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13	Attorneys for Plaintiff, IconFind, Inc.		
14	IN THE UNITED STATES DISTRICT COURT		
15	FOR THE EASTERN DIS'	TRICT OF CALIFORNIA	
	ICONFIND, INC.,	Case No. 2:11-cv-00319-GEB-JFM	
16	Plaintiff,	JOINT CLAIM CONSTRUCTION	
17	i iamum,	CHART	
	V.		
18	GOOGLE INC.,		
19	GOOGLE INC.,		
• •	Defendant.		
20	Pursuant to the Court's Order on October 7, 2011 adopting the parties' proposed order		
21	Tursuant to the Court's Order on October 7, 2011 adopting the parties proposed order		
	setting additional claim construction deadlines (Dkt. No. 72), the Parties provide the following		
22	Joint Claim Construction Statement. A copy of the U.S. Patent No. 7,181,459 ("the '459		
23	density of the construction statement. It copy of the clot. I then the construction of the copy of the clot.		
24			
25			
25			

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Patent") and its corresponding file history are attached to this joint statement as Exhibit A and B, respectively.

The following terms that are disputed are bolded as they are found in asserted Claims 1, 6, 30 and 31. The remaining asserted claims, which depend from independent Claims 1, 30 and 31 are not included because they do not specifically include the disputed language:

## Claim 1

1. A computer implemented method of categorizing a **network page**, comprising: providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a category based on copyright status of material on a page; **assigning said network page to one or more of said list of categories**; providing a categorization label for the **network page** using the copyright status of material on the **network page**; and controlling usage of the **network page** using the categorization label and the copyright status of the network page.

### Claim 6

6. The method of claim 1, wherein said plurality of categories based on the copyright status of material on a page comprise categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed.

## Claim 30

30. A computer implemented method for categorizing a **network page**, comprising: providing a list of categories, wherein said list of categories include a category for transacting business and a category for providing information, and wherein said list of categories include a plurality of categories based on the copyright status of material on a page; providing a categorization code for labeling the **network page** with a categorization label, wherein said categorization label indicates **a set of categories and subcategories to which the network page** is **assigned**, and wherein said categorization label indicates the copyright status of material on the **network page**; and controlling usage of the **network page** using the categorization label and the copyright status of the **network page**.

### Claim 31

31. A computer implemented method of categorizing a **network page**, comprising: providing a list of categories, wherein said categories include a category based on the copyright status of material on a page, and wherein the copyright status comprises **categories related to public domain**, fair use only, use with attribution, and permission of copyright owner needed; assigning said network page to one or more of a plurality of said list of categories; providing a categorization label for the **network page** using the copyright status of material on

JOINT CLAIM CONSTRUCTION CHART

JOINT CLAIM CONSTRUCTION CHART

the **network page**; and **controlling usage** of the **network page** using the **categorization label** and the copyright status of the **network page**.

The following chart includes the disputed claim terms, the parties proposed constructions and supporting evidence:

Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
network page (Claims 1,30, 31)	Page on the Internet, private corporate network, intranet, local area network or other network.	Page on the Internet, private corporate network, intranet, local area network or other network wherein an image on a page does not
	<ul> <li>'459 Patent: Abstract, 1:22-25, 3:39-42, 3:43-46, 3:47-50, 3:51-54, 3:55-58, 4:46-49, 5:62-6, 7:3-4, 9:41-42.</li> <li>Iconfind Inc. v. Yahoo! Inc.,</li> </ul>	constitute a page.  Evidence in support:  • '459 Patent: Abstract, 1:22-25, 3:39-42, 3:43-46, 3:47-50, 3:51-54, 3:55-58, 4:46-49, 5:62-6, 7:3-4, 9:41-42, 12:24-
	2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009).  • Iconfind Inc. v. Yahoo! Inc., Reporter's Transcript Of Proceedings, Defendant's	<ul> <li>38, 14:15-50.</li> <li>Iconfind Inc. v. Yahoo! Inc., 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14,</li> </ul>
	Motion For Claim Construction Monday, December 7, 2009 (Dkt. 54).  • <a href="http://www.statefansnation.com/wp-content/uploads/2009/06/fo">http://www.statefansnation.com/wp-content/uploads/2009/06/fo</a>	• Iconfind Inc. v. Yahoo! Inc., Reporter's Transcript Of Proceedings, Defendant's Motion For Claim Construction Monday, December 7, 2009 (Dkt. 54): pp. 71-76.
	• '459 Patent File History: Notice of Allowability filed on Oct. 6, 2006, Applicant Amendment and Remarks filed on July 26, 2006, Applicant Amendments and Remarks filed on Apr. 10, 2006, Applicant Amendment and remarks filed on Oct. 26,	• '459 Patent File History: Patent Application of Lee H. Grant and Susan A. Capizzi for Method of Coding, Categorizing, and Retrieving Network Pages and Sites dated February 22, 2002 in U.S. Patent Application No. 10/082,596; Office Action Summary dated January 27, 2005 in U.S. Patent

1	Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
2	Language	2006, Applicant Amendments	Application No. 10/082,596;
3		and Remarks filed on Sept. 8, 2005, Applicant Amendment	Amendment in Response to Non-Final Office Action
4		and Remarks filed on Apr. 27, 2005, Applicant Amendment	dated April 27, 2005 in U.S. Patent Application
5		and Remarks filed on Jun. 22, 2004	No. 10/082,596; Office Action Summary dated July 11, 2005 in U.S. Patent
6			Application No. 10/082,596; Amendment After Final
7			Action (37 C.F.R. Section 1.116) dated September 8,
8			2005 in U.S. Patent Application No. 10/082,596;
9			Office Action Summary dated January 9, 2006 in U.S. Patent
10			Application No. 10/082,596; Amendment in Response to
11			Non-Final Office Action dated April 10, 2006 in U.S.
12			Patent Application No. 10/082,596.
13			Deposition Transcript for Lee
14			H. Grant, pp. 141-48.
15	assigning said network page	Plain and ordinary meaning. If the Court deems a construction is	The creator of the web page choosing which one or more of [a plurality of]
16	to one or more of [a	necessary, IconFind proposes:	said list of categories characterize said network page.
17	plurality of] said list of	Assigning the network page to at least one of the categories.	Evidence in support:
18	categories (Claim 1	Evidence in support:	• '459 Patent: Abstract, 1:27-
19	[Claim 31])	• '459 Patent: Abstract, 3:12-15,	64, 3:11-15, 5:62-67, 6:12-22, 6:28-33, 6:39-40, 6:43-45,
20		5:64-67, 6:12-22, 6:28-33, 6:39-40, 6:43-45, 6:50-60,	6:47-60, 6:63-7:3, 7:1-2, 7:12- 15, 7:40-47, 7:66-8:9, 9:16-
21		7:1-2, 9:33-37,	21, 9:33-37.
22   23		• Iconfind Inc. v. Yahoo! Inc., 2009 U.S. Dist. LEXIS	• Iconfind Inc. v. Yahoo! Inc., 2009 U.S. Dist. LEXIS
24		115923 (E.D. Cal. Dec. 14, 2009)	115923 (E.D. Cal. Dec. 14, 2009).
<u>~</u> ¬			

1	Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
2	Language	• American Heritage	• Iconfind Inc. v. Yahoo! Inc.,
3		Dictionary, dated 2000,	Reporter's Transcript Of
3		definition of "assign."	Proceedings, Defendant's Motion For Claim
4		• '459 Patent File History:	Construction Monday,
5		Notice of Allowability filed on Oct. 6, 2006, Applicant	December 7, 2009 (Dkt. 54): pp. 19-21.
		Oct. 6, 2006, Applicant Amendment and Remarks	рр. 19-21.
6		filed on July 26, 2006,	• Deposition Transcript for Lee
7		Applicant Amendments and Remarks filed on Apr. 10,	H. Grant, pp. 85-95, 98, 111-113.
		2006, Applicant Amendment	113.
8		and remarks filed on Oct. 26,	• '459 Patent File History:
9		2006, Applicant Amendments and Remarks filed on Sept. 8,	Patent Application of Lee H. Grant and Susan A. Capizzi
		2005, Applicant Amendment	for Method of Coding,
10		and Remarks filed on Apr. 27,	Categorizing, and Retrieving
11		2005, Applicant Amendment and Remarks filed on Jun. 22,	Network Pages and Sites dated February 22, 2002 in
10		2004	U.S. Patent Application No.
12			10/082,596; Office Action Summary dated January 27,
13			2005 in U.S. Patent
14			Application No. 10/082,596;
14			Amendment in Response to Non-Final Office Action
15			dated April 27, 2005 in U.S.
16			Patent Application
10			No. 10/082,596; Office Action Summary dated July
17			11, 2005 in U.S. Patent
18			Application No. 10/082,596; Amendment After Final
			Action (37 C.F.R. Section
19			1.116) dated September 8,
20			2005 in U.S. Patent Application No. 10/082,596;
21			Office Action Summary dated
21			January 9, 2006 in U.S. Patent Application No. 10/082,596;
22			Application No. 10/082,396, Amendment in Response to
23			Non-Final Office Action
23			dated April 10, 2006 in U.S. Patent Application
24			No. 10/082,596.

1	Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
2	a set of	Plain an ordinary meaning. If the	A set of categories and subcategories
2	categories	Court deems a construction is	that were chosen by the creator of the
3	and subcategories	necessary, IconFind proposes:	web page as characterizing the network page
4	to which the	A set of categories and subcategories	network page
	network page	to which the network page is assigned	Evidence in support:
5	is assigned	where subcategories are	
6	(Claim 30)	combinations of categories.	• '459 Patent: Abstract, 1:27-64, 3:11-15, 5:62-67, 6:12-22,
		Evidence in support:	6:28-33, 6:39-40, 6:43-45,
7			6:47-60, 6:63-7:3, 7:1-2, 7:12-
8		• '459 Patent: Fig. 4, Fig. 9,	15, 7:40-47, 7:66-8:9, 9:16-
0		4:22-24, 4:37-39, 4:49-48, 5:4-9, 6:28-33, 10:2-3, 10:23-	21, 9:33-37.
9		28, 10 11:3-10, 11:15-26,	• Iconfind Inc. v. Yahoo! Inc.,
1.0		11:34-37,	2009 U.S. Dist. LEXIS
10			115923 (E.D. Cal. Dec. 14,
11		• Iconfind Inc. v. Yahoo! Inc., 2009 U.S. Dist. LEXIS	2009).
		115923 (E.D. Cal. Dec. 14,	• Iconfind Inc. v. Yahoo! Inc.,
12		2009)	Reporter's Transcript Of
13		American Heritage	Proceedings, Defendant's Motion For Claim
		Dictionary, dated 2000,	Construction Monday,
14		definition of "subcategory."	December 7, 2009 (Dkt. 54):
15		(450 B)	pp. 19-21.
		• '459 Patent File History: Notice of Allowability filed on	Deposition Transcript for Lee
16		Oct. 6, 2006, Applicant	H. Grant, pp. 85-95, 98, 111-
17		Amendment and Remarks	113.
1 /		filed on July 26, 2006,	(450 D. ( E'l. H'. (
18		Applicant Amendments and Remarks filed on Apr. 10,	• '459 Patent File History: Patent Application of Lee H.
10		2006, Applicant Amendment	Grant and Susan A. Capizzi
19		and remarks filed on Oct. 26,	for Method of Coding,
20		2006, Applicant Amendments and Remarks filed on Sept. 8,	Categorizing, and Retrieving Network Pages and Sites
		2005, Applicant Amendment	dated February 22, 2002 in
21		and Remarks filed on Apr. 27,	U.S. Patent Application No.
22		2005, Applicant Amendment	10/082,596; Office Action
		and Remarks filed on Jun. 22, 2004	Summary dated January 27, 2005 in U.S. Patent
23			Application No. 10/082,596;
24			Amendment in Response to
			Non-Final Office Action

1	Claim	<b>IconFind's Proposed Constructions</b>	<b>Google's Proposed Constructions</b>
	Language	and Evidence in Support	and Evidence in Support
2			dated April 27, 2005 in U.S.
3			Patent Application
3			No. 10/082,596; Office
4			Action Summary dated July 11, 2005 in U.S. Patent
7			Application No. 10/082,596;
5			Amendment After Final
			Action (37 C.F.R. Section
6			1.116) dated September 8,
			2005 in U.S. Patent
7			Application No. 10/082,596;
			Office Action Summary dated
8			January 9, 2006 in U.S. Patent
9			Application No. 10/082,596; Amendment in Response to
			Non-Final Office Action
10			dated April 10, 2006 in U.S.
			Patent Application
11			No. 10/082,596.
	categories	Plain and ordinary meaning. If the	Categories that indicate that the
12	related to	Court deems a construction is	network page may be subject to each
13	public	necessary, IconFind proposes:	of the following licensing
13	domain, fair	Catagories related to material that	restrictions: (1) the network page
14	use only, use with	Categories related to material that can be used freely without any	may be used by others without any restrictions; (2) the network page
	attribution,	restrictions, material meant to be	may only be used for fair uses; (3) the
15	and	used in accordance with accepted fair	network page may be used if
	permission of	use guidelines, material accompanied	attribution to the copyright owner is
16	copyright	by an attribution to the author or	given; and (4) the network page may
	owner needed	copyright owner, and material that	be used only when permission is
17	(Claims 6,	cannot be used unless the copyright	granted by the copyright
18	31)	owner is first contacted for	owner.
10		permission.	Evidence in support:
19		Evidence in support:	Lyidenee in support.
		2. Tuestee in support.	• '459 Patent: 5:48-58, 6:45-49,
20		• '459 Patent: 5:48-58, 6:45-49,	8:10-16.
		8:10-16.	
21			• Iconfind Inc. v. Yahoo! Inc.,
22		• Iconfind Inc. v. Yahoo! Inc.,	2009 U.S. Dist. LEXIS
22		2009 U.S. Dist. LEXIS	115923 (E.D. Cal. Dec. 14,
23		115923 (E.D. Cal. Dec. 14,	2009).
23		2009).	• '450 Potent Eile History
24		• '459 Patent File History:	• '459 Patent File History: Patent Application of Lee H.
	<u> </u>	1 Takent The Instory.	Tatent Application of Lee II.

1	Claim	<b>IconFind's Proposed Constructions</b>	Google's Proposed Constructions
	Language	and Evidence in Support	and Evidence in Support
2		Notice of Allowability filed on	Grant and Susan A. Capizzi
_		Oct. 6, 2006, Applicant	for Method of Coding,
3		Amendment and Remarks	Categorizing, and Retrieving
4		filed on July 26, 2006,	Network Pages and Sites
4		Applicant Amendments and	dated February 22, 2002 in
5		Remarks filed on Apr. 10,	U.S. Patent Application No.
3		2006, Applicant Amendment	10/082,596; Office Action
6		and remarks filed on Oct. 26,	Summary dated January 27, 2005 in U.S. Patent
O		2006, Applicant Amendments and Remarks filed on Sept. 8,	2005 in U.S. Patent Application No. 10/082,596;
7		2005, Applicant Amendment	Amendment in Response to
<i>'</i>		and Remarks filed on Apr. 27,	Non-Final Office Action
8		2005, Applicant Amendment	dated April 27, 2005 in U.S.
		and Remarks filed on Jun. 22,	Patent Application
9		2004	No. 10/082,596; Office
			Action Summary dated July
10			11, 2005 in U.S. Patent
			Application No. 10/082,596;
11			Amendment After Final
10			Action (37 C.F.R. Section
12			1.116) dated September 8,
13			2005 in U.S. Patent
13			Application No. 10/082,596; Office Action Summary dated
14			January 9, 2006 in U.S. Patent
1.			Application No. 10/082,596;
15			Amendment in Response to
			Non-Final Office Action
16			dated April 10, 2006 in U.S.
			Patent Application
17			No. 10/082,596.
10			
18			

JOINT CLAIM CONSTRUCTION CHART

The parties have agreed to the constructions of the following terms, which adopt the constructions set forth by the Court in the Yahoo! Litigation. *Iconfind Inc. v. Yahoo! Inc.*, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009). The parties respectfully and jointly request that this Court adopt these four constructions:

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Claim Language	Construction	Evidence in Support
category for	A category for network pages that have	Iconfind Inc. v. Yahoo! Inc.,
transacting business	as a purpose transacting business	2009 U.S. Dist. LEXIS 115923
		(E.D. Cal. Dec. 14, 2009)
category for	A category for network pages that have	Iconfind Inc. v. Yahoo! Inc.,
providing	as a purpose the provision of	2009 U.S. Dist. LEXIS 115923
information	information, for example, network	(E.D. Cal. Dec. 14, 2009)
	pages that contain articles, journals, or	
	publications	
categorization label	Label indicating a category or	Iconfind Inc. v. Yahoo! Inc.,
	categories to which a page is assigned	2009 U.S. Dist. LEXIS 115923
		(E.D. Cal. Dec. 14, 2009)
categorization code	System of characters or symbols that	Iconfind Inc. v. Yahoo! Inc.,
	represent categories	2009 U.S. Dist. LEXIS 115923
		(E.D. Cal. Dec. 14, 2009)

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19 NIRO, HALLER & NIRO

Raymond P. Niro (*Pro hac vice*)

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Respectfully submitted,

/s/ Brian E. Haan

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Brian E. Haan (Pro hac vice)

Anna B. Folgers (*Pro hac vice*)

- 9 -

# 1 **CERTIFICATE OF SERVICE** The undersigned hereby certifies that on May 11, 2012 the foregoing: 2 JOINT CLAIM CONSTRUCTION CHART 3 was filed with the Clerk of Court using the CM/ECF system, which will then send a notification 4 of such filing to the following counsel of record. 5 Michael J. Malecek Michael.malecek@kayescholer.com 6 Kenneth Maikish Kenneth.maikish@kayescholer.com 7 Kaye Scholer LLP Two Palo Alto Square, Suite 400 8 3000 El Camino Real Palo Alto, California 94306 Telephone: (650) 319-4500 Facsimile: (650) 319-4700 10 Attorneys for Defendant Google Inc. 11 I certify that all parties in this case are represented by counsel who are CM/ECF participants. 12 13 Brian E. Haan 14 Attorneys for Plaintiff 15 16 17 18 19 20 21 22 23 24 JOINT CLAIM CONSTRUCTION CHART 25