# Exhibit A

#### Exhibit A - US Patent No. 5,825,352

#### **Agreed Constructions**

Claim Term, Phrase, or Clause	Agreed Construction	Support
"scanning the touch sensor"	"measuring the values generated by a touch sensor to	Judge Breyer's April 7, 2007
(claims 1, 18)	detect operative coupling and determining the	Order, Case No. 06-1839 CRB,
	corresponding positions at which measurements are made"	at 12:22-24
"means for scanning the touch sensor"	This limitation is governed by 35 U.S.C. § 112(6).	Claim 18; Fig. 2; 5:28-55; 5:34-
(claim 18)		40; 5:60-65; 6:14-26; 7:1-6;
	The recited <u>function</u> is scanning the touch sensor.	14:3-6
	The corresponding structure is an analog multiplexer, a	
	circuit to measure changes in capacitance of sensor	
	conductors, an analog to digital converter, a	
	microcontroller, and equivalents thereof.	

#### **Disputed Constructions**

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
"identify a first	"identify a first	Claim 1; Claim	Apple may	"identify a first	Figs. 3,4, 5 & 6,	Judge Breyer's
maxima in a	peak value in a	18; Fig. 3; Fig.	provide expert	peak value in a	2:42-55; 4:12-	April 7, 2007
signal	finger profile	4; Fig. 5; Fig.	testimony	finger profile	16; 6:27-38;	Order, Case No.
corresponding to	taken on an axis	7B; Fig. 7C;	regarding how	obtained from	7:34-38; 9:28-	06-1839 CRB, at
a first finger"	obtained from	4:56-57; 4:58-	one skilled in the	scanning the	55; 10:66-11:23;	15:1-2.
(claims 1, 18)	scanning the	59; 5:23-35;	art would have	touch sensor"	"Synaptics	
	touch sensor"	5:44-55; 5:60-	read and		Touch Pad"	Apple first
		65; 6:14-26;	understood the		Brochure	identified its
		6:26-35; 7:40-	disputed claim			construction for

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
		48; 8:55-56;	terms. <sup>2</sup>			this previously
		11:11-15; 11:49-				agreed- upon
		55; 14:3-7;				term on Feb. 5,
		14:39-41; 16:36-				2010. Elan will
		39; 352 FH				identify
		$0083-84, 89^1$				additional
						extrinsic
						evidence as
						necessary.
						Mr. Dezmelyk is
						expected to
						provide
						testimony
						regarding how
						one skilled in the
						art would have
						read and
						understood the
						disputed
						claim terms.
"identify a	"identify the	Claim 1; Claim	Apple may	"identify the	Figs. 3,4, 5 & 6,	Judge Breyer's
minima	lowest value in	18; Fig. 3; Fig.	provide expert	lowest value in	2:42-55; 4:12-	April 7, 2007
following the	the finger profile	4; Fig. 5; Fig.	testimony	the finger profile	16; 6:27-38;	Order, Case No.

Citations in this format are citations to the production numbers stamped on Apple's produced versions of the certified file histories of the patents-in-suit.

As is natural in the claim construction process, both sides' claim construction positions have evolved through the meet and confer. Subsequent to the meet and confer, the parties have changed claim construction positions and Elan has identified additional evidence relating to disputed terms. The parties reserve all rights to respond to the other's positions on the disputed terms and cited evidence.

Claim Term, Phrase, or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction		
Clause first maxima" (claims 1, 18)	taken on said axis that occurs after the first peak value, and before another peak value is identified"	7B; Fig. 7C; 4:56-57; 4:58- 59; 5:23-35; 5:44-55; 5:60- 65; 6:14-26; 6:26-35; 7:40- 48; 8:55-56; 11:11-15; 11:49- 55; 14:3-7; 14:39-41; 16:36- 39; 352 FH 0083-84, 89	regarding how one skilled in the art would have read and understood the disputed claim terms.	that occurs after the first peak value"	7:34-38; 9:28- 55; 10:66-11:23; "Synaptics Touch Pad" Brochure; 15:55- 16:2	06-1839 CRB, at 15:1-2.  Apple first identified its construction for this previously agreed- upon term on Feb. 5, 2010. Elan will identify additional extrinsic evidence as necessary.  Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms.
"identify a second maxima	"after identifying the lowest value	Claim 1; Claim 18; Fig. 3; Fig.	Apple may provide expert	"identify a second peak	Figs. 3,4, 5 & 6, 2:42-55; 4:12-	Judge Breyer's April 7, 2007

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
in a signal corresponding to a second finger following said minima" (claims 1, 18)	in the finger profile taken on said axis, identify a second peak value in the finger profile taken on said axis"	4; Fig. 5; Fig. 7B; Fig. 7C; 4:56-57; 4:58-59; 5:23-35; 5:44-55; 5:60-65; 6:14-26; 6:26-35; 7:40-48; 8:55-56; 11:11-15; 11:49-55; 14:39-41; 16:36-39; 352 FH 0083-84, 89	testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	value in the finger profile following the minima"	16; 6:27-38; 7:34-38; 9:28- 55; 10:66-11:23; "Synaptics Touch Pad" Brochure; 9:60- 10:8	Order, Case No. 06-1839 CRB, at 15:5-7.  Apple first identified its construction for this previously agreed upon term on Feb. 5, 2010. Elan will identify additional extrinsic evidence as necessary.  Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms.
"identify" (claims 1, 18)	"recognize a value to be"	Claim 1; Claim 18; Fig. 6-1; Fig.	APEL0018461- 63;	Plain meaning	Col. 6-9; Col. 6 30-35	

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
"in response to" (claims 1, 18)	"after and in reaction to"	6-2; Fig. 9-1; Fig. 9-2; 1:37- 40; 7:3-6; 8:46- 50; 8:52-9:15; 9:12-14; 9:18- 11:15; 12:12-14; 13:64-65; 15:64- 16:5  Claim 1; Claim 18; Fig. 9-1; Fig. 9-2; 6:26-47; 7:54-56; 8:52- 9:15; 14:3-27; 15:26-31; 16:24- 26; 16:27-29; 16:30-32; 16:33- 35; 16:44-56; 16:60-63; 16:64- 67; 17:1-9; 17:27-37; 18:1- 13; 18:17-20; 18:21-25; 18:25- 33; 352 FH 0103-04;	APEL0018471- 73; APEL0018474- 76; Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.  APEL0018461- 62, 64; Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	Plain meaning	Col. 2:56-3:1	

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
		ELN001993-97				
"pointing device click function" (claim 2)	"function that would normally result from a mouse button	Claim 2; 1:41- 47; 1:60-2:14; 2:56-3:15; 4:6- 11; 4:30-39; 5:9-	US Patent No. 5,757,368; Apple may provide expert	Plain meaning	Col. 1:41-47; Col. 1:60-2:6; Col. 2:56-3:15; Col. 11:55-	Mr. Dezmelyk is expected to provide testimony
	click"	19; 6:50-58; 7:8-25; 7:43-48; 7:51-8:21; 11:16-23; 11:24-35; 11:56-12:4; 12:58-67; 13:8-12; 13:23-31; 13:32-36; 15:55-59; Patent Title	testimony regarding how one skilled in the art would have read and understood the disputed claim terms.		12:10.	regarding how one skilled in the art would have read and understood the disputed claim terms.
"a 'select' function" (claim 4)	"a selection of an item"	Claim 4; Figs. 7B-7E; 11:16- 23; 11:56-12:4; 13:8-22	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	Plain meaning	Col. 13:1-12	
"control function" (claims 14, 19)	"function that would normally be provided by the actuation of the buttons or switches on a	Claim 14; Claim 19; 1:41-2:6; 2:56-3:15; 4:30-39; 6:50-53; 8:46-50; 12:14-20; 352 FH 7;	Apple may provide expert testimony regarding how one skilled in the art would have	A function in response to contact with the touchpad, other than or in addition to	Col. 2:38-41; Col. 2:56-4:17; Col 11:15-35; Col. 11:55:12- 13; Figs. 7A-7F and associated	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
"means for	mouse"  This limitation is	352FH 50; 352FH 467; Claim 18; 7:26-	read and understood the disputed claim terms and corresponding structure.	cursor movement.  This limitation is	text.	art would have read and understood the function and corresponding structure.  Mr. Dezmelyk is
providing an indication" (claim 18)	This fillitation is governed by 35 U.S.C. § 112(6).  The recited function is providing an indication of the simultaneous presence of two fingers in response to identification of said first and second maxima.  The corresponding structure is the algorithm found in Fig. 8-1, which sets a Finger value	33; 14:13-17; 9:18-11:23	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms and corresponding structure.	This initiation is governed by 35 U.S.C. § 112(6).  The recited function is providing an indication of the simultaneous presence of two fingers.  The corresponding structure is Analog multiplexor 45: Capacitance measuring circuit 70: A to D convertor 80, Microcontroller 60 and/or		expected to provide testimony regarding how one skilled in the art would have read and understood the function and corresponding structure.

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
	after determining			firmware or		
	if a scan in either			hardware		
	the X direction			performing the		
	or the Y			claimed		
	direction has			function.		
	detected two					
	fingers.					
"means for	This limitation is		Apple may	This limitation is	Figs. 7, 8 and 9	Mr. Dezmelyk is
selecting an	governed by 35		provide expert	governed by 35	and associated	expected to
appropriate	U.S.C. § 112(6).		testimony	U.S.C. § 112(6).	text at 12:14-	provide
control function"			regarding how		16:5	testimony
(claim 19)	The recited		one skilled in the	The recited		regarding how
	<u>function</u> is		art would have	<u>function</u> is		one skilled in the
	selecting an		read and	selecting an		art would have
	appropriate		understood the	appropriate		read and
	control function		disputed claim	control function		understood the
	based on a		terms, and/or	based on a		function and
	combination of a		whether one of	combination of a		corresponding
	number of		ordinary skill	number of		structure.
	fingers detected,		would have	fingers detected,		
	an amount of		understood the	an amount of		
	time said fingers		specification to	time said fingers		
	are detected, and		disclose	are detected, and		
	any movement		structure	any movement		
	of said fingers.		corresponding to	of said fingers.		
			the claimed			
	Because the		function.	The		
	specification			corresponding		
	does not disclose			structure is		
	a corresponding			Analog		

Claim Term, Phrase, or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction		
	structure, this			multiplexor 45:		
	limitation is			Capacitance		
	indefinite.			measuring		
				circuit 70: A to		
				D convertor 80,		
				Microcontroller		
				60 and/or		
				software,		
				firmware or		
				hardware		
				performing the		
				claimed		
" C	7D1 : 1: ''		A 1	function.		M D 11:
"means for	This limitation is		Apple may	This limitation is		Mr. Dezmelyk is
detecting a	governed by 35		provide expert	governed by 35		expected to
distance between said first and	U.S.C. § 112(6).		testimony	U.S.C. § 112(6).		provide
~ **** * ***********************	Th		regarding how one skilled in the	T1		testimony
second maxima"	The recited			The recited		regarding how one skilled in the
(claim 24)	function is		art would have	<u>function</u> is		
	detecting a distance between		read and	detecting a distance between		art would have read and
	said first and		understood the	said first and		understood the
	said first and second maxima.		disputed claim terms, and/or	said first and second maxima.		function and
	second maxima.		whether one of	second maxima.		
	Because the			The		corresponding structure.
	specification		ordinary skill would have			Structure.
	does not disclose		understood the	corresponding structure is		
			specification to	Analog		
	a corresponding structure, this		disclose	multiplexor 45:		
	limitation is			_		
	miniation is		structure	Capacitance		

Proposed Construction	Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
indefinite.		corresponding to the claimed function.	measuring circuit 70: A to D convertor 80, Microcontroller 60 and/or software, firmware or hardware performing the claimed function.		
This limitation is governed by 35 U.S.C. § 112(6).  The recited function is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.  Because the specification		Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms, and/or whether one of ordinary skill would have understood the specification to disclose structure corresponding to	This limitation is governed by 35 U.S.C. § 112(6).  The recited function is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.  The corresponding		Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the function and corresponding structure.
	This limitation is governed by 35 U.S.C. § 112(6).  The recited function is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.  Because the	This limitation is governed by 35 U.S.C. § 112(6).  The recited function is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.  Because the specification	This limitation is governed by 35 U.S.C. § 112(6).  The recited function is governed by 35 U.S.C. § 112(6).  The recited function is governed by 35 Droviding a click function in the growth and the grow	corresponding to the claimed function.  Corresponding to the claimed function is governed by 35 the claimed function is providing a click function in response to the termoval and term	corresponding to the claimed function.    Corresponding to the claimed function.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
	a corresponding structure, this limitation is indefinite.		function.	Analog multiplexor 45: Capacitance measuring circuit 70: A to D convertor 80, Microcontroller 60 and/or software, firmware or hardware performing the claimed function.		
"means for calculating first and second centroids corresponding to said first and second fingers" (claim 30)	This limitation is governed by 35 U.S.C. § 112(6).  The recited function is calculating first and second centroids corresponding to said first and second fingers.  Because the specification does not disclose		Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms, and/or whether one of ordinary skill would have understood the specification to disclose	This limitation is governed by 35 U.S.C. § 112(6).  The recited function is calculating first and second centroids corresponding to said first and second fingers.  Analog multiplexor 45: Capacitance		Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the function and corresponding structure.

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
	a corresponding		structure	measuring		
	structure, this		corresponding to	circuit 70: A to		
	limitation is		the claimed	D convertor 80,		
	indefinite.		function.	Microcontroller		
				60 and/or		
				software,		
				firmware or		
				hardware		
				performing the		
				claimed		
				function.		