

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

EMBLAZE LTD.,	)	Case No.: 11-1079 PSG
	)	
Plaintiff,	)	<b>CLAIM CONSTRUCTION ORDER</b>
v.	)	
APPLE INC.,	)	
	)	
Defendant.	)	

In this patent infringement suit, Plaintiff Emblaze Ltd. (“Emblaze”) claims Defendant Apple Inc. (“Apple”) infringes its patent. Consistent with Pat. L.R. 4-3(c), the parties seek construction of terms and phrases in claims in the patents-in-suit.<sup>1</sup> To avoid unnecessary delay, the court at this time will simply issue its constructions without its full reasoning and analysis:

CLAIM TERM	CONSTRUCTION
“real-time broadcasting”	simultaneous transmission of data to one or more clients matching the human perception of time or proceeding at the same rate as a physical or external process
“providing at the transmitting computer a data stream having a given data rate”	the transmitting computer provides a data stream having a given amount of data per unit of time

<sup>1</sup> See Docket No. 111.

1	“data stream having a given data rate”	a data stream having a given amount of data per unit of time
2	“slice”	a discrete segment of the data stream
3	“each slice having a predetermined data size associated therewith”	each slice having a data size, which may be a time duration, assigned in advance of the stream being divided
4	“encoding the slices in a corresponding sequence of files”	forming each slice as a file, wherein a file includes compressed data from the slice and a file descriptor, and wherein the sequence of files corresponds to the sequence of slices
5	“sequence of files, each file having a respective index”	sequence of files, wherein each file has an indicator that represents a respective slice’s location in the sequence
6	“uploading the sequence to a server at an upload rate generally equal to the data rate of the stream”	transmitting the files from the transmitting computer to the server at an upload rate generally equal to the data rate of the stream
7	“such that one or more client computers can download the sequence over the network from the server at a download rate generally equal to the data rate”	such that one or more client computers are able to select individual files corresponding to the slices for download over the network at a download rate generally equal to the data rate
8	“decode the sequence”	decompressing any compressed data in the sequence
9	“play back the data stream responsive to the indices of the files”	playing back the data stream based on the indices of the files to be played back
10	“at a replay rate generally equal to the data rate”	the rate at which the client plays back the data stream is generally equal to the data rate of the stream
11	“uploading and updating an index file containing the index of the file in the sequence that was most recently uploaded”	uploading to a server an index file, and updating the index file with the index of the most recently uploaded file
12	“encoding slices at a different plurality of different quality levels”	forming slices at more than one quality level
13	“determining a data bandwidth of the network between the server and the client computer”	the client determines a data rate at which a client can download a file from the server
14	“wherein dividing the stream into the sequence	the stream is divided into a sequence of slices,

1 of slices comprises dividing the stream into a  
2 sequence of time slices, each having a  
predetermined duration associated therewith”

where the predetermined data size of the slices  
is established by setting the time duration of the  
slices

3  
4 The parties should rest assured that the court arrived at these constructions with a full  
5 appreciation of not only the relevant intrinsic and extrinsic evidence, but also the Federal Circuit’s  
6 teaching in *Phillips v. AWH Corp.*,<sup>2</sup> and its progeny. So that the parties may pursue whatever  
7 recourse they believe is necessary, a complete opinion will issue before entry of any judgment.

8 **IT IS SO ORDERED.**

9 Dated: April 19, 2013



10 PAUL S. GREWAL

11 United States Magistrate Judge

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<sup>2</sup> 415 F.3d 1303, 1312-15 (Fed. Cir. 2005).