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

Agreed Constructions

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

Disputed Constructions

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

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5)	with the touch-sensitive input device"	5:67-6:13; 6:20-33; 6:40-50; 7:14-21; 7:26-37; 7:50-77; 8:4-9; 8:23-30; 8:40-9:10; 9:66-10:5; 10:18-23; 10:37-11:2; 12:16-20; 12:25-40; 12:51-60; 218 FH 0146	regarding how one skilled in the art would have read and understood the disputed claim terms.	continuous user contact with the touch pad	26; 6:30-33; 6:40-46; 6:59-63; 7:14-21; 7:26-37; 7:51-62; 8:4-9; 9:66-10:5; 11:54-61; 12:16-20; 12:29-40;12:51-60; Abstract; Fig. 4; Claims 1-12, 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 amendments pp. 2-4, 6-7, and references cited therein.	testimony regarding how one skilled in the art would have read and understood the disputed claim terms. U.S. Patent No. 5,543,591 to Gillespie *et al*. (Bates Nos. 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

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						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. *The New IEEE Standard Dictionary of Electrical and Electronics Terms, Fifth Edition*, 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."

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				following the end of a first contact period		
"reporting" (claims 1, 5)	No construction necessary.	Claim 1; Claim 5; Abstract; Fig. 4; Fig. 6; Fig. 8; Fig. 9; 1:8-12; 2:44-61; 3:8-11; 3:16-19; 3:23-28; 3:37-40; 4:30-41; 5:32-37; 5:46-49; 5:61-64; 6:8-16; 6:20-26; 6:34-39 6:50-55; 8:30-39; 9:10-13; 9:66-10:13; 12:15-24; 12:40-47; 218 FH 0111-12		outputting a signal to a host	Col. 4:24-41; Fig. 4; 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 amendments pp. 2-4, 6-7, and references cited therein.	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. 5,543,591 to Gillespie *et al*. (Bates Nos. ELN015740-015795); GlidePoint User's Guide published by Cirque Corporation (Bates Nos. ELN016579-016594); Windows Touch Driver User's

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						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 Contentions.
"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.

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					amendments pp. 2-4, 6-7, and references cited therein.	5,543,591 to Gillespie *et al.* (Bates Nos. 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

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						in Elan's Invalidity Contentions. *McGraw-Hill Dictionary of Scientific and Technical Terms, Fifth Edition*, pp. 452, 499 and 1396 (Bates Nos. ELN017235-39). *New IEEE*, pp. 254-255, 296 and 888 (Bates Nos. ELN017218-224).
"means for detecting contact intervals" (claim 5)	This limitation is governed by 35 U.S.C. § 112(6). The recited function is detecting contact intervals. The corresponding structure is a count up or	Claim 5; Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8; Fig. 9; Fig. 11; 4:42-5:24; 5:46-56; 7:42-57; 7:57-67; 8:17-52; 9:63-10:5; 10:31-36; 10:50-56; 11:30-46	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	This limitation is governed by 35 U.S.C. § 112(6). The recited function is detecting contact intervals. The corresponding structure is electrical	Claim 5 and associated text. Fig. 2, Fig. 10, Col. 4:42-5:5	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, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
	count down timer and equivalents thereof			balance measurement circuit 215, balance ratio determination circuit 220, microcontroller 225, and firmware or host computer and software.		
"means for detecting gap intervals" (claim 5)	This limitation is governed by 35 U.S.C. § 112(6). The recited function is detecting gap intervals. The corresponding structure is a count up or count down timer and equivalents thereof	Claim 5; Fig. 4; Fig. 5; Fig. 6; Fig. 7; Fig. 8; Fig. 9; Fig. 11; 4:42-5:24; 5:46-56; 7:42-57; 7:57-67; 8:17-52; 9:63-10:5; 10:31-36; 10:50-56; 11:30-46	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	This limitation is governed by 35 U.S.C. § 112(6). The recited function is detecting gap intervals. The corresponding structure is electrical balance measurement circuit 215, balance ratio determination circuit 220,	Claim 5 and associated text. Fig. 2, Fig. 10, Col. 4:42-5:5	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, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
				microcontroller 225, and firmware or host computer and software.		
"means for distinguishing . . . and reporting" (claim 5)	This limitation is governed by 35 U.S.C. § 112(6). The recited function 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. The	Claim 5; 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; 11:25-29	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	This limitation is governed by 35 U.S.C. § 112(6). The recited function 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. The	Claim 5 and associated text. Fig. 2, Fig. 10, Col. 4:42-5:5	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the function and corresponding structure.

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	corresponding structure is logic implemented in software, firmware, and/or hardware that considers contact 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			corresponding structure is microcontroller 225 and firmware or host computer and software.		