

Under Patent Local Rule 4-3 and the Court's Minute Order and Case
 Management Order, Plaintiff Google Inc. ("Google") and Defendants Rockstar
 Consortium US LP and MobileStar Technologies LLC ("Rockstar") hereby submit
 this Joint Claim Construction and Prehearing Statement.

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CONSTRUCTION OF THOSE CLAIM TERMS, PHRASES, OR CLAUSES ON WHICH THE PARTIES AGREE

The Parties agree to the construction of the following terms:

9	Term	Claims	Agreed Construction
10	"integrated circuit component"	'551 Patent, claims 2-3	"a circuit constructed on a single monolithic substrate"
11 12	"the physical viewing area corresponding to the manipulable area portion and the representation of	'937 Patent, claims 1, 13	"the physical viewing area where the representation of the control tool overlays the manipulable area portion"
13	the control tool"		
	Order of steps	'937 Patent, claim 1	[1.3] must occur before [1.4];
14			[1.4] must occur before [1.5];
15			[1.5] must occur before [1.6].
16	Order of steps	'937 Patent, claim 2	[2.2] must occur before [2.3].
17	"dynamically displaying at least a portion of the call trace information that was	'572 Patent, claim 17	"displaying at least a portion of the call trace information that was received without requiring further
18 19	received"		user interaction between receiving and displaying the call trace information"
20	"independent connections with different bandwidths"	'973 Patent, claims 1, 8, 21, 33	Plain meaning
21 22 23	"means for displaying on the display a portion of the received notification messages and the associated message type	'973 Patent, claim 1	<u>Function</u> : displaying on the display a portion of the received notification messages and the associated message type indicators as entries in a single selectable list
24	indicators as entries in a single selectable list"		
25			Structure: Display 2400, feature processor 3300, memory 3400,
26			display module 3700, and message center 6100, including as recited and described in Figures 2, 2, 6, 7A, and
27			described in Figures 2, 3, 6, 7A, and 7B, and equivalent
28			·
			CASE NO. 13-CV-5933-CW
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1	Term	Claims	Agreed Construction
2	"means for displaying on the display detailed	'973 Patent, claim 2	<u>Function</u> : displaying on the display detailed information about a sender
	information about a sender		of the selected pending message
3	of the selected pending message upon direction from the user"		upon direction from the user
5	from the user		Structure: Display 2400, feature processor 3300, memory 3400,
6			display module 3700, and message center 6100, including as recited and
7			described in Figures 2, 3, 6, 7A, and 7B, and equivalent
8	"means for displaying at least one of sender home	'973 Patent, claim 3	<u>Function</u> : displaying at least one of sender home telephone number data,
9	telephone number data, sender business telephone		sender business telephone number data, sender cellular telephone
10	number data, sender cellular telephone number data, sender e-mail address		number data, sender e-mail address data, and sender fax number data
11 12	data, and sender fax number data"		Structure: Display 2400, feature
12 13			processor 3300, memory 3400, display module 3700, and message
14			center 6100, including as recited and described in Figures 2, 3, 6, 7A, and 7B, and equivalent
15	"means for displaying one of the portions of the	'973 Patent, claim 4	<u>Function</u> : displaying one of the portions of the received notification
16 17	received notification messages and the associated graphical icon		messages and the associated graphical icon as a single entry in the single selectable list
18	as a single entry in the single selectable list"		
19			Structure: Display 2400, feature processor 3300, memory 3400, display module 3700, and message
20 21			center 6100, including as recited and described in Figures 2, 3, 6, 7A, and 7B, and equivalent
22	"means for displaying a sender identification and	'973 Patent, claim 5	<u>Function</u> : displaying a sender identification and the associated
23	the associated graphical icon as a single entry in the		graphical icon as a single entry in the single selectable list
24	single selectable list"		
25			Structure: Display 2400, feature processor 3300, memory 3400, diaplay modulo 2700, and massage
26 27			display module 3700, and message center 6100, including as recited and described in Figures 2, 3, 6, 7A, and 7B, and equivalent
28			,
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1	Term	Claims	Agreed Construction
2	"means for displaying a sender identification and	'973 Patent, claim 6	<u>Function</u> : displaying a sender identification and the associated
	the associated message		message type indicator as a single
3	type indicator as a single entry in the single		entry in the single selectable list
4	selectable list"		
5			Structure: Display 2400, feature processor 3300, memory 3400, display module 3700, and message
6 7			center 6100, including as recited and described in Figures 2, 3, 6, 7A, and
	"means for displaying on	'973 Patent, claim 21	7B, and equivalentFunction: displaying on the display
8 9	"means for displaying on the display screen an identification of the sender	975 Fatent, Claim 21	screen an identification of the sender and the associated message type
10	and the associated message type indicator for each of		indicator for each of the received notification messages as entries in a
11	the received notification messages as entries in a single selectable list to		single selectable list to allow the user to select one of the pending messages from the single selectable
12	allow the user to select one of the pending messages		list for viewing
13	from the single selectable list for viewing"		Structure: Display 2400, feature
14	C C		processor 3300, memory 3400, display module 3700, and message
15			center 6100, including as recited and described in Figures 2, 3, 6, 7A, and
16	"manage for directing the	(072 Detent aloin 21	7B, and equivalent
17	"means for directing the display screen to display detailed information about	'973 Patent, claim 21	<u>Function</u> : directing the display screen to display detailed information about the sender of the
18	the sender of the selected		selected pending message in response to selection by the user
19	pending message in response to selection by the user"		response to selection by the user
20			Structure: Display 2400, feature processor 3300, memory 3400,
21			display module 3700, and message center 6100, including as recited and
22 23			described in Figures 2, 3, 6, 7A, and 7B, and equivalent
23 24			
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1	Term	Claims	Agreed Construction
2	"means for displaying each of the sender identification	'973 Patent, claim 24	<u>Function</u> : displaying each of the sender identification and the
	and the associated		associated graphical icons as
3	graphical icons as separate entries in the single		separate entries in the single selectable list
4	selectable list"		
5			Structure: Display 2400, feature
6			processor 3300, memory 3400, display module 3700, and message
7			center 6100, including as recited and
-			described in Figures 2, 3, 6, 7A, and 7B, and equivalent
8	"means for displaying the	'973 Patent, claim 25	Function: displaying the detailed
9	detailed sender information for the selected pending		sender information for the selected pending message only upon
10	message only upon direction from the user"		direction from the user
11			Structure: Display 2400, feature
12			processor 3300, memory 3400, display module 3700, and message
13			center 6100, including as recited and described in Figures 2, 3, 6, 7A, and
14			7B, and equivalent
15	"means for directing the display screen to display at least one of sender home	'973 Patent, claim 26	<u>Function</u> : directing the display screen to display at least one of sender home telephone number data,
16	telephone number data, sender business telephone		sender business telephone number data, sender cellular telephone
17 18	number data, sender cellular telephone number data, sender e-mail address		number data, sender e-mail address data, and sender fax number data
	data, and sender fax		
19 20	number data"		<u>Structure</u> : Display 2400, feature processor 3300, memory 3400, display module 3700, and message
			center 6100, including as recited and
21 22			described in Figures 2, 3, 6, 7A, and 7B, and equivalent
	"address of the filter node"	²⁹⁸ Patent, claims 11, 14-15, 19, 23-24, 27-28,	"unique identifier of the filter node on a public network such as the
23		31	Internet"
24 25	The Douting agree 41	o following tomas as are:	ro the appointed option don't has's
		e tonowing terms requi	re the specified antecedent basis:
26	'937 Patent Antecedent Basis Constructions		
27	"the user input"		n the "receiving" limitation of claim 1,
28		or the "means for receiving	ng" limitation of claim 13
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	'937 Patent Antecedent Basis Constructions		
	"said control tool" / "the control tool"	Refers to "a control too 1, or the "means for dis	ol" in the "displaying" limitation of clair splaying" limitation of claim 13
	"said manipulable area portion" / "the manipulable area portion"	Refers to "a manipulab limitation of claim 1, o claim 13	le area portion" in the "providing" r the "means for providing" limitation o
	"the representation of the control tool"	Refers to "a representa limitation of claim 1, o of claim 13	tion of a control tool" in the "displaying r the "means for displaying" limitation
	"the at least one control tool function"		control tool function" in the "displaying r the "means for displaying" limitation
	"the at least one manipulation function"		manipulation function" in the of claim 1, or the "means for providing"
	The Parties agree on	the function only for	the following means plus function
t	terms. The parties do not a	agree on what structur	re, if any, corresponds to these
f	functions. As set out in Ex	chibits A and B, Goog	gle maintains that certain terms are
functions. As set out in Exhibits A and B, Google maintains that certain terms are indefinite; Rockstar disagrees.			
i	indefinite; Rockstar disagr	ees.	
i	Term	Claims	Agreed Construction
i	Term "means for determining a message type of the pending messages from the information corresponding		The function is "determining a message type of the pending messages from the information corresponding to the received
i	Term "means for determining a message type of the pending messages from the	Claims	The function is "determining a message type of the pending messages from the information
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a	Claims	The function is "determining a message type of the pending messages from the information corresponding to the received notification messages"The function is "associating a
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received	Claims '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of the received notification messages
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received notification messages based on the determined	Claims '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received notification messages based on the determined message type" "means for receiving a	Claims '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of the received notification messages based on the determined message type " The function is "receiving a
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received notification messages based on the determined message type" "means for receiving a selection of one of the pending messages based on	Claims '973 Patent, claim 1 '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of the received notification messages based on the determined message type " The function is "receiving a selection of one of the pending messages based on the entries in the
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received notification messages based on the determined message type" "means for receiving a selection of one of the	Claims '973 Patent, claim 1 '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of the received notification messages based on the determined message type " The function is "receiving a selection of one of the pending
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received notification messages based on the determined message type" "means for receiving a selection of one of the pending messages based on the entries in the single selectable list" "means for retrieving	Claims '973 Patent, claim 1 '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of the received notification messages based on the determined message type " The function is "receiving a selection of one of the pending messages based on the entries in the single selectable list" The function is "retrieving the
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received notification messages based on the determined message type" "means for receiving a selection of one of the pending messages based on the entries in the single selectable list"	Claims '973 Patent, claim 1 '973 Patent, claim 1 '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of the received notification messages based on the determined message type " The function is "receiving a selection of one of the pending messages based on the entries in the single selectable list"
i	Term "means for determining a message type of the pending messages from the information corresponding to the received notification messages" "means for associating a message type indicator with each of the received notification messages based on the determined message type" "means for receiving a selection of one of the pending messages based on the entries in the single selectable list" "means for retrieving [manipulating] the selected pending message for viewing and manipulation	Claims '973 Patent, claim 1 '973 Patent, claim 1 '973 Patent, claim 1	 The function is "determining a message type of the pending messages from the information corresponding to the received notification messages" The function is "associating a message type indicator with each of the received notification messages based on the determined message type " The function is "receiving a selection of one of the pending messages based on the entries in the single selectable list" The function is "retrieving the selected pending message for viewing and manipulation by the

1	Term	Claims	Agreed Construction
2	"means for accessing an external mail server"	'973 Patent, claim 7	The function is "accessing an external mail server"
3 4	"means for retrieving the selected pending message from the external mail server"	'973 Patent, claim 7	The function is "retrieving the selected pending message from the external mail server"
5	"means for associating a	'973 Patent, claim 21	The function is "associating a
6	message type indicator with each of the received notification messages		message type indicator with each of the received notification messages based on the message type of the
7	based on the message type of the corresponding		corresponding pending message"
8	pending message"		
9	"means for determining a characteristic of the communication event"	'131 Patent, claim 1	The function is "determining a characteristic of the communication event"
10	"means for selecting a	'131 Patent, claim 1	The function is "selecting a
11	notification based on the characteristic"		notification based on the characteristic "
12 13	"means for sending the user the selected notification"	'131 Patent, claim 1	The function is "sending the user the selected notification"
14	"means for receiving a	'131 Patent, claim 1	The function is "receiving a
15	selection from the user indicating a format for delivery of further		selection from the user indicating a format for delivery of further
16 17	delivery of further notification information regarding the communication event"		notification information regarding the communication event"
18	"means for allowing the	'131 Patent, claim 1	The function is "allowing the further
19	further notification information regarding the communication event to be		notification information regarding the communication event to be sent to the user in the selected format"
20	sent to the user in the selected format"		
21	"means for buffering further data packets	'298 Patent, claim 32	The function is "buffering further data packets received from the first
22 23	received from the first network while waiting for the return packet"		network while waiting for the return packet"
24	the fetuin packet		
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2"means for receiving from the first network, a data packet having destination information, which includes a destination address and a destination port, corresponding to a node in the second network and having source information, which includes a source address and having source information, which includes a source address source port, corresponding to a node in the first network?'298 Patent, claim 27The function is "receiving first network"7and a source port, corresponding to a node in the first network, the data packet having the replaced source information, whereby that packet is routed according to its destination information to the corresponding second network node"'298 Patent, claim 27The function is "sending to second network, the data packet having the replaced source information to the corresponding second network node"14"means for receiving from the second network, adata packet having the address"'298 Patent, claim 28The function is "receiving second network node"15of the filter node as the destination information in the data packet to particular source particular source'298 Patent, claim 28The function is "correlatir destination address"16"means for sending to the destination in the data packet having the replaced destination information				
2the first network, a data packet having destination includes a destination includes a destination port, corresponding to a node in the second network and having source information, which includes a source address and a source port, corresponding to a node in the first network"first network, a data pack destination information port, corresponding to a node in the second network and having source information, which includes a source address and a source port, corresponding to a node in the first network"first network, adata data packet having the replaced source information the corresponding to its destination information to the corresponding to a the corresponding to the destination information to the corresponding the destination information to the corresponding to a the corresponding to a the corresponding to a the corresponding to the destination information in the data packet having the address of the filter node as the destination information in the data packet having the data packet having the address'298 Patent, claim 28The function is "receiving as the destination address"10"means for correlating the destination information in the data packet to particular source information being maintained"'298 Patent, claim 28The function is "sending to estimation in the data packet to particular source information in the data packet to particular source information in the data packet to particular source information being maintained"20"means for sending to the first network the data packet having the replaced destination information to the corresponding fi	1			Agreed Construction
3information, which includes a destination address and a destination port, corresponding to a node in the second network and having source address and a source port, corresponding to a node in the first network"includes a source address source port, corresponding in the first network"9"means for sending to the second network, the data packet having the replaced source information in formation in the data carding to its destination information to the second network, adata packet having the address of the filter node as the destination information in the data packet to particular source information in fiber particular source information in the data pack the data packet to particular source information in the data pack the data packet to particular source information in the data pack destination information in the data packet to particular source information in the data packet to information in the data packet to particular source information in the data packet to information in the data packet to information in the data packet to particular source information in the data packet to information in the data packe	2	the first network, a data	298 Patent, claim 27	first network, a data packet having destination information, which
5port, corresponding to a node in the second network and aving source information, which 	3	information, which		includes a destination address and a destination port, corresponding to a
6and having source information, which includes a source address and a source port, corresponding to a node in the first network"source port, corresponding in the first network"9"means for sending to the sccond network, the data packet having the replaced source information, whereby that packet is routed according to its destination information to the corresponding to its destination information in the second network, a data packet having the address of the filter node as the destination information in the data packet to particular source information being maintained"'298 Patent, claim 28The function is "sending to second network, a data packet having the address of the filter node as the destination information in the data packet to particular source information being maintained"'298 Patent, claim 28The function is "correlating the data packet to particular source information information in the data packet to particular source information being maintained"10"means for sending to the first network the data packet having the adpacket to particular source information information, whereby that packet is routed according to its destination information, whereby that packet is routed according to its destination information, the data packet having the replaced destination information, the data packet is routed according to its destination information to the corresponding first network node"20"means for sending to its desti		port, corresponding to a		node in the second network and having source information, which
7includes a source address and a source port, corresponding to a node in the first network."'298 Patent, claim 27The function is "sending to 		and having source		source port, corresponding to a node
8corresponding to a node in the first network."'298 Patent, claim 27The function is "sending to second network, the data having the replaced source information, whereby that packet is routed according to its destination information to the second network, a data packet having the address destination address."'298 Patent, claim 27The function is "sending to second network, the data pa having the replaced source information to the corresp second network node."11"means for receiving from the second network, a data packet having the address."'298 Patent, claim 28The function is "receiving second network, a data pa having the address of the as the destination address."16"means for correlating the destination information in the data packet to particular source information being maintained"'298 Patent, claim 28The function is "correlating destination information in the data packet to particular source information information to the data packet is routed according to its destination information, whereby that packet is routed according to its destination information to the corresponding first network node."'298 Patent, claim 28The function is "sending to network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node."20"means for sending to the first network mode"'298 Patent, claim 28The function is "sending to network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node.		includes a source address		In the first network
9second network, the data packet having the replaced source information, whereby that packet is routed according to its the corresponding second network node"second network, the data j having the replaced source information, whereby that routed according to its desi information to the corresp second network, node"12the corresponding second network node"'298 Patent, claim 28The function is "receiving second network, a data packet having the address of the filter node as the destination information in the data packet to particular source information being maintained"'298 Patent, claim 28The function is "correlating destination part of the destination information in the data packet to particular source information being maintained"20"means for sending to the first network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending t network the data packet having the replaced destination information to the corresponding first network node"20"means for sending to the first network the data packet having the replaced destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending t network the data packet having the replaced destination information to the corresponding first network node"21packet having the replaced destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending t network the data packet having the replaced destination inf		corresponding to a node in		
10source information, ' whereby that packet is routed according to its destination information to the corresponding second network node"information, whereby that routed according to its destination information to the corresponding second network node"12''means for receiving from the second network, a data packet having the address of the filter node as the destination information in the data packet having the address''298 Patent, claim 28The function is "receiving second network, a data pa having the address of the i as the destination address'16''means for correlating the destination information in the data packet to particular source information being maintained'''298 Patent, claim 28The function is "correlatin' destination port of the data particular source information information being maintained''20''means for sending to the first network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node'''298 Patent, claim 28The function is "sending to network the data packet the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node''23destination information to the corresponding first network node'''298 Patent, claim 28The function is "sending to network he data packet having the replaced destination information to the corresponding first network node''24''means for sending to its destination information to the corresponding first network node''''means for sending to its <td>9</td> <td></td> <td>'298 Patent, claim 27</td> <td>The function is "sending to the second network, the data packet</td>	9		'298 Patent, claim 27	The function is "sending to the second network, the data packet
11routed according to its destination information to the corresponding second network node"information to the corresp 	10	packet having the replaced source information,		having the replaced source information, whereby that packet is
12 the corresponding second network node" 13 "means for receiving from the second network, a data packet having the address of the filter node as the destination address" '298 Patent, claim 28 The function is "receiving second network, a data pa having the address of the filter node as the destination address" 16 "means for correlating the destination port of the destination information in the data packet to particular source information being maintained" '298 Patent, claim 28 The function is "correlating the data packet to particular source information being maintained" 19 "means for sending to the first network the data packet is routed according to its destination information to the corresponding first network node" '298 Patent, claim 28 The function is "sending to network the data packet is routed according to its destination information to the corresponding first network node" 23 destination information to the corresponding first network node" first network node" 24 Pateor corresponding first network node" first network node"		routed according to its		routed according to its destination information to the corresponding second network node"
15"means for receiving from the second network, a data packet having the address of the filter node as the destination address"'298 Patent, claim 28The function is "receiving second network, a data pa having the address of the i as the destination address"16"means for correlating the destination port of the destination information in 		the corresponding second		
14the second network, a data packet having the address of the filter node as the destination address"second network, a data pa having the address of the i as the destination address"16"means for correlating the destination port of the destination information in the data packet to particular source information being maintained"'298 Patent, claim 28The function is "correlatin destination port of the data packet to particular source information being maintained"20"means for sending to the first network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending to network the data packet is routed according to its destination information, whereby that packet is routed according to its destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending to network the data packet is routed according to its destination information to the corresponding first network node"25262627	13		'298 Patent, claim 28	The function is "receiving from the
16destination address"'298 Patent, claim 28The function is "correlating destination port of the destination in formation in the data packet to particular source information being maintained"18the data packet to particular source information being maintained"'298 Patent, claim 28The function is "sending to maintained"20"means for sending to the first network the data packet is routed according to its destination information, whereby that packet is routed according to its destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending to network the data packet having the replaced destination information, whereby that packet is routed according to its destination to the corresponding first network node"24estination information to the corresponding first network node"		the second network, a data		second network, a data packet having the address of the filter node
17Means for correlating the destination port of the destination information in the data packet to 				as the destination address"
18destination information in the data packet to particular source information being maintained"information in the data pa particular source informat maintained"20"means for sending to the first network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending to network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node"24252627		destination port of the	²⁹⁸ Patent, claim 28	The function is "correlating the destination port of the destination
19information being maintained"2020"means for sending to the first network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node"'298 Patent, claim 28The function is "sending to network the data packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node"24252627		the data packet to		information in the data packet to particular source information being
20 21 21 22 	19	information being		mannamed
21packet having the replaced destination information, whereby that packet is routed according to its destination information to the corresponding first network node"replaced destination inform whereby that packet is rou according to its destination information to the corresp first network node"24252627	20	"means for sending to the	'298 Patent, claim 28	The function is "sending to the first network the data packet having the
 whereby that packet is routed according to its destination information to the corresponding first network node" according to its destination information to the corresponding first network node" 		packet having the replaced		replaced destination information, whereby that packet is routed
24 the corresponding first network node" 25 26 27		whereby that packet is routed according to its		according to its destination information to the corresponding
25 26 27		the corresponding first		first network node"
26 27		network node		
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1	Term "means for ignoring a data	Claims '298 Patent, claim 29	Agreed Construction The function is "ignoring a data
2	packet received from the		packet received from the second
3	second network, if the destination port of the destination information in		network, if the destination port of the destination information in that data packet can not be correlated to
4 5	that data packet can not be correlated to the maintained source		the maintained source information"
6	information"	(200 D-4-14 -1-1-21	The formation is financial formation
7	"means for receiving from the first network, a data packet having a destination	'298 Patent, claim 31	The function is "receiving from the first network, a data packet having a destination address corresponding to
8	address corresponding to a node in the second		a node in the second network"
9	network"		
10	"means for sending to the second network the data	'298 Patent, claim 31	The function is "sending to the second network the data packet
11	packet having the replaced source address, whereby that packet is routed to the		having the replaced source address, whereby that packet is routed to the
12	that packet is routed to the corresponding second network node"		corresponding second network node"
13	"means for receiving a	[•] 298 Patent, claim 31	The function is "receiving a return
14	return packet from the second network, responsive	,	packet from the second network, responsive to the data packet having
15	to the data packet having the replaced source information"		the replaced source information"
16 17	"means for sending to the first network the return	'298 Patent, claim 31	The function is "sending to the first network the return packet having the
18	packet having the replaced destination address,		replaced destination address, whereby that packet is routed to the
19	whereby that packet is routed to the corresponding the first network node"		corresponding the first network node"
20	"means for buffering	[•] 298 Patent, claim 32	The function is "buffering further
21	further data packets received from the first	_,	data packets received from the first network while waiting for the return
22	network while waiting for the return packet, and		packet"
23	means for controlling means (b) through (g) on	'298 Patent, claim 32	The function is "controlling means (b) through (g) on an individual
24	an individual basis for processing the further		basis for processing the further packets, if any, that were buffered"
25	packets, if any, that were buffered"		
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27 28			
20		~	
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II. EACH PARTY'S PROPOSED CONSTRUCTION OF EACH DISPUTED CLAIM TERM, PHRASE, OR CLAUSE, TOGETHER WITH AN IDENTIFICATION OF INTRINSIC AND OTHER EVIDENCE

Exhibits A and B, attached hereto, identify the disputed claim terms. Exhibit
A contains Google's proposed constructions for each disputed claim term and
intrinsic and other evidence in support; Exhibit B contains Rockstar's proposed
constructions for each disputed claim term and intrinsic and other evidence in
support.

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10 III. MOST SIGNIFICANT TERMS

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12 The parties identify the following ten claim terms, or groups of claim terms, 13 as the most significant at this time to resolution of the case. Where the parties have 14 listed groups of claim terms, the parties believe there is a single dispute that will 15 resolve construction of the grouped claim terms: 1. "pending message" (claims 1, 2, 5-8, 10-13, 21-23, 25, '973 patent) 16 2. "the board" / antecedent basis of "the board" (claim 1, '551 patent) 17 3. "sending the user" (claims 1 and 5, '131 patent) 18 "call" (claims 17-20) / "call trace" (claims 17-20) / "call trace 4. 19 information" (claims 17-20, '572 patent) 20"permitting the at least one control tool function to be activated when 5. the user input does select the control tool" (claims 1, 13, '937 patent) 21 "wherein the notification messages are received from an interface with independent connections with different bandwidths for [the] different types of pending messages" / "wherein the notification messages are received from an interface with independent connections with different 6. 22 23bandwidths for the different types of the plurality of message senders" (claims 1, 8, 33, '973 patent) 24 25 7. "a Faraday cage" (claim 1, '551 patent) 268. "manipulable area portion" (claims 1-3, 9, 13-15, and 21, '937 patent) 27 9. "determining if the user input selects the control tool" (claims 1 and 13, 28'937 patent) CASE NO. 13-CV-5933-CW JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

1 2 10. "storing the call trace information" (claim 20, '572 patent)

A. Google's Position

Despite Google's request that Rockstar reduce the number of asserted claims,
Rockstar is currently asserting over 80 claims from seven patents. Google has made
good faith efforts to narrow and to limit the number of claim construction disputes,
and to focus the disputes before the Court despite the fact that Rockstar continues to
assert an unreasonable number of patents, and an unreasonable number of claims
from those patents.

9 Google prepared a detailed proposal for case narrowing, and sent that 10 proposal to Rockstar on September 24, 2014. After the Federal Circuit's stay of the 11 Texas actions, Google asked Rockstar to confirm that any case narrowing 12 procedures in this action would apply equally to the Texas actions that have been 13 stayed while this action is pending. Google believes that the parties should agree that any claims or patents eliminated from the California action through case 14 15 narrowing would also be eliminated from the stayed Texas actions. Without such an agreement, there will not be an actual "narrowing" of the parties' dispute-only 16 17 venue-shifting would be accomplished. This would defeat the efficiencies that the 18 Federal Circuit identified as the basis for the stay. With this condition, Google 19 remains committed to the case narrowing procedure that Google first proposed 20nearly two months ago. At this time, it appears that Rockstar is only willing to 21 narrow its case against Google - not against Google's customers, the OEM defendants in the Texas actions.¹ 22

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¹ Rockstar's position statement complains that "No response from Google (or the EDTX defendants) has been received" to a particular question. To clarify the record, Rockstar posed this question for the first time today, October 24, 2014.

Given the number of patents, claims, and claim terms currently at issue,

Google respectfully submits that in addition to the ten terms identified pursuant to

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1	Rule 4-3(c), there remain additional terms that are significant to resolution of this		
2	case. For example, many asserted claims include means-plus-function limitations.		
3	These mean	ns-plus-function limitations must be construed before trial, and their	
4	construction	n is at least as "significant to the resolution of the case" as any other term	
5	identified for	or construction. Moreover, as examples, Google also identifies the	
6	following a	dditional terms as equally "most significant to the resolution of this	
7	case:"		
8	1.	"means for receiving a selection from the user indicating a format for delivery of further notification information regarding the communication event" / "receiving a selection from the user indicating a format for delivery of further notification information" (claims 1 and	
9		communication event" / "receiving a selection from the user indicating a format for delivery of further notification information" (claims 1 and	
10		5, '131 patent)	
11	2.	"further notification information" (claims 1 and 5, '131 patent)	
12	3.	"wizard" (claim 1, '591 patent)	
13	4.	"logging the call trace information" (claim 19, '572 patent)	
14	5.	"maintaining, by the filter node" (claim 11) / "maintaining the source information taken from the outgoing data packet in correlation with a	
15		"maintaining, by the filter node" (claim 11) / "maintaining the source information taken from the outgoing data packet in correlation with a unique value representing a port of the filter node" (claims 14, 19, 23) / "maintaining the source address taken from the data packet" (claim 24)	
16		/ "means for maintaining the source information taken from the outgoing data packet in correlation with a unique value representing a	
17		/ "means for maintaining the source information taken from the outgoing data packet in correlation with a unique value representing a port of the filter node" (claim 27) / "means for maintaining the source address taken from the data packet" (claim 31) (claims 11, 14, 19, 23,	
18		24, 27, 31, '298 patent)	
19	6.	"receiving a user input to the physical viewing area corresponding to the manipulable area portion and the representation of the control tool"	
20		(claims 1, 13, '937 patent)	
21	7.	"extending across substantially the whole area within the confines of the edges of the substrate" (claim 1, '551 patent)	
22	8.		
23		"collection of palettes" (claim 1, '591 patent) "filter node" (claims 11, 12, 14, 15, 17, 10, 22, 24, 27, 22, '208 patent)	
24	9.	"filter node" (claims 11-12, 14-15, 17, 19, 23-24, 27-32, '298 patent)	
25	While Google considers the claim terms above representative of terms that are		
26	significant for the resolution of the case, Google notes that resolution of claim		
27	construction disputes will not occur until summary judgment briefing and argument,		
28	which is many months away. (Dkt. 88.) The parties have not yet engaged in expert		
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discovery and are still pursuing fact discovery from each other and from third
 parties. Further discovery (or case narrowing) may cause the list of "most
 significant" terms to be different at the time of summary judgment briefing relative
 to what it is today. Thus, Google's motions for summary judgment may seek
 construction of terms not listed above, as necessitated by subsequent case
 developments, including upcoming fact and expert discovery.

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B. Rockstar's Position

8 Rockstar is agreeable to case narrowing and has made several case narrowing 9 proposals to Google. However, and as indicated above, Google has rejected each 10 case narrowing proposal. Google insists on making any case narrowing proposal in this case contingent on Rockstar's agreement "that any claims or patents eliminated 11 12 from this California action through case narrowing would also be eliminated from 13 the stayed Texas actions." So that Rockstar could consider Google's "contingency," Rockstar asked Google (and the EDTX defendants) to provide a clear "yes" or "no" 14 15 response to this statement: "Will each of the defendants in the presently-stayed 16 EDTX case agree to be bound by any infringement and validity findings in the 17 NDCA case?" No response from Google (or the EDTX defendants) has been received. Case narrowing is a two-way street requiring effort and agreement from 18 19 both parties to limit not just the number of asserted claims, but also the number of 20prior art references and obviousness combinations.

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22 IV. THE ANTICIPATED LENGTH OF TIME NECESSARY FOR THE CLAIM CONSTRUCTION HEARING 23 23

Should the Court order a separate hearing on claim construction, the partiesbelieve that at least six hours will be necessary.

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V. <u>POSSIBLE WITNESSES AT THE CLAIM CONSTRUCTION</u> <u>HEARING</u>

A. Google's position

Should the Court order a separate hearing on claim construction, Google may
call Dr. Marwan Hassoun to provide testimony regarding the '551 patent, including
indefiniteness of the term "extending across substantially the whole area within the
confines of the edges of the substrate."²

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B. Rockstar's position

9 Should the Court order a separate hearing on claim construction, Rockstar 10 does not intend to present any live witnesses in support of its claim constructions. 11 However, if Google calls Dr. Hassoun in support of the alleged indefiniteness of the 12 term "extending across substantially the whole area within the confines of the edges 13 of the substrate," Rockstar will call Dr. Dean Neikirk in rebuttal to Dr. Hassoun. 14 Notwithstanding Google's statement in footnote 2, Google's Rule 4-2 15 disclosure does not indicate which patents or which terms the various experts identified therein may be called to testify about. The information about Dr. 16 17 Hassoun's anticipated testimony was not disclosed until Google sent its draft of the Rule 4-3 statement shortly before the joint filing of this document. Consistent with 18 19 Rockstar's Rule 4-2 disclosure, this Rule 4-3 disclosure properly indicates that it

20 "will call Dr. Dean Neikirk in rebuttal to Dr. Hassoun."

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 ² Google disclosed its intent to rely on testimony from Dr. Hassoun as claim construction
 evidence in Google's Patent Rule 4-2(b) disclosure. Dr. Neikirk was not mentioned in Rockstar's
 Patent Rule 4-2(b) disclosure.

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	1	