIBUTION,  
INC., BAMTECH, LLC, HULU, LLC, AND  
ESPN, INC.,

27 Defendants and  
28 Counterclaim-Plaintiffs.

Case No. 2:25-cv-895-WLH-BFM

**DEFENDANTS'**  
**RESPONSIVE CLAIM**  
**CONSTRUCTION BRIEF**

Judge: Hon. Wesley L. Hsu  
Magistrate: Hon. Brianna F.  
Mircheff

Date: October 24, 2025  
Time: 1:30 p.m.  
Location: Courtroom 9B

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1 Claim construction is not an exercise in rewriting patent claims. The Federal  
2 Circuit has declared that courts must construe claims “based on the patentee’s version  
3 of the claim as he himself drafted it” and not “redraft claims.” *Process Control Corp.*  
4 *v. HydReclaim Corp.*, 190 F.3d 1350, 1357 (Fed. Cir. 1999). Plaintiffs, however,  
5 disregard this fundamental principle—their proposed constructions improperly  
6 delete express limitations, rearrange elements, substitute “or” for “and,” and broaden  
7 claim scope to encompass subject matter outside the specification or surrendered  
8 during prosecution. Defendants’ constructions, by contrast, remain faithful to the  
9 claim language and the intrinsic record. And where claims lack objective boundaries  
10 or contain contradictory limitations, Defendants properly identify them as indefinite.  
11 The Court should therefore reject Plaintiffs’ improper redrafting and adopt  
12 Defendants’ proposed constructions and indefiniteness positions.

13 **I. ’301 PATENT**

14 **A. “weighting factor” (claims 8, 10)**

15 The ’301 Patent makes clear that a “weighting factor” is a coefficient that  
16 scales a value through multiplication. Claim differentiation does not apply. The terms  
17 “modifying” and “multiplying” are not under construction, and even if they were,  
18 claim differentiation does not preclude them from covering the same operation.  
19 Claim 10’s “multiplying” step does not further narrow claim 8’s “modifying” step,  
20 because each step operates on a different “weighting factor.” Thus, claims 8 and 10  
21 differ in scope regardless of whether “modifying” and “multiplying” cover the same  
22 operation, making claim differentiation irrelevant. As the Federal Circuit has  
23 explained, “two claims with different terminology can define the exact same subject  
24 matter.” *Curtiss-Wright Flow Control Corp. v. Velan, Inc.*, 438 F.3d 1374, 1380 (Fed.  
25 Cir. 2006); *Innova/Pure Water, Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d  
26 1111, 1120 (Fed. Cir. 2004) (finding that patentee “used different words to express  
27 similar concepts”). Most importantly, whether paired with “modifying” or  
28 “multiplying,” a “weighting factor” is always a coefficient applied in multiplication.

1 Plaintiffs’ argument about different ways to perform multiplication fares no  
2 better. Plaintiffs assert that applying a “weighting factor of  $1/2$ ” can be accomplished  
3 by dividing the value by 2. Dkt. 103 at 4. But dividing by 2—the inverse of the  
4 multiplier—is simply one way of carrying out multiplication by  $1/2$ . In this example,  
5 the “weighting factor” remains the multiplier  $1/2$ ; the divisor (2) is not the “weighting  
6 factor.” Likewise, Plaintiffs’ suggestion that “adding a negative sign” (*id.* at 4-5)  
7 applies a “weighting factor” of -1 simply restates the process of multiplying by -1. In  
8 every instance, the “weighting factor” (e.g.,  $1/2$  or -1) operates as a coefficient for a  
9 multiplication operation that scales a value.

10 Contrary to Plaintiffs’ assertion, Defendants are not importing limitations from  
11 a preferred embodiment. Multiplication is not merely one embodiment; it is the only  
12 way a “weighting factor” scales a value. The ’301 Patent explains that the multiplier  
13 “X” shown in Figures 3 and 5 depicts a “reference picture weighting in accordance  
14 with the principles of the present invention.” ’301 Patent at 2:25-35, 5:3-29, 6:24-32.  
15 This description of the “present invention” is “strong evidence that the claims should  
16 not be read to encompass” the use of weighting factors in operations other than  
17 multiplication. *See SciMed Life Sys., Inc. v. Advanced Cardiovascular Sys., Inc.*, 242  
18 F.3d 1337, 1343 (Fed. Cir. 2001). Because the intrinsic evidence supports only one  
19 meaning, the Court should adopt Defendants’ construction.

20 **B. “assigning a second weighting factor for the image block**  
21 **corresponding to a second reference picture index corresponding**  
22 **to a second reference picture” (claim 10)**

23 Plaintiffs resort to using claim 8 to rewrite claim 10—implicitly conceding that  
24 claim 10’s language is confusing and indefinite. Plaintiffs’ analysis is also wrong. In  
25 claim 8, the patentee expressly recited that a “weighting factor [is] associated with a  
26 particular reference picture index.” By contrast, claim 10 uses different wording—  
27 i.e., “the image block corresponding to a second reference picture index”—signaling  
28 that the weighting factor’s assignment and association are not the same.

Nor is Plaintiffs’ argument about the absence of an embodiment where a

1 “reference picture index” is used to “identify an image block” persuasive. The ’301  
2 Patent describes assigning weighting factors to image blocks of reference pictures,  
3 where a particular *image block* corresponds to a *reference picture*, which in turn  
4 corresponds to a *reference picture index*. ’301 Patent at 3:23-31, 7:59-63. Thus, a  
5 POSITA could reasonably read claim 10 as covering such an embodiment. Plaintiffs’  
6 construction, however, rearranges the relationships among the weighting factor,  
7 image block, reference picture, and reference picture index, effectively redrafting the  
8 claim limitation. This only underscores that the term is ambiguous and indefinite.

9 **C. “the substantially uncompressed image block” (claim 10)**

10 The patentee already conceded during prosecution that the phrase  
11 “substantially uncompressed” is indefinite. *See* Dkt. 102 at 9. The only question here  
12 is whether Plaintiffs can now redraft the claim to delete this phrase. They cannot.

13 Plaintiffs argue that because claim 10 depends from claim 8, claim 10’s  
14 “substantially uncompressed image block” must mean the same as claim 8’s “image  
15 block.” Dkt. 103 at 8-10. But claim 8 provides no antecedent basis tying claim 10’s  
16 “substantially uncompressed image block” to claim 8’s “image block.” And even if  
17 it did, that does not render “substantially uncompressed” superfluous. A dependent  
18 claim may reference an element of the independent claim while adding further  
19 limitations. For example, claim 6 of the ’310 Patent narrows claim 5’s “reference  
20 pictures” by requiring them to be “from the same direction.” Claim 6’s reference back  
21 to claim 5 does not render the directional requirement meaningless. The same is true  
22 here for claim 10’s “substantially uncompressed” limitation.

23 Plaintiffs’ effort to strike “substantially uncompressed” violates a core rule of  
24 claim construction—claim language cannot be construed to “render[] them void,  
25 meaningless, or superfluous.” *Intel Corp. v. Qualcomm Inc.*, 21 F.4th 801, 810 (Fed.  
26 Cir. 2021). To the extent Plaintiffs contend “substantially uncompressed” was a  
27 drafting error, the law is clear: “[i]t would not be appropriate” for the Court “to cure  
28 [that] drafting error” because doing so “would unduly interfere with the function of

claims in putting competitors on notice of the scope of the claimed invention.” *Hoganas AB v. Dresser Indus., Inc.*, 9 F.3d 948, 951 (Fed. Cir. 1993). Courts “must construe the claims based on the patentee’s version of the claim as he himself drafted it,” even if that language renders the claim invalid. *Process Control*, 190 F.3d at 1357. And “courts may not redraft claims, whether to make them operable or to sustain their validity.” *Chef Am., Inc. v. Lamb-Weston, Inc.*, 358 F.3d 1371, 1374 (Fed. Cir. 2004). Based on “the claim as written, not as the patentees wish they had written it,” the only conclusion is that the term is indefinite. *See id.*

## II. ’610 PATENT

### A. **“intra prediction for at least one of the pixels within the second group is obtained by using pixels from neighboring pixels within the first group of pixels in blocks already coded and neighboring pixels outside the block that have already been coded” (claim 6)**

Plaintiffs concede that requiring the first group of pixels to exist both within the current block and “‘in blocks already coded’ ... is *non-sensical*.” Dkt. 103 at 13.<sup>1</sup> But that is exactly what the claim requires. Plaintiffs ask the Court to discard the patentee’s chosen words—which were added during prosecution to overcome prior art—to save the claim from indefiniteness. That approach contradicts settled law.

Plaintiffs’ reliance on the patent specification is misplaced. Plaintiffs point to the exemplary intra prediction process shown in Figure 7. Dkt. 103 at 11-12. But the patentee originally tried to claim that very method—and the Examiner rejected it in view of the Chen prior art. Dkt. 102 at 12-13. To secure allowance, the patentee amended the claims to add “in blocks already coded.” *Id.*, Dkt. 102-17, Ex. 16 at 3. The Examiner then allowed the claims, expressly noting that “none of the prior arts disclose ... the first group of pixels in blocks already coded.” Ex. 23 (6/17/20 Notice of Allowance) at 2-3 (emphasis in original). By amending its claims to differentiate Chen, the patentee relinquished the Figure 7 embodiment. As the Federal Circuit has explained, when “narrowed claim language [is] adopted during prosecution,” those

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<sup>1</sup> All bold and italicized emphasis is added unless otherwise noted.

1 amendments “naturally can and often do result in claims that do not cover all  
2 embodiments in the specification.” *Eye Therapies, LLC v. Slayback Pharma, LLC*,  
3 141 F.4th 1264, 1270-1271 (Fed. Cir. 2025). That is exactly what happened here.<sup>2</sup>

4 The actual “language of the amended claim controls over any contradictory  
5 language in the written description.” *Eleкта Instrument SA v. O.U.R. Sci. Int’l, Inc.*,  
6 214 F.3d 1302, 1307-08 (Fed. Cir. 2000). Thus, Plaintiffs cannot “use the written  
7 description to circumvent” the requirement of “in blocks already coded,” because  
8 “we must construe the claims based on the patentee’s version of the claim as he  
9 himself drafted it.” *Process Control*, 190 F.3d at 1357. And when that language  
10 “results in a nonsensical construction of the claim as a whole, the claim must be  
11 invalidated.” *Id.* Here, by Plaintiffs’ own admission, requiring the “first group” of  
12 pixels be both in the current block and “in blocks already coded” produces a  
13 nonsensical result. That admission confirms the claim is indefinite.

### 14 **III. ’268 PATENT**

#### 15 **A. “[a] reference type display[] having [a] reference color gamut”** 16 **(claims 1, 6, 7, 8, 11)**

17 Plaintiffs improperly seek to turn a straightforward claim term into a  
18 subjective, use-based test. In addition to adding a subjective test for determining  
19 whether a display is a “reference type display,” Plaintiffs now argue that the claims  
20 also require “using” a display in a particular way for it to qualify as a “reference  
21 type display.” Dkt. 103 at 14-15. While the claims require “using” at least a “reference  
22 type display,” neither the claims nor the specification suggests that a display’s type  
23 (i.e., “reference type” or “non-reference type”) changes based on its use. Instead, the  
24 patent states that “the range of colors capable of being displayed depends on the  
25 *display technology* used and the *hardware design*.” ’268 Patent at 2:53-55. Thus,  
26 whether a display is “reference type” turns on its inherent capabilities, not on its use.

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27 <sup>2</sup> Even if Plaintiffs disclaimed more than necessary to overcome Chen, they must be  
28 “held to the actual arguments made, not the arguments that could have been made.”  
*Traxell Techs., LLC v. Nokia Sols.*, 15 F.4th 1136, 1144 (Fed. Cir. 2021).

1 Contrary to Plaintiffs’ argument, Defendants’ construction is consistent with  
2 the patent’s goal of ensuring predictable results on displays with different color  
3 gamuts. Dkt. 103 at 14-15. A display that supports a standardized color gamut is, by  
4 definition, designed to display the “range of colors” defined by that standard. ’268  
5 Patent at 1:60-61, 2:53-55. Plaintiffs’ argument that such a display would somehow  
6 cease to qualify as a “reference type display” “when using a different, non-  
7 standardized gamut for color correction” is both illogical and inconsistent with their  
8 own construction. Dkt. 103 at 14-15. If a display “supports” or is “capable of  
9 accurately displaying colors in accordance with a standardized color gamut,” the fact  
10 that a user chooses to use a subset or superset of those colors does not render the  
11 display incapable of displaying the standardized color gamut. Plaintiffs’ position  
12 lacks support, while Defendants’ construction is grounded in the intrinsic evidence.

13 **B. “[a] non-reference type display[] having [a] non-reference color**  
14 **gamut” (claims 1, 6, 8, 11)**

15 Plaintiffs again twist a straightforward term into a moving target, while  
16 Defendants apply its plain, objective meaning. Plaintiffs concede that the plain and  
17 ordinary meaning of a “non-reference color gamut” is a color gamut that is not a  
18 “reference color gamut.” Dkt. 103 at 16. The same follows for displays: the plain and  
19 ordinary meaning of “a non-reference type display” is a display that is not a  
20 “reference type display.” Thus, the proper construction of this term must be the  
21 opposite of the construction adopted for the “reference type display” term discussed  
22 above, and Defendants’ construction correctly reflects this interpretation.

23 Plaintiffs, however, advance a different construction based on the incorrect  
24 premise that only one standardized color gamut can be considered as the “reference  
25 color gamut.” Plaintiffs argue that if the Rec. 709 color gamut is the “reference color  
26 gamut,” then all *non*-Rec. 709 gamuts must be “non-reference color gamut[s].” This  
27 argument cannot be reconciled with the intrinsic record. The patent acknowledges  
28 Rec. 709 as just one of many standards. ’268 Patent at 1:15-25. The specification

1 identifies a list of “**current** standards,” thus expressly contemplating additional  
2 standards that could serve as reference color gamuts as display technologies evolve.  
3 *Id.* Indeed, a POSITA would have recognized other standardized color gamuts—such  
4 as “P3” and “BT.2020”—as reference color gamuts. *See, e.g.*, Dkt. 102-2 at 75  
5 (identifying D65-P3 and BT.2020 as “reference color gamuts” in Figure 3); *id.* at 85  
6 (same). Plaintiffs’ approach would incorrectly classify these recognized, industry-  
7 standard color gamuts as “non-reference” simply because they are not Rec. 709. That  
8 position is inconsistent with the specification and contrary to a POSITA’s  
9 understanding. Because Plaintiffs’ construction rests on this flawed premise, it  
10 should be rejected in favor of Defendants’ clear, objective construction.

11 **C. “at least one of a non-reference type display ... and a reference**  
12 **type display...” (claims 1, 6)**

13 Plaintiffs seek to rewrite the claim by changing “and” to “or.” Federal Circuit  
14 precedent makes clear that when “at least one of” precedes a series of categories  
15 joined by “and,” the phrase requires “at least one value for each category.”  
16 *SuperGuide Corp. v. DirecTV Enters., Inc.*, 358 F.3d 870, 886 (Fed. Cir. 2004).  
17 Plaintiffs argue that this rule changes when the phrase modifies only two options.  
18 Dkt. 103 at 17-18. That argument fails. Courts have applied *SuperGuide* to construe  
19 the phrase conjunctively even when only two categories were at issue. *See, e.g., Cirba*  
20 *Inc. v. VMware, Inc.*, 2022 WL 608185, \*9 (D. Del. Feb. 24, 2022); *Xidrone Sys. Inc.*  
21 *v. Fortem Techs., Inc.*, 2025 WL 388666, \*7 (D. Utah Feb. 4, 2025).

22 Plaintiffs also mischaracterize the cases they cite. Those cases addressed “at  
23 least one of” followed by two **individual items**, not categories. For example, in  
24 *Firtiva*, the court distinguished individual “data” elements from “categories,”  
25 explaining that “the series of categories at issue in *SuperGuide* is of a different nature  
26 than the data here.” *Firtiva Corp. v. Funimation Glob. Grp., LLC*, 2022 WL 23165,  
27 at \*7-8 (E.D. Tex. Jan. 3, 2022). In *Fujifilm*, the court declined to apply *SuperGuide*  
28 because “the modes of operation listed ... are not categories comprised of ‘many

possible values.” *Fujifilm Corp. v. Motorola Mobility LLC*, 2015 WL 1265009, at \*7-8 (N.D. Cal. Mar. 19, 2015).<sup>3</sup> This distinction is logical: with two individual items, construing “at least one of [A] and [B]” conjunctively may reduce it to just “[A] and [B],” rendering “at least one of” superfluous. But with categories, construing the phrase as “at least one of [A] and at least one of [B]” gives effect to the claim language, acknowledging that at least one from each category is required. Thus, claims that address two individual items raise different issues than the disputed term.

Claim construction “must begin and remain centered on the claim language itself.” *Innova/Pure Water*, 381 F.3d at 1116. The claims at issue require non-reference type **and** reference type displays. Plaintiffs admit that the specification discloses “using a reference type display, a non-reference type display, **or both**.” Dkt. 103 at 18; ’268 Patent at Figs. 5-6. “[A] claim need not cover all embodiments.” *Intamin, Ltd. v. Magnetar Techs., Corp.*, 483 F.3d 1328, 1337 (Fed. Cir. 2007). Here, claims 1 and 6 are directed to the embodiments requiring both display types.<sup>4</sup>

#### **IV. ’297 PATENT**

##### **A. “side information components for modifying a functionality of said user interface” (claim 1)**

The Court should reject Plaintiffs’ attempt to claim pure function untethered to structure. In *Williamson v. Citrix Online, LLC*, the Federal Circuit instructed courts to consider: (1) whether a claim limitation recites a function; (2) whether the claim language has a sufficiently definite meaning as the name for structure; and (3) whether the specification discloses adequate structure capable of performing the claimed function. 792 F.3d 1339, 1347-54 (Fed. Cir. 2015). Plaintiffs concede that

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<sup>3</sup> Plaintiffs’ other cases all involve two individual items, not categories. *See Radware Ltd. v. A10 Networks, Inc.*, 2014 WL 1572644, at \*7 (N.D. Cal. Apr. 18, 2014) (addressing two parameters—“hops and latency”); *Rex Med., L.P. v. Intuitive Surgical, Inc.*, 2020 WL 2128795, at \*6 (D. Del. May 5, 2020) (addressing pairs of components—“a gear and a cable” and “the first jaw and the second jaw”).

<sup>4</sup> Contrary to Plaintiffs’ assertion in footnote 9, there is no inconsistency in Defendants’ constructions for different terms. If a colorist uses two reference-type displays instead of one of each type, that would not meet the claim requirement.

1 the term at issue does not name a structure and that the specification discloses only  
2 “data incapable of performing any function.” Dkt. 103 at 20. The only remaining  
3 question, then, is whether the term recites a function. It plainly does.

4 A patentee cannot “engage in functional claiming while circumventing § 112[,  
5 ¶ 6] simply by avoiding the word ‘means.’” *Egenera, Inc. v. Cisco Sys., Inc.*, 972  
6 F.3d 1367, 1372-73 (Fed. Cir. 2020). Here, the claim defines “side information  
7 components” solely by what they do—“for modifying a functionality of said user  
8 interface.” This is textbook functional claiming. In *Egenera*, the Federal Circuit held  
9 that “logic to modify” was functional because “to modify” describes what the logic  
10 does, not what it is. 972 F.3d at 1373. Likewise, in *Intellectual Ventures II LLC v.*  
11 *FedEx Corp.*, the Court found the phrase “a tool for modifying part of the information  
12 stored ...” to be functional for defining what the tool does. 2017 U.S. Dist. LEXIS  
13 196453, at \*102 (E.D. Tex. Nov. 29, 2017). The same is true here. Indeed, Plaintiffs’  
14 own description confirms as much, acknowledging that the “side information  
15 components” are “used to ‘modify[] a way in which said user can provide input into  
16 said user interface by using said stored side information components.” Dkt. 103 at  
17 20-21 (emphasis in original). This description confirms that the components are  
18 defined by what functions they provide, not what they are.

19 Plaintiffs attempt to avoid indefiniteness by arguing that the specification  
20 discloses “side information components” as merely data “incapable of performing  
21 any function.” Dkt. 103 at 20-21. But that argument only underscores why the term  
22 is indefinite: the claim recites a function, yet the specification fails to disclose  
23 adequate “corresponding structure for performing the claimed function.” *Triton Tech*  
24 *of Tex., LLC v. Nintendo of Am., Inc.*, 753 F.3d 1375, 1378 (Fed. Cir. 2014). The  
25 required structure need not be physical; it may be a computer algorithm. *See id.* What  
26 it cannot be is data “incapable of performing any function.” Dkt. 103 at 20. Because  
27 that is all the ’297 Patent discloses for the claimed function of “modifying a  
28 functionality of said user interface,” the term is indefinite under § 112, ¶ 6.

1           **B. “modifying a way in which said user can provide input into said**  
2           **user interface ...” (claim 1)**

3           Plaintiffs rely solely on the specification while ignoring the prosecution  
4 history. Dkt. 103 at 22. But the Federal Circuit has made clear that when “narrowed  
5 claim language [is] adopted during prosecution,” those amendments “naturally can  
6 and often do result in claims that do not cover all embodiments in the specification.”  
7 *Eye Therapies*, 141 F.4th at 1270-1271. A patentee “cannot [then] recapture claim  
8 scope disavowed during prosecution to prove infringement.” *Comput. Docking*  
9 *Station Corp. v. Dell, Inc.*, 519 F.3d 1366, 1379 (Fed. Cir. 2008).

10          During prosecution, after the Examiner initially rejected the claims, the  
11 patentee amended the claim language to add the disputed limitation:

12                           **modifying a way in which said user can provide input into said user**  
13                           **interface by using said stored side information components; and**

14          Compare Dkt. 102, Ex. 19 (‘297 File History, 8/28/07 Response) at 2 with Ex. 24  
15 (‘297 File History, Original Claims) at 7. The patentee then relied on that new  
16 language to repeatedly distinguish the “instant invention” from the prior art,  
17 emphasizing that the prior art did not teach changing “***the way in which the user can***  
18 ***input commands or operations into the user interface.***” Dkt. 102, Ex. 19 at 7-8. This  
19 is the exact language Defendants have proposed for construction of this term.

20          The Patent Office relied on the patentee’s argument in allowing the claims to  
21 issue. Ex. 25 (297 File History, 2/2/11 Appeal Decision) at 3-4, 6. Thus, Plaintiffs  
22 are “preclud[ed] ... from recapturing through claim interpretation specific meanings  
23 disclaimed during prosecution.” *Omega Eng’g, Inc. v. Raytek Corp.*, 334 F.3d 1314,  
24 1323 (Fed. Cir. 2003). Because the patentee clearly disclaimed claim scope—  
25 namely, embodiments that modify the way users can provide input without changing  
26 the input mechanism—the Court should adopt Defendants’ construction.

27           **V. CONCLUSION**

28          For the above reasons, Defendants respectfully request that the Court adopt  
their proposed constructions.

1 DATED: September 5, 2025

Respectfully submitted,

2  
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**CERTIFICATE OF COMPLIANCE**

The undersigned, counsel of record for Defendants, certifies that this opposition brief contains 3,454 words, which complies with the word limit of L.R. 11-6.1. Counsel relies on the word count word-processing application used to prepare the brief.

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