Exhibit C - US Patent No. 5,764,218

Agreed Constructions

Claim Tarm Dhraga an Clauga	A gread Construction
Claim Term, Phrase, or Clause	Agreed Construction
"detecting gap intervals between	"detecting the duration between user contacts on a touch pad"
subsequent contact intervals"	
(claims 1, 5)	
"distinguishing between a first cursor	"determining a particular cursor control operation based on the length of contact intervals
control operation, a second cursor	and gap intervals"
control operation and a third cursor	
control operation based on the	
duration of said contact and gap	
intervals"	
(claim 1, 5)	
"ButtonState variable"	"value simulating the state of a mechanical button switch"
(claim 2)	
"first button value"	"value simulating a first state of a mechanical button switch"
(claim 2)	
"second button value"	"value simulating a second state of a mechanical button switch"
(claims 2, 3)	

Disputed Constructions

Claim Term, Phrase, or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction		
"contact	"temporal	Claims 1, 2, 3, 5;	Apple may	an amount of	Cols. 2:47-56;	Mr. Dezmelyk is
interval[s]"	duration of the	2:47-56; 4:33-	provide expert	time during	4:33-41; 5:31-	expected to
(claims 1, 2, 3,	user's contacts	41; 5:31-36;	testimony	which there is a	37; 6:9-13; 6:20-	provide

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Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
5)	with the touch-	5.67-6.13.6.20-	regarding how	continuous user	26: 6:30-33:	testimony
5)	sensitive input	33: 6:40-50:	one skilled in the	contact with the	6.40-46. 6.59-	regarding how
	device"	7.14-21. 7.26-	art would have	touch nad	63: 7:14-21:	one skilled in the
	device	37. 7.50-77. 8.4	read and	touch puu	7.26-37.7.51-	art would have
		9. 8.23-30.	understood the		62. 8.4-9. 9.66-	read and
		8.40-9.10. 9.66-	disputed claim		10.5. 11.54-61	understood the
		10.5.10.18-23	terms		12.16-20. 12.29-	disputed claim
		10:37-11:2:	torms.		40:12:51-60:	terms
		12:16-20: 12:25-			Abstract: Fig 4.	U.S. Patent No
		40: 12:51-60:			Claims 1-12 and	5 543 591 to
		218 FH 0146			associated text.	Gillespie <i>et al.</i>
		2101110110			'218 patent	(Bates Nos
					prosecution	ELN015740-
					history including	015795):
					but not limited to	GlidePoint
					the $10/24/1996$	User's Guide
					office action pp.	published by
					2-3. the	Cirque
					12/26/1996	Corporation
					amendments pp.	(Bates Nos.
					2-4, 6-7, and	ELN016579-
					references cited	016594):
					therein.	Windows Touch
						Driver User's
						Guide published
						by MicroTouch
						System, Inc.
						(Bates Nos.
						ELN016682-
						016707): and

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed Construction	Evidence	Evidence	Proposed Construction	Evidence	Evidence
Clause	Construction			Construction		TouchWare for DOS, Windows and NT, User's Guide published by MicroTouch System, Inc. (Bates Nos. ELN016649- 016681) as cited in Elan's
						Invalidity Contentions. <i>The New IEEE</i> <i>Standard</i> <i>Dictionary of</i> <i>Electrical and</i> <i>Electronics</i> <i>Terms, Fifth</i> <i>Edition,</i> p. 679 (Bates Nos. ELN017218- 224) ("New IEEE Dictionary").
"subsequent contact intervals" (claims 1, 5)	See construction of "contact intervals."	See construction of "contact intervals."	See construction of "contact intervals."	an amount of time during which there is a continuous user contact with the touch pad	See "contact interval."	See "contact interval."

Claim Term, Phrase, or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction		
				following the		
				end of a first		
				contact period	G 1 4 9 4 4 1	
"reporting"	No construction	Claim I; Claim		outputting a	Col. 4:24-41;	Mr. Dezmelyk 1s
(claims 1, 5)	necessary.	5; Abstract; Fig.		signal to a host	Fig. 4; Claims I	expected to
		4; Fig. 6; Fig. 8;			and 5, and	provide
		Fig. 9; 1:8-12;			associated text.	testimony
		2:44-61; 3:8-11;			'218 patent	regarding how
		3:16-19; 3:23-			prosecution	one skilled in the
		28; 3:37-40;			history including	art would have
		4:30-41; 5:32-			but not limited to	read and
		37; 5:46-49;			the 10/24/1996	understood the
		5:61-64; 6:8-16;			office action pp.	disputed claim
		6:20-26; 6:34-39			2-3, the	terms.
		6:50-55; 8:30-			12/26/1996	U.S. Patent No.
		39; 9:10-13;			amendments pp.	5,543,591 to
		9:66-10:13;			2-4, 6-7, and	Gillespie et al.
		12:15-24; 12:40-			references cited	(Bates Nos.
		47; 218 FH			therein.	ELN015740-
		0111-12				015795);
						GlidePoint
						User's Guide
						published by
						Cirque
						Corporation
						(Bates Nos.
						ELN016579-
						016594);
						Windows Touch
						Driver User's

Claim Term,	Apple's Proposed	Intrinsic	Extrinsic	Elan's Proposed	Intrinsic	Extrinsic
Clause	Construction	Evidence	Evidence	Construction	Evidence	Evidence
						Guide published by MicroTouch System, Inc. (Bates Nos. ELN016682- 016707); and TouchWare for DOS, Windows and NT, User's Guide published by MicroTouch System, Inc. (Bates Nos. ELN016649- 016681) as cited in Elan's Invalidity
"cursor control operations" (claims 1, 5)	"operations by a cursor controller such as a drag, single-click and multiple-click"	Claim 1; Claim 5; Abstract; 1:24-2:15; 2:56- 61; 6:9-19; 10:9- 13; 218 FH 112	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	providing of positional data to effect movement of the cursor (i.e., cursor tracking operation)	Col. 6:11-13; Claims 1 and 5, and associated text. '218 patent prosecution history including but not limited to the 10/24/1996 office action pp. 2-3, the 12/26/1996	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. U.S. Patent No.

Claim Term,	Apple's Bronosod	Intrinsic	Extrinsic	Elan's Proposed	Intrinsic	Extrinsic
Clause	Construction	Evidence	Evidence	Construction	Evidence	Evidence
					amendments pp.	5,543,591 to
					2-4, 6-7, and	Gillespie et al.
					references cited	(Bates Nos.
					therein.	ELN015740-
						015795);
						GlidePoint
						User's Guide
						published by
						Cirque
						Corporation
						(Bates Nos.
						ELN016579-
						016594);
						Windows Touch
						Driver User's
						Guide published
						by MicroTouch
						System, Inc.
						(Bates Nos.
						ELN016682-
						016707); and
						TouchWare for
						DOS, Windows
						and NT, User's
						Guide published
						by MicroTouch
						System, Inc.
						(Bates Nos.
						ELN016649-
						016681) as cited

Claim Term, Phrase or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction	Lindence	Lindence	Construction	Lindence	Linuchice
						in Elan's
						Invalidity
						Contentions.
						McGraw-Hill
						Dictionary of
						Scientific and
						Technical Terms,
						<i>Fifth Edition</i> , pp.
						452, 499 and
						1396 (Bates Nos.
						ELN017235-39).
						New IEEE, pp.
						254-255, 296
						and 888 (Bates
						Nos.
						ELN017218-
						224).
"means for	This limitation is	Claim 5; Fig. 4;	Apple may	This limitation is	Claim 5 and	Mr. Dezmelyk is
detecting contact	governed by 35	Fig. 5; Fig. 6;	provide expert	governed by 35	associated text.	expected to
intervals"	U.S.C. § 112(6).	Fig. 7; Fig. 8;	testimony	U.S.C. § 112(6).	Fig. 2, Fig. 10,	provide
(claim 5)		Fig. 9; Fig. 11;	regarding how		Col. 4:42-5:5	testimony
	The recited	4:42-5:24; 5:46-	one skilled in the	The recited		regarding how
	<u>function</u> is	56; 7:42-57;	art would have	<u>function</u> is		one skilled in the
	detecting contact	7:57-67; 8:17-	read and	detecting contact		art would have
	intervals.	52; 9:63-10:5;	understood the	intervals.		read and
		10:31-36; 10:50-	disputed claim			understood the
	The	56; 11:30-46	terms.	The		function and
	corresponding			corresponding		corresponding
	structure is a			structure is		structure.
	count up or			electrical		

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
	count down			balance		
	timer and			measurement		
	equivalents			circuit 215,		
	thereof			balance ratio		
				determination		
				circuit 220,		
				microcontroller		
				225, and		
				firmware or host		
				computer and		
				software.		
"means for	This limitation is	Claim 5; Fig. 4;	Apple may	This limitation is	Claim 5 and	Mr. Dezmelyk is
detecting gap	governed by 35	Fig. 5; Fig. 6;	provide expert	governed by 35	associated text.	expected to
intervals"	U.S.C. § 112(6).	Fig. 7; Fig. 8;	testimony	U.S.C. § 112(6).	Fig. 2, Fig. 10,	provide
(claim 5)		Fig. 9; Fig. 11;	regarding how		Col. 4:42-5:5	testimony
	The recited	4:42-5:24; 5:46-	one skilled in the	The recited		regarding how
	<u>function</u> is	56; 7:42-57;	art would have	<u>function</u> is		one skilled in the
	detecting gap	7:57-67; 8:17-	read and	detecting gap		art would have
	intervals.	52; 9:63-10:5;	understood the	intervals.		read and
		10:31-36; 10:50-	disputed claim			understood the
	The	56; 11:30-46	terms.	The		function and
	corresponding			corresponding		corresponding
	structure is a			structure is		structure.
	count up or			electrical		
	count down			balance		
	timer and			measurement		
	equivalents			circuit 215,		
	thereof			balance ratio		
				determination		
				circuit 220,		

Claim Term, Phrase, or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction		
"means for	This limitation is	Claim 5; Fig. 1;	Apple may	microcontroller 225, and firmware or host computer and software. This limitation is	Claim 5 and	Mr. Dezmelyk is
distinguishing . and reporting" (claim 5)	governed by 35 U.S.C. § 112(6). The recited <u>function</u> is distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals and reporting one of said first second or third cursor control operations.	Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8; Fig. 9; Fig. 11; 4:11-12; 4:24-30; 5:2-5; 5:46-56; 6:14- 17; 6:50-55; 6:63-66; 8:23- 30; 8:34-37; 9:10-13; 9:63- 10:13; 10:31-36; 11:25-29	provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	governed by 35 U.S.C. § 112(6). The recited <u>function</u> is distinguishing between a first cursor control operation, a second cursor control operation and a third cursor control operation based on the duration of said contact and gap intervals and reporting one of said first second or third cursor control operations.	associated text. Fig. 2, Fig. 10, Col. 4:42-5:5	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		
	corresponding			corresponding		
	structure is logic			structure is		
	implemented in			microcontroller		
	software,			225 and		
	firmware, and/or			firmware or host		
	hardware that			computer and		
	considers contact			software.		
	and gap intervals					
	to distinguish					
	between cursor					
	control					
	operations, and					
	supplies the data					
	to the computer					
	system as					
	described in Fig.					
	1, Fig. 4, Fig. 5,					
	Fig. 6, Fig. 7,					
	Fig. 8, Fig. 9,					
	Fig. 11, 4:11-12,					
	4:24-30, 5:2-5,					
	5:46-56, 6:14-					
	17, 6:50-55,					
	6:63-66, 8:23-					
	30, 8:34-37,					
	9:10-13, 9:63-					
	10:13, 10:31-36,					
	and/or 11:25-29,					
	or equivalents					
	thereof					