

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

STARZ ENTERTAINMENT, LLC,
STARZ, LLC,
STARZPLAY MANAGEMENT US, LLC
and STARZPLAY US, LLC

Plaintiffs/Counter-Defendants,

v.

VL COLLECTIVE IP, LLC and
VIDEOLABS, INC.,

Defendants/Counter-Plaintiffs.

C.A. No. 21-1448-JLH

JURY TRIAL DEMANDED

~~PROPOSED~~ ORDER

The Court adopts the following constructions for the below identified terms in U.S. Patent Nos. 7,233,790, 7,440,559, and 8,605,794. The Court's constructions are to be understood in light of the analysis and guidance provided during the Markman hearing held on December 16, 2022.¹

¹ The parties submit this proposed order based on their understanding of the Court's constructions as set forth during the Markman hearing on December 16, 2022. By submitting this proposed order, neither party waives any right it may have to subsequently challenge, seek modification of, or appeal the Court's resolution of disputed claim constructions.

I. Agreed-Upon Constructions:

CLAIM TERMS	COURT’S CONSTRUCTIONS
<p>“output” / “outputting”</p> <p>[’794 Patent, Claims 1, 9]</p>	<p>“transmitted, stored together, or passed on to a processing unit” / “transmitting, storing together, or passing on to a processing unit”</p>

CLAIM TERMS	COURT’S CONSTRUCTIONS
<p>Preambles</p> <p>[’794 Patent, Claims 1, 9]</p>	<p>The preambles are construed to be limiting. In addition to the other limitations set forth in the preamble, the referenced first data file and second data file cannot be the same data file.</p>

II. Disputed Claim Constructions:

CLAIM TERMS	COURT’S CONSTRUCTIONS
<p>“wireless communication devices” / “wireless device”</p> <p>[’790 Patent, Claims 1, 2, 4, 5, 6, 7, 8, 9]</p>	<p>No construction necessary (not restricted to “personal mobile devices”).</p>

CLAIM TERMS	COURT’S CONSTRUCTIONS
<p>“content” / “digital content” / “product” / “digital product”</p> <p>[’790 Patent, Claims 1, 2, 4, 5, 6, 8, 9]</p>	<p>“software and/or data embodying a file for delivery or purchase”</p>

CLAIM TERMS	COURT’S CONSTRUCTIONS
<p>“implementation”</p> <p>[’790 Patent, Claims 1, 2, 4, 8, 9]</p>	<p>“one or more binary files (or “binaries”), software files, software applications, and/or executable files representing a product”</p>

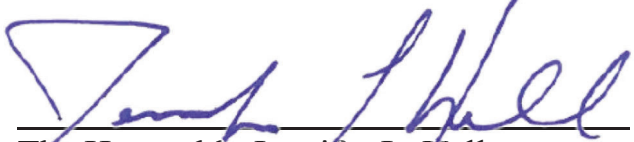
CLAIM TERMS	COURT’S CONSTRUCTIONS
<p>“download”</p> <p>[’559 Patent, Claims 2, 4]</p>	<p>“copy and store in memory of the terminal for subsequent use”</p>

CLAIM TERMS	COURT’S CONSTRUCTIONS
<p>“assignment rule for assigning each one of the content-related second data segments to one of the content-related first data segments” /</p> <p>“assignment rule for assigning each one of the content-related second data segments to each one of the content-related first data segment” /</p> <p>“assignment rule” /</p> <p>“the assignment rule is not based on a timestamp”</p> <p>(collectively, the “assignment rule limitations”)</p> <p>[’794 Patent, Claims 1, 3, 9, 16, 17, 20, 21]</p>	<p>No construction necessary.</p>

CLAIM TERMS	COURT'S CONSTRUCTIONS
"content-related . . . data segments" ['794 Patent, Claims 1, 3, 7, 8, 9]	"segments of content data that have a syntactical meaning within the respective data file"

Additionally, the "assignment rule" limitations were not shown to be indefinite.

SO ORDERED this 10th day of January, 2023.



The Honorable Jennifer L. Hall
United States Magistrate Judge