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13 Attorneys for Plaintiff, IconFind, Inc.

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

15 ICONFIND, INC.,

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

16 Plaintiff,

**JOINT CLAIM CONSTRUCTION  
CHART**

17 v.

18 GOOGLE INC.,

19 Defendant.

20 Pursuant to the Court's Order on October 7, 2011 adopting the parties' proposed order  
21 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  
24  
25

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

3 The following terms that are disputed are bolded as they are found in asserted Claims 1,  
4 6, 30 and 31. The remaining asserted claims, which depend from independent Claims 1, 30 and  
5 31 are not included because they do not specifically include the disputed language:

6 **Claim 1**

7 1. A computer implemented method of categorizing a **network page**, comprising:  
8 providing a list of categories, wherein said list of categories include a category for transacting  
9 business and a category for providing information, and wherein said list of categories include a  
10 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.

11 **Claim 6**

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

14 **Claim 30**

15 30. A computer implemented method for categorizing a **network page**, comprising:  
16 providing a list of categories, wherein said list of categories include a category for transacting  
17 business and a category for providing information, and wherein said list of categories include a  
18 plurality of categories based on the copyright status of material on a page; providing a  
19 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**.

20 **Claim 31**

21 31. A computer implemented method of categorizing a **network page**, comprising:  
22 providing a list of categories, wherein said categories include a category based on the copyright  
23 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**;  
24 providing a categorization label for the **network page** using the copyright status of material on

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

3 The following chart includes the disputed claim terms, the parties proposed constructions  
 4 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)	<p data-bbox="397 520 917 630"><i>Page on the Internet, private corporate network, intranet, local area network or other network.</i></p> <p data-bbox="397 661 917 703">Evidence in support:</p> <ul data-bbox="397 735 917 1917" style="list-style-type: none"> <li data-bbox="397 735 917 892">• '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 data-bbox="397 924 917 1081">• <i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009).</li> <li data-bbox="397 1113 917 1333">• <i>Iconfind Inc. v. Yahoo! Inc.</i>, Reporter's Transcript Of Proceedings, Defendant's Motion For Claim Construction Monday, December 7, 2009 (Dkt. 54).</li> <li data-bbox="397 1365 917 1533">• <a href="http://www.statefansnation.com/wp-content/uploads/2009/06/football.jpg">http://www.statefansnation.com/wp-content/uploads/2009/06/football.jpg</a></li> <li data-bbox="397 1564 917 1917">• '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,</li> </ul>	<p data-bbox="917 520 1443 703"><i>Page on the Internet, private corporate network, intranet, local area network or other network wherein an image on a page does not constitute a page.</i></p> <p data-bbox="917 735 1443 777">Evidence in support:</p> <ul data-bbox="917 808 1443 1917" style="list-style-type: none"> <li data-bbox="917 808 1443 997">• '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, 12:24-38, 14:15-50.</li> <li data-bbox="917 1029 1443 1186">• <i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009).</li> <li data-bbox="917 1218 1443 1480">• <i>Iconfind Inc. v. Yahoo! Inc.</i>, Reporter's Transcript Of Proceedings, Defendant's Motion For Claim Construction Monday, December 7, 2009 (Dkt. 54): pp. 71-76.</li> <li data-bbox="917 1512 1443 1917">• '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</li> </ul>

Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
	<p>2006, Applicant Amendments and Remarks filed on Sept. 8, 2005, Applicant Amendment and Remarks filed on Apr. 27, 2005, Applicant Amendment and Remarks filed on Jun. 22, 2004</p>	<p>Application No. 10/082,596; Amendment in Response to Non-Final Office Action dated April 27, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated July 11, 2005 in U.S. Patent Application No. 10/082,596; Amendment After Final Action (37 C.F.R. Section 1.116) dated September 8, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated January 9, 2006 in U.S. Patent Application No. 10/082,596; Amendment in Response to Non-Final Office Action dated April 10, 2006 in U.S. Patent Application No. 10/082,596.</p> <ul style="list-style-type: none"> <li>Deposition Transcript for Lee H. Grant, pp. 141-48.</li> </ul>
<p>assigning said network page to one or more of [a plurality of] said list of categories (Claim 1 [Claim 31])</p>	<p>Plain and ordinary meaning. If the Court deems a construction is necessary, IconFind proposes:</p> <p><i>Assigning the network page to at least one of the categories.</i></p> <p>Evidence in support:</p> <ul style="list-style-type: none"> <li>'459 Patent: Abstract, 3:12-15, 5:64-67, 6:12-22, 6:28-33, 6:39-40, 6:43-45, 6:50-60, 7:1-2, 9:33-37,</li> <li><i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)</li> </ul>	<p><i>The creator of the web page choosing which one or more of [a plurality of] said list of categories characterize said network page.</i></p> <p>Evidence in support:</p> <ul style="list-style-type: none"> <li>'459 Patent: Abstract, 1:27-64, 3:11-15, 5:62-67, 6:12-22, 6:28-33, 6:39-40, 6:43-45, 6:47-60, 6:63-7:3, 7:1-2, 7:12-15, 7:40-47, 7:66-8:9, 9:16-21, 9:33-37.</li> <li><i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009).</li> </ul>

Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
	<ul style="list-style-type: none"> <li>• American Heritage Dictionary, dated 2000, definition of "assign."</li> <li>• '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, 2006, Applicant Amendments and Remarks filed on Sept. 8, 2005, Applicant Amendment and Remarks filed on Apr. 27, 2005, Applicant Amendment and Remarks filed on Jun. 22, 2004</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Iconfind Inc. v. Yahoo! Inc.</i>, Reporter's Transcript Of Proceedings, Defendant's Motion For Claim Construction Monday, December 7, 2009 (Dkt. 54): pp. 19-21.</li> <li>• Deposition Transcript for Lee H. Grant, pp. 85-95, 98, 111-113.</li> <li>• '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 Application No. 10/082,596; Amendment in Response to Non-Final Office Action dated April 27, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated July 11, 2005 in U.S. Patent Application No. 10/082,596; Amendment After Final Action (37 C.F.R. Section 1.116) dated September 8, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated January 9, 2006 in U.S. Patent Application No. 10/082,596; Amendment in Response to Non-Final Office Action dated April 10, 2006 in U.S. Patent Application No. 10/082,596.</li> </ul>

Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
<p>a set of categories and subcategories to which the network page is assigned (Claim 30)</p>	<p>Plain an ordinary meaning. If the Court deems a construction is necessary, IconFind proposes:</p> <p><i>A set of categories and subcategories to which the network page is assigned where subcategories are combinations of categories.</i></p> <p>Evidence in support:</p> <ul style="list-style-type: none"> <li>• '459 Patent: Fig. 4, Fig. 9, 4:22-24, 4:37-39, 4:49-48, 5:4-9, 6:28-33, 10:2-3, 10:23-28, 10 11:3-10, 11:15-26, 11:34-37,</li> <li>• <i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009)</li> <li>• American Heritage Dictionary, dated 2000, definition of "subcategory."</li> <li>• '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, 2006, Applicant Amendments and Remarks filed on Sept. 8, 2005, Applicant Amendment and Remarks filed on Apr. 27, 2005, Applicant Amendment and Remarks filed on Jun. 22, 2004</li> </ul>	<p>A set of categories and subcategories that were chosen by the creator of the web page as characterizing the network page</p> <p>Evidence in support:</p> <ul style="list-style-type: none"> <li>• '459 Patent: Abstract, 1:27-64, 3:11-15, 5:62-67, 6:12-22, 6:28-33, 6:39-40, 6:43-45, 6:47-60, 6:63-7:3, 7:1-2, 7:12-15, 7:40-47, 7:66-8:9, 9:16-21, 9:33-37.</li> <li>• <i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009).</li> <li>• <i>Iconfind Inc. v. Yahoo! Inc.</i>, Reporter's Transcript Of Proceedings, Defendant's Motion For Claim Construction Monday, December 7, 2009 (Dkt. 54): pp. 19-21.</li> <li>• Deposition Transcript for Lee H. Grant, pp. 85-95, 98, 111-113.</li> <li>• '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 Application No. 10/082,596; Amendment in Response to Non-Final Office Action</li> </ul>

Claim Language	IconFind's Proposed Constructions and Evidence in Support	Google's Proposed Constructions and Evidence in Support
		<p>dated April 27, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated July 11, 2005 in U.S. Patent Application No. 10/082,596; Amendment After Final Action (37 C.F.R. Section 1.116) dated September 8, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated January 9, 2006 in U.S. Patent Application No. 10/082,596; Amendment in Response to Non-Final Office Action dated April 10, 2006 in U.S. Patent Application No. 10/082,596.</p>
<p>categories related to public domain, fair use only, use with attribution, and permission of copyright owner needed (Claims 6, 31)</p>	<p>Plain and ordinary meaning. If the Court deems a construction is necessary, IconFind proposes:</p> <p><i>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.</i></p> <p>Evidence in support:</p> <ul style="list-style-type: none"> <li>• '459 Patent: 5:48-58, 6:45-49, 8:10-16.</li> <li>• <i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009).</li> <li>• '459 Patent File History:</li> </ul>	<p><i>Categories that indicate that the network page may be subject to each of the following licensing restrictions: (1) the network page may be used by others without any restrictions; (2) the network page may only be used for fair uses; (3) the network page may be used if attribution to the copyright owner is given; and (4) the network page may be used only when permission is granted by the copyright owner.</i></p> <p>Evidence in support:</p> <ul style="list-style-type: none"> <li>• '459 Patent: 5:48-58, 6:45-49, 8:10-16.</li> <li>• <i>Iconfind Inc. v. Yahoo! Inc.</i>, 2009 U.S. Dist. LEXIS 115923 (E.D. Cal. Dec. 14, 2009).</li> <li>• '459 Patent File History: Patent Application of Lee H.</li> </ul>

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<b>Claim Language</b>	<b>IconFind's Proposed Constructions and Evidence in Support</b>	<b>Google's Proposed Constructions and Evidence in Support</b>
	<p>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, 2006, Applicant Amendments and Remarks filed on Sept. 8, 2005, Applicant Amendment and Remarks filed on Apr. 27, 2005, Applicant Amendment and Remarks filed on Jun. 22, 2004</p>	<p>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 Application No. 10/082,596; Amendment in Response to Non-Final Office Action dated April 27, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated July 11, 2005 in U.S. Patent Application No. 10/082,596; Amendment After Final Action (37 C.F.R. Section 1.116) dated September 8, 2005 in U.S. Patent Application No. 10/082,596; Office Action Summary dated January 9, 2006 in U.S. Patent Application No. 10/082,596; Amendment in Response to Non-Final Office Action dated April 10, 2006 in U.S. Patent Application No. 10/082,596.</p>



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

Claim Language	Construction	Evidence in Support
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)

16  
17 Respectfully submitted,

18 /s/ Brian E. Haan

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**Attorneys for Plaintiff IconFind, Inc.**

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies that on May 11, 2012 the foregoing:

3 **JOINT CLAIM CONSTRUCTION CHART**

4 was filed with the Clerk of Court using the CM/ECF system, which will then send a notification  
of such filing to the following counsel of record.

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11 *Attorneys for Defendant Google Inc.*

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

13  
14 /s/ Brian E. Haan  
Attorneys for Plaintiff