

**Exhibit A - US Patent No. 5,825,352****Agreed Constructions**

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

**Disputed Constructions**

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

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		48; 8:55-56; 11:11-15; 11:49-55; 14:3-7; 14:39-41; 16:36-39; 352 FH 0083-84, 89 <sup>1</sup>	terms. <sup>2</sup>			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 minima following the	“identify the lowest value in the finger profile	Claim 1; Claim 18; Fig. 3; Fig. 4; Fig. 5; Fig.	Apple may provide expert testimony	“identify the lowest value in the finger profile	Figs. 3,4, 5 & 6, 2:42-55; 4:12-16; 6:27-38;	Judge Breyer's April 7, 2007 Order, Case No.

<sup>1</sup> 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.

<sup>2</sup> 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.

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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

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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; 14:3-7; 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	

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		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	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.			
"in response to" (claims 1, 18)	"after and in reaction to"	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;	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	

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		ELN001993-97				
“pointing device click function” (claim 2)	“function that would normally result from a mouse button click”	Claim 2; 1:41-47; 1:60-2:14; 2:56-3:15; 4:6-11; 4:30-39; 5:9-19; 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	US Patent No. 5,757,368; Apple may provide expert testimony regarding how one skilled in the art would have read and understood the disputed claim terms.	Plain meaning	Col. 1:41-47; Col. 1:60-2:6; Col. 2:56-3:15; Col. 11:55-12:10.	Mr. Dezmelyk is expected to provide testimony 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

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	mouse”	352FH 50; 352FH 467;	read and understood the disputed claim terms and corresponding structure.	cursor movement.	text.	art would have read and understood the function and corresponding structure.
“means for providing an indication” (claim 18)	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is providing an indication of the simultaneous presence of two fingers in response to identification of said first and second maxima.</p> <p>The <u>corresponding structure</u> is the algorithm found in Fig. 8-1, which sets a Finger value equal to two</p>	Claim 18; 7:26-33; 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.	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is providing an indication of the simultaneous presence of two fingers.</p> <p>The <u>corresponding structure</u> is Analog multiplexor 45: Capacitance measuring circuit 70: A to D convertor 80, Microcontroller 60 and/or software,</p>		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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	after determining if a scan in either the X direction or the Y direction has detected two fingers.			firmware or hardware performing the claimed function.		
“means for selecting an appropriate control function” (claim 19)	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is selecting an appropriate control function based on a combination of a number of fingers detected, an amount of time said fingers are detected, and any movement of said fingers.</p> <p>Because the specification does not disclose a corresponding</p>		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 the claimed function.	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is selecting an appropriate control function based on a combination of a number of fingers detected, an amount of time said fingers are detected, and any movement of said fingers.</p> <p>The <u>corresponding structure</u> is Analog</p>	Figs. 7, 8 and 9 and associated text at 12:14-16:5	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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	structure, this limitation is indefinite.			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 detecting a distance between said first and second maxima” (claim 24)	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is detecting a distance between said first and second maxima.</p> <p>Because the specification does not disclose a corresponding structure, this limitation is</p>		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	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is detecting a distance between said first and second maxima.</p> <p>The <u>corresponding structure</u> is Analog multiplexor 45: Capacitance</p>		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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	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.		
“means for providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time” (claim 26)	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.</p> <p>Because the specification does not disclose</p>		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 the claimed	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is providing a click function in response to the removal and reappearance of said second maxima within a predetermined period of time.</p> <p>The <u>corresponding structure</u> is</p>		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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	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)	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is calculating first and second centroids corresponding to said first and second fingers.</p> <p>Because the specification does not disclose</p>		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	<p>This limitation is governed by 35 U.S.C. § 112(6).</p> <p>The recited <u>function</u> is calculating first and second centroids corresponding to said first and second fingers.</p> <p>Analog multiplexor 45: Capacitance</p>		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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	a corresponding structure, this limitation is indefinite.		structure 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.		