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

TECHNO VIEW IP, INC.,

        Plaintiff,

    v.

OCULUS VR, LLC, and

FACEBOOK, INC.,

        Defendants.

Case No. 17-cv-386-VAC-CJB

PLAINTIFF'S OPENING CLAIM CONSTRUCTION BRIEF

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Dated: April 20, 2018

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In its Complaint, Plaintiff Techno View IP, Inc. ("Techno View") alleges that Defendants infringe Claims 1-19 of U.S. Patent No. 7,666,096 (the '096 Patent") and Claims 1-19 of Patent No. 8,206,218 (the "'218 Patent"). Defendants identified nine terms for construction in this case. For the reasons below, Plaintiff argues that the Court should adopt its proposed constructions.

<div align="center">ARGUMENT</div>

1.   "backbuffer" ('096Patent Claims 1, 2, 3, 6, 7, and 13; '218 Patent Claims 1 and 6)

Term	Parties' Agreed-Upon Construction
"backbuffer"	A memory location where the image to be displayed is temporarily "drawn" without outputting it to the video card. **Newly Proposed:** A memory location for the temporary storage of an image.

The term "back buffer" is specifically defined in the patent specifications and the Parties agree that the definition in the specification should be used to construe the term. See '096 Patent, col. 6: 40-45, and '218 Patent, col. 6: 40-45. It should be noted, however, that the agreed upon construction above pertains only in the case where the backbuffer is not already located on the video card. Indeed, in the same definitional paragraph cited in support of this construction, the Specification cites the situation where the backbuffer is already located on the video card: "This backbuffer is usually located within the physical RAM memory of the video or graphics acceleration card."[1] So the term backbuffer can also be defined as a memory location where an image is temporarily stored on a video or graphics acceleration card.

Based on a recent conversation between parties concerning the terms "buffer" and "backbuffer," it is apparent that although the parties had previously agreed on words that define

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[1] See '096 Patent: col 6, 45-47.

"backbuffer," there is a fundamental disagreement as to the actual meaning of those words. In order to clarify that distinction, Plaintiff offers the following construction of "backbuffer" as follows: "A memory location for the temporary storage of an image." This construction, which identifies that the "backbuffers" pertain to the temporary storage of "images," distinguishes the "backbuffers" (and "frontbuffers" as discussed later) from the "buffers" which temporarily store "data." This newly proposed construction is offered in the interest of seeking an agreement between the parties.[2]

2.   "videogame" ('096 Patent Claims 1, 5, 8, 12, and 16; '218 Patent 1, 2, 7, and 8)

Term	Plaintiff Techno View Construction	Defendants' Constructions
"videogame"	A software program written in some computer language, with its objective to simulate a non-existent world and take a player or user into this world. Alternatively, Plaintiff respectfully asserts that the term, in context in the claim language, is readily understood by laypersons so no construction is necessary.	a process which starts by providing a plurality of independently related logical states which include a set of programming options, where each programming option corresponds to different image characteristics

Techno View respectfully submits that construction of the term "videogame," by itself, misrepresents key claim limitations. All Independent claims of both the '096 and '218 Patents specify a "videogame system,"[3] which element is then inherited by all dependent claims in both

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[2] For purposes of clarity, Plaintiff will refer to constructions offered in the interest of seeking agreement as "Newly Proposed" constructions.

[3] See '096 Patent Claim 1: "A method of displaying images in a videogame system ..."; Claim 8: "A method in a videogame system ..."; Claim 15: "A videogame system for displaying videogame images ..."; and, Claim 16: "A videogame system comprising a processor configured to run instructions ...". See also '218 Patent Claims 1 and 7: "A method in a videogame system

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