

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

XEROX CORPORATION,)
)
Plaintiff,)
)
v.) C.A. No. 10-136-LPS-MPT
)
)
GOOGLE INC., YAHOO! INC., RIGHT)
MEDIA INC., RIGHT MEDIA LLC,)
YOUTUBE, INC., and YOUTUBE, LLC,)
)
Defendants.)

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 9 of the Court's February 15, 2011, Amended Scheduling Order, the parties respectfully submit this Joint Claim Construction Chart for U.S. Patent No. 6,778,979 (the "'979" Patent). A copy of the patent is attached to this chart as Exhibit A. In addition, the following documents from the prosecution history of the '979 Patent are attached as Exhibits B-F:

Exhibit B: March 24, 2003 Amendment and Remarks

Exhibit C: September 8, 2003 Amendment and Remarks

Exhibit D: January 23, 2004 Response and Request for Reconsideration

Exhibit E: April 23, 2004 Appeal Brief

Exhibit F: May 18, 2004 Notice of Allowability

Agreed Constructions

Claim Term or Issue	Agreed Construction
<i>Antecedent Basis of Claim Terms</i>	
“a query” / “the query” Claim 1: preamble; step (d) Claim 18: steps (b), (f) Claims 2, 19	“a query” and “the query” refer to the same query.
“a classification label from the organized classification of document content” / “the assigned classification label” Claim 1: steps (c), (d) Claim 18: steps (e), (f)	“a classification label from the organized classification of document content” and “the assigned classification label” refer to the same classification label.
“selected document content” / “the selected document content” Claim 1: preamble; steps (b), (c) Claim 18: steps (b), (d), (e) Claims 2, 19	“selected document content” and “the selected document content” refer to the same selected document content.
“an organized classification of document content” / “the organized classification of document content” Claim 1: steps (a), (c) Claim 18: steps (c), (e) Claims 5, 10	“an organized classification of document content” and “the organized classification of document content” refer to the same organized classification of document content”
“a set of entities” / “the set of entities” Claim 1: steps (b), (d) Claim 18: steps (d), (f)	“a set of entities” and “the set of entities” refer to the same set of entities.
<i>Claim Terms</i>	
“entity” Claim 1: steps (b), (d) Claim 18: steps (d), (f) Claim 2	something recognized in a document (e.g., a person’s name, a location, a medical term, a graphics entity that may include image data, graphics data, audio data or video data) that can be in the form of an image, text, embedded data, HTML, etc.

Claim Term or Issue	Agreed Construction
“document” Claim 1: preamble; steps (a), (b), (c) Claim 18: steps (b), (c), (d), (e) Claims 2, 5, 10	an electronic (e.g., digital) or physical (e.g., paper) recording of information. In its electronic form, a document may include image data, audio data, or video data. Image data may include text, graphics, or bitmaps.
“organized classification of document content” Claim 1: steps (a), (c) Claim 18: steps (c), (e) Claims 5, 10	an organized set of categories that can be used to describe the subject matter of document content.
“defining an organized classification of document content” Claim 1: steps (a), (c) Claim 18: steps (c), (e)	setting an organized classification of document content.
“terms relating to context information surrounding the set of entities in the selected document content” Claims 2, 19	words or phrases that relate to the content surrounding the set of entities in the selected document content.
“the organized classification of document content is defined using a hierarchical organization” Claim 5	the organized classification of document content is defined using categories that are “parents” or “children” of other categories.
“article of manufacture” Claim 18	a computer program existent (permanently, temporarily, or transitorily) on any computer-usable medium such as on any memory device or in any transmitting device.

Disputed Constructions

Claim Term	Xerox's Proposed Construction	Defendants' Proposed Construction
“query” Claim 1: preamble; step (d) Claim 18: steps (b), (f) Claims 2, 19	<p>a set of data specifying search criteria.</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> • col. 48, ln. 21-col. 52, ln. 29 • Figs. 38-41, and descriptions thereof • 1/23/04 Response and Request for Reconsideration, at 2-4 • 4/23/04 Xerox Appeal Brief, at 4-8 	<p>request for search results.</p> <p><u>Intrinsic Evidence:</u></p> <p>‘979 Patent at: 3:2-33; 4:62-64; 5:1-3; 23:61-24:3; 26:58-67; 30:21-32; 30:43-56; 37:50-57; 40:18-23; 48:22-51; 48:63-49:16; 49:18-50:11; 50:42-44; 51:10-21; 51:22-52:29; 55:58-56:3; 62:62-63:2; Fig. 23; Fig. 24; Fig. 31; Fig. 38; Fig. 39; Fig. 40; Fig. 41; Fig. 46; Fig. 51.</p> <p>Claim 11.</p> <p>‘979 Patent prosecution history: 3/24/03 Amendment at 4-5; 9/8/03 Amendment at 1-2, 5, 9-10; 1/23/04 Response and Request for Reconsideration at 1, 3-4; 4/23/04 Appeal Brief at 5-14; 5/18/04 Notice of Allowability at 2-3.</p>
“selected document content” Claim 1: preamble; steps (b), (c) Claim 18: steps (b), (d), (e) Claims 2, 19	<p>all or part of the content of a document in electronic form.</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> • col. 6, lns. 52-56 • col. 48, lns. 52-55 • col. 49, lns. 18-20 • col. 50, lns. 1-25 • col. 51, lns. 10-41 • Figs. 38, 39, and descriptions thereof • Claim 2 (col. 76, lns. 31-34) • 9/8/2003 Xerox Amendment and Remarks, at 2, 5, 7-10 • 4/23/2004 Xerox Appeal Brief, at 3-4 	<p>indefinite.</p> <p><u>Intrinsic Evidence:</u></p> <p>‘979 Patent at: 3:6-10; 3:19-21; 3:26-28; 41:10-18.</p>

Claim Term	Xerox's Proposed Construction	Defendants' Proposed Construction
“classification label” Claim 1: steps (a), (c), (d) Claim 18: steps (c), (e), (f)	<p>a label in any format that identifies a category in the organized classification of document content.</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> • col. 41, ln. 52 – col. 42, ln. 34 • col. 43, ln. 14 – col. 45, ln. 63 • col. 48, ln. 21 – col. 50, ln. 11 • col. 51, ln. 22 – col. 52, ln. 29 • col. 59, lns. 24-65 • Claim 4 (col. 76, lns. 38-40) • Figs. 36, 38-41, and descriptions thereof 	<p>classifying word or phrase.</p> <p><u>Intrinsic Evidence:</u></p> <p>‘979 Patent at: 3:2-33; 4:62-64; 41:53-60; 49:18-50:11; 51:34-51; 59:30-42; 60:52-55; Fig. 39.</p>
“categorizing the selected document content using the organized classification of document content for assigning the selected document content a classification label” Claim 1: step (c) Claim 18: step (e)	<p>determining the subject matter of the selected document content using one or more of the categories defining the organized classification of document content and assigning the corresponding classification label(s) to the selected document content.</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> • col. 41, ln. 52 – col. 46, ln. 67 • col. 48, ln. 21 – col. 50, ln. 11 • col. 51, ln. 22 – col. 52, ln. 29 • col. 59, lns. 24-65 • col. 60, lns. 52-55 • Figs. 36, 38-41, and descriptions thereof 	<p>using the organized classification of document content to categorize the selected document content and to assign to the selected document content a single classification label.</p> <p><u>Intrinsic Evidence:</u></p> <p>‘979 Patent at: 4:58; 4:62-67; 40:66-41:9; 41:53-42:2; 42:29-34; 42:48-54; 45:41-53; 49:18-46; 50:3-11; 51:33-51; 52:15-29; Fig. 36; Fig. 38; Fig. 39; Fig. 40; Fig. 41.</p> <p>Claims 6, 9, 11, 20.</p> <p>‘979 Patent prosecution history: 3/24/03 Amendment at 4-5; 9/8/03 Amendment at 1-2, 5, 9-10; 1/23/04 Response and Request for Reconsideration at 1, 3-4; 4/23/04 Appeal Brief at 5-14; 5/18/04 Notice of Allowability at 2-3.</p>

Claim Term	Xerox's Proposed Construction	Defendants' Proposed Construction
<p>“to restrict a search at the information retrieval system for information concerning the set of entities to the category of information in the information retrieval system identified by the assigned classification label”</p> <p>Claim 1: (d) Claim 18: (f)</p>	<p>the set of data specifying search criteria includes data items corresponding to one or more entities identified in the “automatically identifying” step and one or more classification labels assigned in the “automatically categorizing” step.</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> • col. 48, ln. 21 – col. 50, ln. 11 • col. 51, ln. 22 – col. 52, ln. 29 • Figs. 38-41, and descriptions thereof • 1/23/04 Response and Request for Reconsideration, at 2-4 • 4/23/04 Xerox Appeal Brief, at 4-8 	<p>to confine a search at the information retrieval system to the category of information identified by the assigned classification label, where the search seeks information concerning the set of entities.</p> <p><u>Intrinsic Evidence:</u></p> <p>‘979 Patent at: 3:2-33; 4:62-67; 21:20-23; 40:66-41:9; 48:34-39; 48:66-49:3; 49:18- 50:11; 51:33-51; 51:64-52:11; 52:15-29; 59:56-59; Fig. 38; Fig. 39; Fig. 40; Fig. 41.</p> <p>Claims 2, 9, 19, 20.</p> <p>‘979 Patent prosecution history: 3/24/03 Amendment at 4-5; 9/8/03 Amendment at 1-2, 5, 9-10; 1/23/04 Response and Request for Reconsideration at 1, 3-4; 4/23/04 Appeal Brief at 5-14; 5/18/04 Notice of Allowability at 2-3.</p>
<p>“characteristic vocabulary”</p> <p>Claim 10</p>	<p>one or more words or phrases that describe a class in the organized classification of document content.</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> • col. 48, ln. 21 – col. 49, ln. 67 • col. 51, ln. 22 – col. 52, ln. 29 • Fig. 36, 38, 40, and descriptions thereof 	<p>one or more words or phrases that describe the category of information corresponding to the class.</p> <p><u>Intrinsic Evidence:</u></p> <p>‘979 Patent at: 4:58; 48:50-51; 48:63-49:6; 49:43-48; 51:34-39; 52:7-14; Fig. 36; Fig. 38; Fig. 40.</p>

Claim Term	Xerox's Proposed Construction	Defendants' Proposed Construction
<p><i>Order of steps</i></p> <p>Claim 1:</p> <p>Step (a) must be performed before steps (c) and (d). Step (b) must be performed before the completion of step (d). Step (c) must be performed before the completion of step (d).</p> <p>Claim 18:</p> <p>Step (c) must be performed before steps (e) and (f). Step (d) must be performed before the completion of step (f). Step (e) must be performed before the completion of step (f).</p> <p>Claim 2:</p> <p>The step of Claim 2 must be performed during or after the completion of step (d) of Claim 1.</p> <p>Claim 19:</p> <p>The step of Claim 19 must be performed during or after the completion of step (f) of Claim 18.</p> <p><u>Intrinsic Evidence:</u></p> <ul style="list-style-type: none"> • col. 41, ln. 52 – col. 42, ln. 34 • col. 43, ln. 14 – col. 45, ln. 63 • col. 48, ln. 21-col. 52, ln. 29 • col. 59, lns. 24-65 • col. 60, lns. 52-55 • Claim 2 (col. 76, lns. 31-34) • Figs. 36, 38-41, and descriptions thereof • 4/23/2004 Xerox Appeal Brief, at 8-10 	<p>Claim 1:</p> <p>Step (a) must be performed before steps (c) and (d). Step (b) must be performed before step (d). Step (c) must be performed before step (d).</p> <p>Claim 18:</p> <p>Step (c) must be performed before steps (e) and (f). Step (d) must be performed before step (f). Step (e) must be performed before step (f).</p> <p>Claim 2:</p> <p>The steps of claim 1 must be performed before the step of 2.</p> <p>Claim 19:</p> <p>The steps of claim 18 must be performed before the step of 19.</p> <p><u>Intrinsic Evidence:</u></p> <p>‘979 Patent at: 4:60-67; 49:18-50:11; 51:23-52:14; Fig. 38; Fig. 39; Fig. 40.</p>	

ASHBY & GEDDES

/s/ Lauren E. Maguire

Lawrence C. Ashby (#468)
John G. Day (#2403)
Lauren E. Maguire (#4261)
500 Delaware Avenue, 8th Floor
Wilmington, DE 19899
(302) 654-1888
lashby@ashby-geddes.com
jday@ashby-geddes.com
lmauguire@ashby-geddes.com

Attorneys for Plaintiff Xerox Corporation

POTTER ANDERSON & CORROON LLP

/s/ David E. Moore

Richard L. Horwitz (#2246)
David E. Moore (#3983)
Hercules Plaza, 6th Floor
1313 N. Market Street
Wilmington, DE 19899
(302) 984-6000
rhorwitz@potteranderson.com
dmoore@potteranderson.com

Attorneys for Defendants Google Inc., YouTube, Inc. and YouTube LLC

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

/s/ Jack B. Blumentfeld

Jack B. Blumenfeld (#1014)
Maryellen Noreika (#3208)
Hercules Plaza, 6th Floor
1201 N. Market Street
Wilmington, DE 19899
(302) 658-9200
jblumenfeld@mnat.com
mmoreika@mnat.com

Attorneys for Defendants Yahoo! Inc., Right Media Inc. and Right Media LLC

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