

# EXHIBIT 3

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14 IN THE UNITED STATES DISTRICT COURT  
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16 ICONFIND, INC.,

17 Plaintiff,

18 v.

19 GOOGLE INC.,

20 Defendant.

Case No. 2:11-cv-00319-GEB-JFM

**PLAINTIFF ICONFIND INC.'S  
PRELIMINARY PROPOSED CLAIM  
CONSTRUCTIONS AND EXTRINSIC  
EVIDENCE**

21 Plaintiff IconFind, Inc. ("IconFind") hereby provides to Defendant Google Inc.  
22 ("Google") its proposed preliminary constructions of the claim terms in the asserted United  
23 States Patent No. 7,181,459 B2 ("the '459 Patent") that the Parties have identified to be  
24 construed by the Court and citations to extrinsic evidence:

Terms for Construction	Proposed Construction	Extrinsic Evidence
network page	Page on the Internet, private corporate network, intranet, local area network or other network	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)
category for transacting business	A category for network pages that have as a purpose transacting business	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)
category for providing information	A category for network pages that have as a purpose the provision of information, for example, network pages that contain articles, journals, or publications	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)
categorization label	Label indicating a category or categories to which a page is assigned	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)
categorization code	System of characters or symbols that represent categories	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)
assigning said network page to one or more of [a plurality of] said list of categories	<p>This element need not be construed separately and should be given its plain and ordinary meaning in the context of the intrinsic record as understood by a person of skill at the time of the invention.</p> <p>If the Court deems a construction is necessary, IconFind proposes:</p> <p>Assigning the network page to at least one of the categories</p>	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)
a set of categories and subcategories to which the network page is assigned	<p>This element need not be construed separately and should be given its plain and ordinary meaning in the context of the intrinsic record as understood by a person of skill at the time of the invention.</p> <p>If the Court deems a construction is necessary, IconFind proposes:</p> <p>A set of categories and subcategories to which the network page is assigned where subcategories are combinations of categories</p>	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)
categories related to public domain,	This element need not be construed separately and should be given its	<i>Iconfind Inc. v. Yahoo! Inc.</i> , 2009 U.S. Dist. LEXIS 115923

Terms of Construction	Proposed Constructions	Extrinsic Evidence
fair use only, use with attribution, and permission of copyright owner needed	<p>plain and ordinary meaning in the context of the intrinsic record as understood by a person of skill at the time of the invention.</p> <p>If the Court deems a construction is necessary, IconFind proposes:</p> <p>Categories related to material that can be used freely without any restrictions, material meant to be used in accordance with accepted fair use guidelines, material accompanied by an attribution to the author or copyright owner, and material that cannot be used unless the copyright owner is first contacted for permission</p>	(E.D. Cal. Dec. 14, 2009)

IconFind reserves the right to amend or supplement this disclosure based on further investigation and discovery. IconFind also reserves the right to seek the construction of additional claim terms in the '459 Patent and offer amended proposed claim constructions based on Defendant's preliminary claim constructions and citations to extrinsic evidence.

Respectfully submitted,

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1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on March 28, 2012 the foregoing

3 **PLAINTIFF ICONFIND INC.'S PRELIMINARY PROPOSED CLAIM**  
4 **CONSTRUCTIONS AND EXTRINSIC EVIDENCE**

5 was served via email on following counsel of record:

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16 *Attorneys for Defendant Google Inc.*

17 I certify that all parties in this case are represented by counsel who are CM/ECF participants.

18 /s/ Anna B. Folgers  
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