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APPLE INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

AYLUS NETWORKS, INC., a Delaware corporation,

Plaintiff,

v.

APPLE INC., a California corporation

Defendant.

CASE NO. 3:13-cv-04700-EMC

**STIPULATION AND [PROPOSED]
ORDER REGARDING PROPOSED
CLAIM CONSTRUCTIONS**

1 WHEREAS, Aylus Networks, Inc. (“Aylus”) and Apple Inc. (“Apple”) filed their Joint
2 Claim Construction and Prehearing Statement on July 28, 2014.

3 WHEREAS, Aylus filed its Opening Claim Construction Brief on September 11, 2014.

4 WHEREAS, Apple filed its Responsive Claim Construction Brief on September 25, 2014.

5 WHEREAS, Aylus filed its Reply Claim Construction Brief on October, 2, 2014.

6 WHEREAS, Apple filed its Supplemental Claim Construction Brief on October 24, 2014.

7 WHEREAS, both Apple and Aylus, after meeting and conferring, request that the Court
8 proceed with the Claim Construction hearing (notwithstanding Apple’s pending motion to stay)
9 consistent with updated proposed claim constructions.

10 WHEREAS, both Apple and Aylus now agree upon constructions for the claim terms
11 “wide area network,” “remote from the UE,” and “resides in the signaling domain.”

12 WHEREAS, Apple has revised its proposed construction regarding the claim term
13 “cooperate with the [network control point/the serving node] CP logic.”

14 WHEREAS, Aylus has revised its proposed construction regarding the claim term “serving
15 node.”

16 WHEREAS, the presentation of the proposed terms at the claim construction hearing will
17 now be as follows:

- 18 1. “Negotiate media content delivery between the MS and the MR.”
- 19 2. “VCR controls”
- 20 3. “Cooperate with [network control point/the serving node] CP logic”
- 21 4. “Video play controls”
- 22 5. “The CP logic . . . serves as a [first/second] proxy”
- 23 6. “Handset”
- 24 7. “Serving node”

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1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND RESPECTFULLY
 2 REQUESTED by the parties that the Court proceed with the Claim Construction hearing
 3 (notwithstanding Apple’s pending motion to stay) with the following proposed constructions:

Claim Term	Plaintiff’s Proposed Construction	Defendant’s Proposed Construction	Agreed-Upon Construction
Wide area network			Plain and ordinary meaning.
Remote from the UE			Plain and ordinary meaning.
Resides in the signaling domain			The CP logic never receives any media content. The CP logic is involved only in commands and instructions and is not in the media path.
Serving node	A node configured to establish communication with the UE.	A node configured to establish an IMS session with the UE.	
Cooperate with [network control point/the serving node] CP logic	Plain and ordinary meaning. Alternative construction: Work with CP logic to coordinate transport of audiovisual content from the MS to the MR.	The CPP logic communicates with at least one of the MS and MR and the CP logic communicates with at least the other of the MS and MR.	

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2
3 DATED: November 3, 2014

4 QUINN EMANUEL URQUHART &
5 SULLIVAN, LLP

DLA PIPER LLP (US)

6 /s/ Amar L. Thakur

/s/ Mark D. Fowler

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1 The Court hereby agrees to proceed with the Claim Construction hearing with the
 2 following proposed constructions:

Claim Term	Plaintiff's Proposed Construction	Defendant's Proposed Construction	Agreed-Upon Construction
Wide area network			Plain and ordinary meaning.
Remote from the UE			Plain and ordinary meaning.
Resides in the signaling domain			The CP logic never receives any media content. The CP logic is involved only in commands and instructions and is not in the media path.
Serving node	A node configured to establish communication with the UE.	A node configured to establish an IMS session with the UE.	
Cooperate with [network control point/the serving node] CP logic	Plain and ordinary meaning. Alternative construction: Work with CP logic to coordinate transport of audiovisual content from the MS to the MR.	The CPP logic communicates with at least one of the MS and MR and the CP logic communicates with at least the other of the MS and MR.	

21 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23 Dated: 11/4/14

23 By: _____

