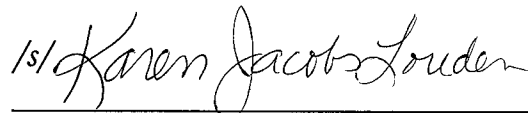


Id. at 6:67-7:3. Thus, when looking “at the specification as a whole,” unlike in *Akamai*, it is clear that the invention is not limited by what is described as the preferred embodiment (“Personal Web”) and should not be used to limit the scope of the terms in dispute. *See, e.g., B. Braun Melsungen AG. v. Terumo Med. Corp.*, 2010 WL 2219667, at *6 n.5 (D. Del. June 3, 2010) (finding reference to “the invention” was a description of the preferred embodiment); *Rambus Inc. v. Infineon Techs AG*, 318 F.3d 1081, 1094 (Fed. Cir. 2003) (use of “the present invention” language did not limit the invention); *Durr Sys., Inc. v. FANUC Ltd.*, 463 F. Supp. 2d 663, 677 n.13 (E.D. Mich. 2006) (same); *Colorquick, LLC v. Eastman Kodak Co.*, 2008 WL 5771324, at *7, n.9 (E.D. Tex. June 25, 2008) (same).

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January 5, 2011

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2011, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF which will send electronic notification of such filing to all registered participants.

Additionally, I hereby certify that true and correct copies of the foregoing were caused to be served on January 5, 2011, upon the following individuals in the manner indicated:

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