United States District Court, S.D. California.

QUALCOMM INCORPORATED, Plaintiff. v. BROADCOM CORPORATION, Defendants. Broadcom Corporation, Counter-Claimant. v. Qualcomm Incorporated, Counter-Defendant.

Civil No. 05CV1958-B(BLM)

May 1, 2006.

CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 5,576,767

RUDI M. BREWSTER, Senior District Judge.

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), on February 7-9, 2006, and March 14-16, 2006, the Court conducted a Markman hearing concerning the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 5,576,767 ("the '767 patent"). Plaintiff Qualcomm, Inc. was represented by the law firm of Day Casebeer Madrid & Batchelder LLP, and Defendant Broadcom Corp. was represented by the law firm of Wilmer Cutler Pickering Hale and Dorr LLP.

At the Markman hearing, the Court, with the assistance of the parties, analyzed the claim terms in order to prepare jury instructions interpreting the pertinent claims at issue in the '767 patent. Additionally, the Court prepared a case glossary for terms found in the claims and specification for the '767 patent considered to be technical in nature which a jury of laypersons might not understand clearly without a specific definition.

After careful consideration of the parties' arguments and the applicable statutes and case law, the Court **HEREBY CONSTRUES** the claims in dispute for the '767 patent and **ISSUES** the relevant jury instructions as written in Exhibit A, attached hereto. Further, the Court **HEREBY DEFINES** all pertinent technical terms as written in Exhibit B, attached hereto.

IT IS SO ORDERED.

EXHIBIT A FN1

FN1. All terms appearing in bold face type and underlined have been construed by the court and appear with their definitions in the glossary in Exhibit B. The definition for each construed term appears in italics after its first use in the patent.

VERBATIM CLAIM LANGUAGE	COURT'S CONSTRUCTION
Claim 1	Claim 1
1. An interframe video compression	An interframe video compression system [a system capable of
system comprising:	reducing the amount of data used to represent a video frame with
	reference to the data used to represent one or more other video
	frames] comprising [including, but not limited to]:
a first motion predictor having an input	a first <i>motion predictor</i> [an element capable of finding a block in
for receiving a block of pixel data and	one or more video frames that is similar to a block in another
having an output for providing a first	video frame] having an input for receiving a block of pixel data [
image prediction;	a set of values specifying the brightness and/or color of pixels in a
	rectangular array of pixels. A pixel is a contraction of "picture
	element," the smallest addressable element in an electronic
	display.] and having an output for providing a first <i>image</i>
	prediction [data indicating for a particular block of a video frame,
	which block(s) of one or more other video frames are similar];
a first distortion calculator having a first	a first <i>distortion calculator</i> [an element capable of calculating
input for receiving said block of pixel	distortion. Distortion is a measure of the closeness of the match
data and having a second input for	between two data sets.] having a first input for receiving said block
receiving said first image prediction and	of pixel data and having a second input for receiving said first
having an output for providing a first	<i>image prediction</i> and having an output for providing a first
distortion value;	distortion value [a value quantifying the extent of distortion
	present];
at least one additional motion predictor	at least one additional motion predictor <i>provided in parallel with</i> [
provided in parallel with said first	provided to operate independently and in the same step of the
motion predictor having an input for	process and before the comparison is made] said first motion
receiving said block of pixel data and	predictor having an input for receiving said block of pixel data
having an output for providing additiona	and having an output for providing additional <i>image predictions;</i>
image predictions;	
a second distortion calculator having a	a second <i>distortion calculator</i> having a first input for receiving
first input for receiving said block of	said <i>block of pixel data</i> and having a second input for receiving
pixel data and having a second input for	said additional <i>image predictions</i> and having a first output for
receiving said additional image	providing a second <i>distortion value;</i>
predictions and having a first output for	
providing a second distortion value;	
an encoding format selector having a	an encoding format selector [an element capable of selecting an
first input coupled to said first distortion	encoding format. An encoding format is a specification of which
calculator output and having a second	aata associated with the image predictions are to be used in
input coupled to said second distortion	assembling a frame having a first input coupled to said first
calculator output and having an output	austortion calculator output and having a second input coupled to
for providing a selected encoding	said second <i>distortion calculator</i> output and having an output for

UNITED STATES PATENT NUMBER 5,576,767-CLAIM CHART

format; and	providing a selected <i>encoding format;</i> and
encoder having a first input coupled to	encoder [an element capable of expressing one form of data in
said encoding format selector output and	another form, including but not limited to compression] having a
having an output for providing a	first input coupled to said <i>encoding format selector</i> output and
selectively encoded residual frame,	having an output for providing a selectively encoded <i>residual</i>
having a second input for receiving a	frame [data remaining after a predicted frame has been
first displaced frame difference	subtracted from a current frame of data], having a second input
generated in accordance with said first	for receiving a first <i>displaced frame difference</i> [the result of
image prediction and having a third	subtracting a block in a reference frame from a block in a current
input for receiving a second displaced	frame, or the result of subtracting a predicted frame from a
frame difference generated in accordance	<i>current frame</i>] generated in accordance with said first <i>image</i>
with said second image prediction and	<i>prediction</i> and having a third input for receiving a second
for selectively encoding said first	<i>displaced frame difference</i> generated in accordance with said
displaced frame difference and said	second <i>image prediction</i> and for selectively encoding said first
second displaced frame difference in	displaced frame difference and said second displaced frame
accordance with said selected encoding	<i>difference</i> in accordance with said selected <i>encoding format</i> .
format.	
Claim 2	Claim 2
2. The system of claim 1 wherein said	2. The system of claim 1 wherein said first <i>motion predictor</i>
first motion predictor compares an N x N	compares an N x N block of <i>pixel data</i> , where N is an <i>integer</i> [a
block of pixel data, where N is an	whole number as opposed to a fraction 1, with N x N blocks of
integer, with N x N blocks of pixel data	<i>pixel data</i> in a first <i>reference block</i> [<i>a block of data from a</i>
in a first reference block of data.	previous frame or a combination of blocks of data from previous
	frames of data from which a most similar block of pixel data is
	frames of data from which a most similar block of pixel data is selected] of data.
Claim 5	frames of data from which a most similar block of pixel data is selected] of data. Claim 5
Claim 5 5. The system of claim 1 wherein said	<i>frames of data from which a most similar block of pixel data is</i> <i>selected</i>] of data. Claim 5 The system of claim 1 wherein said first <i>motion predictor</i> has a
Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input	<i>selected</i>] of data from which a most similar block of pixel data is claim 5 The system of claim 1 wherein said first <i>motion predictor</i> has a second input for receiving a first <i>reference block</i> of data
Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of	<i>selected</i>] of data from which a most similar block of pixel data is claim 5 The system of claim 1 wherein said first <i>motion predictor</i> has a second input for receiving a first <i>reference block</i> of data comprising <i>pixel data</i> [<i>values specifying the brightness and/or</i>
Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a	<i>[rames of data from which a most similar block of pixel data is selected</i>] of data. Claim 5 The system of claim 1 wherein said first <i>motion predictor</i> has a second input for receiving a first <i>reference block</i> of data comprising <i>pixel data</i> [<i>values specifying the brightness and/or color of one or more pixels</i>].
Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data.	<i>selected</i>] of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first <i>motion predictor</i> has a second input for receiving a first <i>reference block</i> of data comprising <i>pixel data</i> [values specifying the brightness and/or color of one or more pixels].
Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6	<pre>[rames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels].</pre>
Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a
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Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a <i>combination block of data</i> [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data.
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 Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said 	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of pixel data.
 Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second 	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector [a value or set of pixel data [a block of second output for providing a first motion vector [a value or set of pixel data [a block of second output for providing a first motion vector [a value or set of pixel data [a block of second output for providing a first motion vector [a value or set of pixel data [a block of second output for providing a first motion vector [a value or set of pixel data [a block of second output for providing a first motion vector [a value or set of pixel data [a block of output for providing a first motion vector [a value or set of [
 Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion 	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector [a value or set of values used for motion compensation that provides an offset from
 Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector. 	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector [a value or set of values used for motion compensation that provides an offset from the coordinate position in the current frame to the coordinates of a
 Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector. 	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector [a value or set of values used for motion compensation that provides an offset from the coordinate position in the current frame to the coordinates of a block in one or more reference frames].
 Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector. Claim 8 	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector [a value or set of values used for motion compensation that provides an offset from the coordinate position in the current frame to the coordinates of a block in one or more reference frames].
 Claim 5 5. The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data from a previous frame of pixel data. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector. Claim 8 8. The system of claim 1 wherein said at 	frames of data from which a most similar block of pixel data is selected] of data. Claim 5 The system of claim 1 wherein said first motion predictor has a second input for receiving a first reference block of data comprising pixel data [values specifying the brightness and/or color of one or more pixels]. Claim 6 6. The system of claim 1 wherein said first motion predictor has a second input for receiving a combination block of data [a block of data from previous frames of data or previous blocks of data] determined in accordance with previous frames of pixel data. Claim 7 7. The system of claim 1 wherein said first motion predictor has a second output for providing a first motion vector [a value or set of values used for motion compensation that provides an offset from the coordinate position in the current frame to the coordinates of a block in one or more reference frames]. Claim 8 8. The system of claim 1 wherein said at least one additional

a second output for providing additional *motion vectors*.

motion vectors.	
Claim 9	Claim 9
9. The system of claim 1 further	9. The system of claim 1 further <i>comprising</i> a <i>weighting value</i>
comprising a weighting value multiplier	<i>multiplier</i> [an element capable of multiplying the output of the
disposed between said first distortion	first distortion calculator by a cost factor] disposed between said
calculator and said encoding format	first <i>distortion calculator</i> and said <i>encoding format selector</i> .
selector.	
Claim 18	Claim 18
18. An interframe video compression	18. An <i>interframe video compression</i> method for compressing a
method for compressing a block of video	block of video data [a set of values representing a rectangular
data comprising the steps of:	array of pixels of a video image] comprising the steps of:
comparing said block of video data with	comparing said <i>block of video data</i> with <i>blocks of pixel data</i> of a
blocks of pixel data of a first block size	first block size to provide <i>displaced frame difference</i> (DFD)
to provide displaced frame difference	blocks:
(DFD) locks:	
measuring distortion values for said DFD	measuring <i>distortion values</i> for said <i>DFD</i> blocks:
blocks;	
selecting a most similar block of pixel	selecting a most similar <i>block of pixel data</i> of said first block size
data of said first block size in accordance	in accordance with said <i>distortion values</i> to provide a first <i>motion</i>
with said distortion values to provide a	<i>vector</i> , a first <i>DFD</i> block and a first <i>distortion value</i> :
first motion vector, a first DFD block	
and a first distortion value:	
comparing said block of video data with	comparing said block of video data with a plurality blocks of
a plurality blocks of pixel data of a	nixel data of a second block size to provide additional DFD
second block size to provide additional	blocks [this limitation operates independently and in the same
DFD blocks:	step of the process as 18a before the selection of 18g is made]:
measuring distortion values for said DFD	measuring <i>distortion values</i> for said <i>DFD</i> blocks:
blocks:	
selecting a set of most similar block of	selecting a set of most similar <i>block of pixel data</i> of said second
pixel data of said second block size in	block size in accordance with said <i>distortion values</i> for said
accordance with said distortion values	additional DFD blocks to provide a set of additional motion
for said additional DFD blocks to	<i>vectors</i> , a set of additional DFD blocks and a second <i>distortion</i>
provide a set of additional motion	value:
vectors, a set of additional DFD blocks	
and a second distortion value:	
selecting an encoding format in	selecting an <i>encoding format</i> in accordance with said first
accordance with said first distortion	<i>distortion value</i> and said second <i>distortion value</i> : and
value and said second distortion value:	
and	
selectively encoding said first motion	selectively encoding said first <i>motion vector</i> and said first DFD
vector and said first DFD block and said	block and said set of additional <i>motion vectors</i> and said set of
set of additional motion vectors and said	additional DFD blocks in accordance with said selected <i>encoding</i>
set of additional DFD blocks in	format
accordance with said selected encoding	<i>, , , , , , , , , , , , , , , , , , ,</i>
format.	
Claim 19	Claim 19

19. The method of claim 18 wherein said	19. The method of claim 118 wherein said <i>block of video data</i> is
block of video data is an N x N block,	an N x N block, where N is an <i>integer</i> , and wherein said first
where N is an integer, and wherein said	block size is <i>N x N</i> [<i>N pixels across and N pixels down</i>].
first block size is N x N.	
Claim 21	Claim 21
21. The method of claim 19 wherein said	21. The method of claim 19 wherein said second block size is $N/2$
second block size is N/2 x N/2.	x N/2.
Claim 22	Claim 22
22. The method of claim 18 wherein said	22. The method of claim 18 wherein said <i>blocks of pixel data</i> of a
blocks of pixel data of a first block size	first block size comprise <i>pixel data</i> from a previous frame of video
comprise pixel data from a previous	data.
frame of video data.	
Claim 23	Claim 23
23. The method of claim 18 wherein said	23. The method of claim 18 wherein said <i>blocks of pixel data</i> of a
blocks of pixel data of a first block size	first block size are combinations of blocks of data from previous
are combinations of blocks of data from	frames of video data.
previous frames of video data.	
Claim 24	Claim 24
24. The method of claim 18 further	24. The method of claim 18 further comprising the step of
comprising the step of weighting said	weighting said additional <i>distortion value</i> by a <i>predetermined</i>
additional distortion value by a	weighting format [a specification, decided on before beginning
predetermined weighting format .	the method, for scaling a distortion value using a cost factor].

EXHIBIT B

UNITED STATES PATENT NUMBER 5,576,767-GLOSSARY OF TERMS

TERM	DEFINITION
Block of pixel data	A set of values specifying the brightness and/or color of
	pixels in a rectangular array of pixels
Block of video data	A set of values representing a rectangular array of pixels of a
	video image
Combination block of data	A block of data from previous frames of data or previous
	blocks of data
Comparing said block of video data with a	This limitation operates independently and in the same step
plurality blocks of pixel data of a second	of the process as 18a before the selection of 18g is made.
block size to provide additional DFD blocks	
Comprising	Including, but not limited to
DFD	Displaced frame difference
Displaced frame difference	The result of subtracting a block in a reference frame from a
	block in a current frame, or the result of subtracting a
	predicted frame from a current frame
Distortion	A measure of the closeness of the match between two data
	sets
Distortion calculator	An element capable of calculating distortion
Distortion value	A value quantifying the extent of distortion present

Encoder	An element capable of expressing one form of data to
	another form, including but not limited to compression
Encoding format	A specification of which data associated with the image
	predictions are to be used in assembling a frame
Encoding format selector	An element capable of selecting an encoding format
Image prediction	Data indicating, for a particular block of a video frame,
	which block(s) of one or more other video frames are similar
Integer	A whole number as opposed to a fraction
Interframe video compression system	A system capable of reducing the amount of data used to
	represent a video frame with reference to the data used to
	represent one or more other video frames
Motion predictor	An element capable of finding a block in one or more video
	frames that is similar to a block in another video frame
Motion vector	A value or set of values used for motion compensation that
	provides an offset from the coordinate position in the current
	frame to the coordinate of a block in one or more reference
	frames
N x N	N pixels across and N pixels down
Pixel	A contraction of "picture element," the smallest addressable
	element in an electronic display
Pixel data	Values specifying the brightness and/or color of one or more
	pixels
Provided in parallel with	Provided to operate independently and in the same step of
	the process and before the comparison is made
Predetermined weighting format	A specification, decided on before beginning the method, for
	scaling a distortion value using a cost factor
Reference block	A block of data from a previous frame or a combination of
	blocks of data from previous frames of data from which a
	most similar block of pixel data is selected
Residual frame	Data remaining after a predicted frame has been subtracted
	from a current frame of data
Weighting value multiplier	An element capable of multiplying the output of the first
	distortion calculator by a cost factor

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