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11 Attorneys for Plaintiff and Counterclaim
 12 Defendant
 EIT Holdings LLC

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 15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN FRANCISCO DIVISION**
 18

19 EIT HOLDINGS LLC, a Delaware company,
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 Plaintiff,
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 vs.
 22 LINKEDIN CORPORATION, a Delaware
 Corporation,
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 Defendant.
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Case No. 5:11-CV-02465 PSG

**CLAIM CONSTRUCTION AND
 PREHEARING STATEMENT
 PURSUANT TO PATENT L.R. 4-3**

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 27 Pursuant to Patent L.R. 4-3 and the Court's Case Management Order of September 21,
 28 2011 (Doc. No.26), Plaintiff and Counterclaim Defendant, EIT Holdings LLC ("EIT") submits

1 the following Claim Construction and Prehearing Statement. LinkedIn Corp. (“LinkedIn”)
2 declined to participate.

3 **A. The Construction of Terms on Which the Parties Agree**

4 There are no terms on which the parties agree.

5 **B. Proposed Constructions of the Disputed Terms**

6 EIT asks that the Court construe eight terms from U.S. Patent No. 5,828,827 (“the ‘837
7 patent”). LinkedIn has asked the Court to adopt in its entirety Judge Alsup’s claim
8 construction order of October 24, 2011 in EIT Holdings LLC v. Yelp!, Inc., 3:10-cv-
9 05623-WHA.

10 Defendant LinkedIn declined to participate, stating: “We disagree that the joint
11 claim construction statement is due, and do not wish to rush the typical process involved in
12 preparing such a statement. It is our position that the Court did not set a schedule that
13 would require the filing of the joint claim construction statement on January 3rd and that
14 the parties should address a proper time for such a filing at the upcoming case management
15 conference.”
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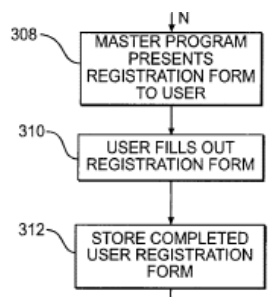
Term	Pat. L.R. 4.2(a) Plaintiff’s Proposed Construction, including structure for those terms governed by 35 U.S.C. § 112(6)	Pat. L.R. 4.2(b) Plaintiff’s Identification of Intrinsic and Extrinsic Evidence
means for receiving	Function: receiving, through the master node, a user id and respective network address corresponding to a current user of the user node Structure web server of master program and equivalents.	“The master program module . . . includes means for receiving the user id and respective network address from the master node[.] ‘837 patent at 2:45-48

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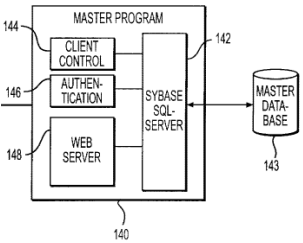
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		<p>'837 patent, Fig. 1</p> <p>"[W]eb server 148 provides a home page for user registration, information, . . ."</p> <p>'837 patent at 3:57-58</p>
<p>means for transmitting</p>	<p>Function: transmitting to the user node, through the master node, a reference to target information corresponding to the accessed user profile</p> <p>Structure: web server of master program and equivalents</p>	<p>"The master program module accesses user profile information corresponding to the user id, and transmits a reference to target information to the user node."</p> <p>'837 patent at 2:60-62.</p> <p>"FIG. 5A contains a flowchart showing the process of transmitting target information to the user using otherwise idle bandwidth. When a user connects to ISP 150 (step 502), ISP 150 notifies master program 140 of the user's identity and network address (step 506).</p> <p>'837 patent at 4:48-53</p> <p>"Master program 140 transmits the identified reference to Client 122 of user node 120 (step 512) upon request from Client 122."</p> <p>'837 patent at 4:59-61.</p> <p>See also Fig. 1 Fig. 2. Fig. 5A</p>
<p>Means for registering</p>	<p>Function: registering a first-time user of the computer network</p>	<p>"While 'surfing' on the internet, 200, the user may select master program 140 home page (step 304). Upon selecting master</p>

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	<p>Structure: the combination of a web server, master program, and user node; and equivalents</p>	<p>program 140, authentication program 146 checks to see whether the user is registered in master program 140 (step 306)”</p> <p>‘837 patent at 4: 4-11.</p> <p>“The first step in using network 100 is the user registration process, which will be explained with reference to FIG. 3. . . . If the user is not registered, master program 140 presents a registration form to the user node 120 (step 308). The user then completes the registration form on the screen by providing user profile information, such as user identification of ISP 150, characteristics, interests and hobbies (step 310). User node transmits the completed form to master program 140 which stores it in master database 143 (step 312) “</p> <p>‘837 patent at 4:4-5, 14-21)</p> <p>“[W]eb server 148 provides a home page for user registration[.]” ‘837 patent at 3:57-58</p>  <pre>graph TD; 308[MASTER PROGRAM PRESENTS REGISTRATION FORM TO USER] --> 310[USER FILLS OUT REGISTRATION FORM]; 310 --> 312[STORE COMPLETED USER REGISTRATION FORM];</pre> <p>‘837 patent, extract from Fig. 3.</p> <p>“FIG. 3 is a flowchart of a user registration process according to a preferred implementation of this invention[.]” <i>Id.</i> at 19-20.</p> <p>Extrinsic:</p>
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		<p>“‘Means for registering’ in this patent, would be understood a person of ordinary skill in the art, in 1996, to be the combination of a web server, master program, and user node. 3:58–60; 4:4–25; Fig. 3; 3:19–20.”</p> <p>Expert Declaration of Dr. Tal Lavian at ¶66.</p>
<p>Means for accessing</p>	<p>Function: accessing from the master database user profile information corresponding to the user id</p> <p>Structure: sql-server of master program and equivalents</p>	<p>“Sybase SQL-Server platform 142 accesses a master database 143[.]” ‘837 patent at 3:53–54.</p>  <p>‘837 patent, extract from Fig. 1.</p> <p>“If the user is registered, master program 140 accesses user profile information to identify the reference to the corresponding item of information item list stored in master database 143 (step 510) .”</p> <p>‘837 patent at 4:55-58</p> <p>See also Fig. 5A</p> <p>Extrinsic:</p> <p>“‘Means for accessing’ in this patent, would be understood a person of ordinary skill in the art, in 1996, to be a server built on a Sybase SQL-server platform or similar database technology. 3:50–54; Fig. 1; 3:14–15.”</p> <p>Expert Declaration of Dr. Tal Lavian ¶ 65</p>

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reference	Dynamically generated pointer	<p>“The master program module accesses user profile information corresponding to the user id, and transmits a reference to target information to the user node. The user node receives the reference to the target information, and requests a transfer of target information from a master node.”</p> <p>’837 patent at 2:60-65.</p> <p>“That pointing corresponds to the user profile information on the user registration form. Segments can include, for example, hobbies and interests. Each segment of user segment list 420 in turn points to a particular item on information item list 430 that represents the type of relevant target information to be sent to the user as described below.”</p> <p>’837 patent at 4:42-45</p> <p>“If the user is registered, master program 140 accesses user profile information to identify the reference to the corresponding item of information item list 430 stored in master database 143 (step 510). Master program 140 transmits the identified reference to Client 122 of user node 120 (step 512) upon request from Client 122. This enables Client 122 to begin requesting target information stored in information base 133 corresponding to the referenced item of information item list 430 (step 514).”</p> <p>’837 patent at 4:55-64.</p> <p>See also</p>
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		<p>Figure 4</p> <p>Extrinsic:</p> <p>“The terms ‘pointer’ and ‘reference’ are generally interchangeable, although particular programming languages differentiate these two in subtle ways.”</p> <p>Free On-Line Dictionary of Computing. www.foldoc.org</p> <p>“A reference is a link or pointer to another object, and implies a relationship to that other object.”</p> <p>U.S. Patent No. 576,039 at 3:35-36</p> <p>“Given the content of shadow documents and their relationship to the original or root document, an algorithm in Tree Builder 236 can be used to traverse the chain of pointers or references to the parent of each shadow document, and, once the root has been identified, to then recursively traverse all references to each child document.”</p> <p>U.S. Patent Publication No. 1US 2008/0244372 at ¶ 51.</p> <p>“When invoking print through a pointer (or reference) which has been declared to be a pointer to an object of type person, the actual virtual function to be called will be determined at run time according to the actual type of the referenced object.”</p> <p>U.S. Patent No. 5,590,327 at 5: 43-47</p> <p>“In computer science, a reference is a value that enables a program to indirectly access a particular data item, such as a variable or a record, in the computer’s memory or in some other storage device. A reference is distinct from the data itself. Typically, a reference is a physical</p>
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		<p>address of where the data is stored in memory or in the storage device. For this reason, a reference is often called a pointer or address, and is said to point to the data.”</p> <p>The Free Dictionary by Farlex at www.thefreedictionary.com</p> <p>See also perldoc.perl.org, Making Reference at 1-4</p>
<p>means for storing</p>	<p>Function: storing a user report from the user node</p> <p>Structure: sql-server of master program and equivalents</p>	<p>“Finally, the master program module stores the user report from the user node.”</p> <p>’837 patent at 3:5-6</p> <p>“Client 122 eventually transmits the user report to master program 140 (step 540), and master program 140 updates master database 143 with the user report (step 542).”</p> <p>’837 patent at 7: 8-11</p>
<p>Master node</p>	<p>Web connected server or cluster of servers.</p>	<p>See Figure 1, Master Node 130</p> <p>“The master node is coupled to the user node over a transmission medium capable of supporting communications between the master node and the user node. The master node includes means for receiving the user id and the respective network address from the network service provider, means for monitoring the traffic on the transmission medium between the user node and the master node, and means for transferring information to the user node without causing additional communication delay between the master node and the user node.”</p> <p>’837 patent at 2: 36-45.</p>

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		<p>“The master node transfers the requested target information to the user node while minimizing additional communication delay between the master node and the user node.”</p> <p>’837 patent at 2:65-3:1</p> <p>“A master node 130 is preferably a server which has a special FTP (File Transfer Protocol) service 132 that transfers information to the user in conjunction with the Client 122. Preferably, service 132 includes FTP software that provides the necessary mechanism to minimize interference with network traffic. Special FTP service 132 also accesses information base 133 containing referenced information items.”</p> <p>’837 patent at 3: 42-49</p> <p>“During the user's session on computer network 100, master node 130 automatically transfers the referenced target information in the background to Client 122 (step 516). The target information is transmitted in packets over a transmission medium until all packets are transferred (step 518).”</p> <p>’837 patent at 4:65-5:3.</p>
<p>Master database</p>	<p>Collection of information including user profile information and target information list</p>	<p>“Sybase SQL-Server platform 142 accesses a master database 143, which contains user information including user profile information and target information references.”</p>

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		<p>'837 patent at 3: 53-56</p> <p>“Master database 143 stores user profile references to the user segment list 420 and information item list 430.”</p> <p>'837 patent at 4: 47-48</p> <p>“If the user is registered, master program 140 accesses user profile information to identify the reference to the corresponding item of information item list 430 stored in master database 143 (step 510).”</p> <p>'837 patent at 4:56-58</p> <p>Extrinsic:</p> <p>“Database – A collection of related information in an easily accessible format such as a table form or report.”</p> <p>Computing Dictionary, PCNovice Learning Series, The Illustrated Book of Terms and Technologies (Winter 1996)</p> <p>“Database – <i>computing</i> a collection of computer data.”</p> <p>Merriam Webster’s Collegiate Dictionary (10th Ed. 1996)</p>
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GOLDSTEIN & LIPSKI P.L.L.C.

January 3, 2012

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFF
EIT HOLDINGS LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on January 3, 2012, or, if not yet registered with the Court's CM/ECF system, via electronic mail pursuant to Fed.R.Civ.P. 5(b)(2)(E). Any other counsel of record will be served by first class U.S. Mail.

/s/ Alisa A. Lipski
Alisa A. Lipski