Exhibit D - US Patent No. 7,495,659

Agreed Constructions

Claim Term, Phrase, or Clause	Agreed Construction
"Cartesian coordinates"	"x and y axis coordinate system"
(claims 6, 8)	
"relative mode"	"reporting an object's position relative to its prior position"
(claim 12)	
"absolute mode"	"reporting an object's position with respect to the coordinate system"
(claims 10, 12)	

Disputed Constructions

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
"sensors	"sensors	Claim 1; 2:29-	Apple may	sensors	659 patent cols.	Mr. Dezmelyk is
configured to	configured to	40; 2:57-3:1;	provide expert	configured to	2:7-3:19, 5:30-	expected to
map the	map the	3:23-33; 5:38-	testimony	produce signals	6:3, 13:63-14:31;	provide
touchpad surface	touchpad surface	60; 6:51-64;	regarding how	indicating native	Figs. 1, 3-5, 11	testimony
into native	into the sensor	9:49-57; 14:25-	one skilled in the	sensor	and 12-15 and	regarding how
sensor	coordinates of	31; 16:27-37;	art would have	coordinates	corresponding	one skilled in the
coordinates"	the touchpad"	20:6-67	read and		text; Claims 1, 6-	art would have
(claim 1)			understood the		7, 15-16, 20-21,	read and
			disputed claim		28, and 32-33.	understood the
			terms.		659 patent	disputed claim
					prosecution	terms.
					history including	U.S. Patent No.

Doc. 60 Att. 3

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					the 6/2/2006	4,293,734 to
					office action	Pepper (Bates.
					pp.6-8, the	No. ELN16884-
					10/2/2006	900) ("Pepper"),
					response pp. 6-	U.S. Patent No.
					11, the	4,293,734 to
					12/12/2006	Prosenko (Bates.
					office action pp.	No.
					2-4, 6-8, 10, the	ELN016564-78)
					4/12/2007	("Prosenko"),
					response pp.2, 5-	U.S. Patent No.
					8, 10, the	6,610,936 to
					7/13/2007 office	Gillespie (Bates.
					action pp.5-8,	No.
					10-12, the	ELN016145-
					12/13/2007	201) ("Gillespie
					response pp. 2,	'936"), U.S.
					5-6, 8 and 11-	Patent No.
					12, the	5,768,492 to
					1/30/2008 office	Gillespie (Bates.
					action pp. 3-5	No.
					and 11-13, the	ELN015862-
					9/29/2008 RCE	901) ("Gillespie
					Request pp. 2, 5,	·492"),
					7-8 and 11-13,	Summagraphics
					the 10/27/2008	CR1212
					Amendments &	Graphics Tablet
					Remarks pp. 2,	Technical
					7, 10-11, the	Reference (Bates
					12/4/2008	Nos.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					Examiner's	ELN016258-
					Amendment; and	310)
					references cited	("Summagraphic
					therein.	s"), Elographics
						and Elo
						TouchSystems
						references
						disclosed with
						Elan's Invalidity
						Contentions
						(Bates Nos.
						ELN016311-
						538)
						("Elographics"),
						and Logitech
						Firmware
						Engineering
						Specification
						(Bates Nos.
						ELN016539-63)
						("Logitech") as
						cited in Elan's
						Invalidity
						Contentions.
						IEEE 100: The
						Authoritative
						Dictionary of
						IEEE Standards
						Terms, 7th ed.
						(c) 2000, ("IEEE

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
"native sensor coordinates"	"the sensor coordinates of a	Claim 1; Claim 6; 2:29-40; 3:23-	Apple may provide expert	coordinates indicating the	659 patent cols. 2:7-3:19, 5:30-	Dictionary" pp.664-65 (Bates Nos. ELN017225-31). Mr. Dezmelyk is expected to
(claims 1, 6)	touchpad"	33; 5:28-60; 6:51-64; 9:49- 57; 10:8-24; 10:39-45; 14:25- 31; 16:27-37	testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	absolute position of an object on or near the touch pad	6:3, 13:63-14:31; Figs. 1, 3-5, 11 and 12-15 and corresponding text; Claims 1, 6- 7, 15- 16, 20-21, 28, and 32-33. '659 patent prosecution history including the $6/2/2006$ office action pp.6-8, the 10/2/2006 response pp. 6- 11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-8,	provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Elographics and Logitech.as cited in Elan's Invalidity Contentions.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					10-12, the 12/13/2007 response pp. 2, 5-6, 8 and 11- 12, the 1/30/2008 office action pp. 3-5 and 11-13, the 9/29/2008 RCE Request pp. 2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, the 12/4/2008 Examiner's Amendment; and references cited therein.	
"new values associated with logical device units" (claim 1)	"new values associated with the one or more areas of the touch pad that can be actuated by a user"	Claim 1; 3:23- 33; 6:51-64; 8:4- 12; 10:39-60; 13:45-62; 14:19- 31; 659 FH 0146	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	new values indicating logical device units	⁶⁵⁹ patent cols. 2:7-4:8, 6:4- 8:14, 9:58-10:45, 13:31-18:67; Figs. 2, 3-15 and corresponding text; Claims 1, 21, 23, 28, and 32-33. ⁶⁵⁹ patent	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					prosecution	terms.
					history including	
					the 6/2/2006	Pepper,
					office action	Prosenko,
					pp.6-8,, the	Gillespie '936,
					10/2/2006	Gillespie '492,
					response pp.6-9,	Summagraphics,
					10-11, the	Elographics,
					12/12/2006	Logitech, U.S.
					office action pp.	Patent App.
					2-4, 6-8, 10, the	2003/0117380
					4/12/2007	by Kanzaki
					response pp.2, 5-	(Bates Nos.
					8, 10, the	ELN015419-27)
					7/13/2007 office	("Kanzaki") and
					action pp.5-8,	U.S. Patent No.
					10-12, the	5,189,732 to
					11/13/2007	Kondo (Bates
					Interview	Nos.
					Summary	ELN015385-94)
					Continuation	("Kondo") as
					Sheet, the	cited in Elan's
					12/13/2007	Invalidity
					response pp.2, 5-	Contentions.
					6, 8 and 11-12,	IEEE
					the 1/30/2008	Dictionary, p.56
					office action	(Bates Nos.
					pp.3-6 and 11-	ELN017225-31).
					13, the	
					9/29/2008 RCE	

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
"one or more logical device units" (claims 1, 8, 10, 12, 13)	"one or more actuation zones representing one or more areas of the track pad encompassing native sensor coordinates"	Claim 1; Claim 8; Claim 10; Claim 12; Claim 13; 3:23-33; 6:29-50; 6:65- 7:21; 10:8-60; 14:19-31; 659 FH 0146	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	discrete user actuation zones representing areas of the touch pad encompassing groups of native sensor coordinates	Request pp.2, 5, 7-8 and 11-13, the $10/27/2008$ Amendments & Remarks pp. 2, 7, 10-11, and the 12/4/2008 Examiner's Amendment; and references cited therein. '659 patent cols. 2:7-4:8, 3:22- 4:8, 9:58-10:45, 13:31-18:67; Figs. 1-3, 5-15 and corresponding text; Claims 1, 5, 21, 28-30, and 32-36. '659 patent prosecution history including but not limited to the $6/2/2006$ office action pp.6-8, the 10/2/2006 response pp. 6-	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech ,

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
-					11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-7, 9- 12, the 11/13/2007 Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5- 6, 8 and 11-12, the 1/30/2008 office action pp.3-5 and 10- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, and the 10/27/2008	IEEE Dictionary, p.638 (Bates Nos. ELN017225-31).
					Amendments & Remarks pp. 2, 7, 10-11; and	

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					references cited therein	
"adjust the native values" (claim 1)	No construction necessary.	Claim 1; 3:23- 33; 6:29-50; 6:65-7:21; 8:4- 12; 13:45-62; 14:19-31		The controller, after receiving the native values, adjusts the form of native values This may include converting multiple native values into a single native value.	'659 patent cols. 2:7-4:8, 6:4- 8:14, 9:58-10:45, 13:31-18:67; Figs. 2, 3-15 and corresponding text; Claims 1, 21, 23, 28, and 32-33. '659 patent prosecution history including the $6/2/2006$ office action pp.6-8, the 10/2/2006 response pp.6-9, 10-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, Kanzaki and Kondo.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5- 6, 8 and 11-12, the 1/30/2008 office action pp.3-6 and 11- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, and the 12/4/2008 Examiner's Amendment; and references cited therein.	
"associated with areas of the touchpad" (claim 1)	No construction necessary.	Claim 1; 3:23- 33; 6:29-50; 6:65-7:21; 10:8- 60; 14:19-31		associated with discrete user actuation zones within the touchpad	'659 patent cols. 2:7-4:8, 6:4- 8:14, 9:58- 10:45, 13:31- 18:67; Figs. 2, 3- 15 and corresponding	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					text; Claims 1, 21, 23, 28, and 32-33. '659 patent prosecution history including the $6/2/2006$ office action pp.6-8, the 10/2/2006 response pp.6-9, 10-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007 Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5- 6, 8 and 11-12, the $1/30/2008$	read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, Kanzaki Kondo

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
"actuated by a user" (claim 1)	No construction necessary.	Claim 1; 3:23- 33; 7:12-20; 7:32-47; 15:62- 16:2; 16:38-39; 16:50-62; 17:2- 5; 17:17-28; 19:62-20:4		actuated by contact with the user's finger or object controlled by the user	office action pp.3-6 and 11- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11, and the 12/4/2008 Examiner's Amendment; and references cited therein. '659 patent cols. 2:7-4:8, 5:30- 6:3, 7:23- 8:30, 8:61-9:57, 12:62-18:67; Figs. 1, 3-5, 11 and corresponding text; Claims 1, 13 28, and 32- 33. '659 patent prosecution history including the 6/2/2006	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko, Gillespie '936,

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					office action p.6- 8, the 10/2/2006 response pp.6-7 and 10-11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-7, 9- 12, the 12/13/2007 response pp.2, 5- 6, 8 and 11- 12, the 1/30/2008 office action pp.3-5 and 11- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11; and references cited therein.	Gillespie '492, Elographics, Logitech and Kanzaki as cited in Elan's Invalidity Contentions. <i>IEEE Dictionary</i> , p.15 (Bates Nos. ELN017225-31). <i>The Illustrated</i> <i>Dictionary of</i> <i>Electronics</i> , 8th ed. (c) 2001 ("Illustrated Dictionary"), p. 13 (Bates Nos. ELN017225-31).
"filtering"	No construction	Claim 1; Claim		Deciding	659 patent cols.	Mr. Dezmelyk is

Claim Term,	Apple's	Intrinsic	Extrinsic	Elan's	Intrinsic	Extrinsic
Phrase, or	Proposed	Evidence	Evidence	Proposed	Evidence	Evidence
Clause	Construction			Construction		
(claims 1, 2)	necessary.	2; Fig. 5; 3:34-		whether to report	3:33-43, 6:4-	expected to
		56; 5:19-27; 6:4-		the new values	8:14; Figs. 5-7	provide
		28; 8:59-9:3;		to the host	and	testimony
		9:3-11; 9:28-36;		device based on	corresponding	regarding how
		9:58-10:38;		the native values	text; Claims 1-5,	one skilled in the
		10:8-38; 11:7-			21, 26-27, 28,	art would have
		10; 659 FH			and 32-33.	read and
		0149; 659 FH			659 patent	understood the
		0207-08; 659 FH			prosecution	disputed claim
		0230; 659 FH			history including	terms.
		0276; 659 FH			the 6/2/2006	
		0288; 659 FH			office action	Pepper,
		0406			pp.6-9, the	Prosenko,
					10/2/2006	Gillespie '936,
					response pp.9-	Gillespie '492,
					11, the	Summagraphics,
					12/12/2006	Elographics,
					office action pp.	Logitech, U.S.
					2-4, 6-8, 10, the	Patent No.
					4/12/2007	7,030,860 to Hsu
					response pp.2, 5-	(Bates No.
					8, 10, the	ELN016202-17)
					7/13/2007 office	("Hsu"), U.S.
					action pp.5-8,	Patent No.
					10-12, the	7,292,229 to
					11/13/2007	Morag (Bates
					Interview	No.
					Summary	ELN016226-57)
					Continuation	("Morag") and
					Sheet, the	U.S. Patent No.

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
					12/13/2007 response pp.2, 5- 6, 8 and 11-12, the 1/30/2008 office action pp.3-5 and 10- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13, and the 10/27/2008 Amendments & Remarks pp. 2, 7, 10-11; and references cited therein.	5,305,017 to Gerpheide (Bates No. ELN015395- 418) ("Gerpheide") as cited in Elan's Invalidity Contentions. <i>Illustrated</i> <i>Dictionary</i> , p. 284 (Bates Nos. ELN017240-48).
"removing redundant or non-essential data" (claim 2)	"eliminating data that is redundant or not essential to the processing of touch inputs"	Claim 2; Fig. 5; 3:44-56; 5:19- 27; 6:7-28; 7:59- 8:3; 9:7-11; 9:58-10:38; 11:7-9	Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	not reporting redundant or non-essential data to the host device	'659 patent cols. 3:33-43, 6:4- 8:14; Figs. 5-7 and corresponding text; Claims 1-5, 21, 26-27, 28, and 32-33. '659 patent prosecution history including the 6/2/2006 office action	Mr. Dezmelyk is expected to provide testimony regarding how one skilled in the art would have read and understood the disputed claim terms. Pepper, Prosenko,

Claim Term, Phrase, or Clause	Apple's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed Construction	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction	pp.6-9, the 10/2/2006 response pp.9- 11, the 12/12/2006 office action pp. 2-4, 6-8, 10, the 4/12/2007 response pp.2, 5- 8, 10, the 7/13/2007 office action pp.5-8, 10-12, the 11/13/2007 Interview Summary Continuation Sheet, the 12/13/2007 response pp.2, 5- 6, 8 and 11-12, the 1/30/2008 office action pp.3-5 and 10- 13, the 9/29/2008 RCE Request pp.2, 5, 7-8 and 11-13,	Gillespie '936, Gillespie '492, Summagraphics, Elographics, Logitech, Hsu, Morag and Gerpheide as cited in Elan's Invalidity Contentions.
					and the 10/27/2008	

Claim Term, Phrase, or	Apple's Proposed	Intrinsic Evidence	Extrinsic Evidence	Elan's Proposed	Intrinsic Evidence	Extrinsic Evidence
Clause	Construction			Construction		
					Amendments &	
					Remarks pp. 2,	
					7, 10-11; and	
					references cited	
					therein.	