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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 1:10-cv-24063-MORENO

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MOTOROLA MOBILITY, INC., )  
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 Plaintiff, )  
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 vs. )  
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 MICROSOFT CORPORATION, )  
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 Defendant. )  
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**DEFENDANT MICROSOFT CORPORATION'S DISCLOSURE OF  
PROPOSED CLAIM CONSTRUCTIONS**

Defendant/Counter-Claimant Microsoft Corporation ("Microsoft") provides the following proposed claim constructions for the claim limitations in the asserted patents that require construction by the Court. The list of proposed claim constructions contained herein is based on information reasonably available to Microsoft at this stage of the litigation. Microsoft reserves the right to amend and supplement this list when and if additional information becomes available. Microsoft further reserves the right to amend and supplement this list upon receipt of Motorola's submission of the same.

**Microsoft Patent No. 6,791,536**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Motorola term:  “generating at least one event representing an activation of the secondary switch of the pointing device”	14, 16, 17	Plain and ordinary meaning or alternatively:  “generating at least one action representing an activation of the secondary switch of the pointing device such as the signal to display a context-sensitive command menu”	generating at least one down event of the secondary switch of the pointing device
Motorola term:  “generating at least one event representing an activation of the primary switch of the pointing device”	14, 16, 17	Plain and ordinary meaning or alternatively:  “generating at least one action representing an activation of the primary switch of the pointing device such as the signal to select an object”	generating at least one down event of the primary switch of the pointing device

**Microsoft Patent No. 6,897,853**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
<p>Motorola term:</p> <p>“determining whether the input is a stroke based on a first move threshold”</p>	<p>7-11</p>	<p>“determining that the input is a stroke if the input exceeds a first threshold based upon movement of the input”</p>	<p>This element requires no construction and should be accorded its plain and ordinary meaning.</p> <p>If this element is construed, it should be given the following meaning:</p> <p>“determining that the input is a stroke if the input exceeds a first predetermined distance.”</p>
<p>Motorola term:</p> <p>“determining whether the input is a tap based on a time threshold”</p>	<p>7-11</p>	<p>“determining that the input is a tap if the input does not exceed a threshold dependent on time”</p>	<p>This element requires no construction and should be accorded its plain and ordinary meaning.</p> <p>If this element is construed, it should be given the following meaning:</p> <p>“determining that the input is a tap if the input does not exceed a predetermined amount of time.”</p>
<p>Motorola term:</p> <p>“determining whether the stroke is a hold or a hold and drag”</p>	<p>7-11</p>	<p>“determining that the input is a hold if the input exceeds a threshold dependent on time and does not exceed a second threshold based upon movement of the input or a hold and drag if the input exceeds a threshold</p>	<p>This element requires no construction and should be accorded its plain and ordinary meaning.</p> <p>If this element is construed, it should be given the following meaning:</p>

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
		dependent on time and exceeds a second threshold based upon movement of the input”	“determining that the input is a hold if the input exceeds a predetermined amount of time and does not exceed a second predetermined distance or a hold and drag if the input exceeds a predetermined amount of time and exceeds a second predetermined distance”
Motorola term:  “simulating a right mouse click”	11	Plain and ordinary meaning or alternatively:  “generating an action that represents an activation of a secondary switch of a pointing device”	generating a down event followed by an up event of a right mouse button

**Microsoft Patent No. 7,024,214**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Motorola term: “synchronization mechanism”	1, 3-6, 10, 14, 17, 19, 22-29, 32-34, 38, 39, 41-44, 46-52, 54-56	Plain and ordinary meaning, or alternatively: “process or technique for synchronization”	A communication link used for synchronization, such as GSM, GPRS, WiFi (802.11b), Bluetooth, PSTN (dial-up), hardwire tether or dock
Motorola term: “flexible selection rule(s)”	1, 3-6, 10, 14, 17, 19, 22-29, 32-34, 38, 39, 41-44, 46-52, 54-56	Plain and ordinary meaning, or alternatively: “rules for selection to determine whether, when, and/or how”	changeable rule(s) which specify which synchronization mechanisms can be used for synchronizing certain types of data
Motorola term: “value, from having access to synchronized data”	1, 3-6, 10, 14, 17, 19, 22-29, 32-34, 38, 39, 41-44, 46-52, 54-56	Plain and ordinary meaning, or alternatively: “value associated with obtaining synchronized data”	importance to the user of having access to the synchronized data item

**Microsoft Patent No. 7,493,130**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Motorola term: “synchronization mechanism”	1-2, 4-8, 10-11, 13-19	Plain and ordinary meaning or alternatively: “process or technique for synchronization”	A communication link used for synchronization, such as GSM, GPRS, WiFi (802.11b), Bluetooth, PSTN (dial-up), hardwire tether or dock
Motorola term: “flexible selection rule(s)”	1-2, 4-8, 10-11, 13-19	Plain and ordinary meaning, or alternatively: “rules for selection to determine whether, when, and/or how”	changeable rule(s) which specify which synchronization mechanisms can be used for synchronizing certain types of data
Motorola term: “value, from having access to synchronized data”	1-2, 4-8, 10-11, 13-19	Plain and ordinary meaning, or alternatively: “value associated with obtaining synchronized data”	importance to the user of having access to the synchronized data item

**Microsoft Patent No. 7,383,460**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Microsoft term:  “the hardware-dependent process”	7	“the hardware-dependent interface”	<i>Indefinite.</i>
Motorola term:  high precision event timer (HPET)	8, 9	“the combination of a counter, comparator, and match register”	a hardware timer that operates in accordance with the “ <i>Intel Architecture/Personal Computer (IA/PC) HPET (High Precision Event Timers) Specification</i> ”



**Microsoft Patent No. 6,897,904**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Motorola term:  “program content currently being tuned”	19	Plain and ordinary meaning or alternatively:  “the program content that a tuner is currently receiving”	“live program content”

**Microsoft Patent No. 6,785,901**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
None			

**Motorola Patent No. 5,502,839**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Microsoft term:  “picture element comprising a plurality of device independent data structures in a predetermined, standard data format, at least one of said data structures comprising a plurality of different data fields each containing information describing said picture element	9-12, 15-16, 18-21, 23	an abstraction of a displayable object made up of a collection of predefined, standard device-independent data structures, including at least a common header data structure	A device-independent abstraction of a displayable object (e.g., line, text, etc.)
Microsoft term:  “virtual output”; “virtual input”	9-13, 22-23	“virtual input” is a device-independent abstraction of physical input represented as one or more of a set of standard messages  “virtual output” is a device-independent abstraction of physical output represented as one or more of a set of standard messages	“virtual input” means one or more picture elements generated from user input  “virtual output” means one or more picture elements of a picture
Motorola term:  “source of virtual input”	9-14	a physical input device corresponding to a virtual input device	A process which generates one or more picture elements from user input
Motorola term:  “picture manager process”	10-11	a process that constructs a device-independent representation of a picture using a small set of elemental picture elements and controls modification and	A Picture Manager process is a process that constructs a device-independent representation of a picture using a set of related picture elements and controls

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
		retrieval of these elements, as explicitly defined at 17:23-25, 17:63-18:10, and 5:20-46.	modification and retrieval of the picture elements.
Motorola term: “window manager process”	11	a process that maps a given picture (or portion thereof) to a rectangular area of a given size on a given screen (a “window”) in virtual pixels, as explicitly defined at 22:53-24:11 and 5:20-46.	The Window Manager process is a process that maps all (or a portion) of a picture to a particular rectangular area (window) of a display screen, updates the display screen and controls the size and appearance of the window.
Microsoft and Motorola Means-Plus -Function term: “means for performing processing operations on said virtual input and for generating virtual output”	9-14	<b><u>Function</u></b> : performing processing operations on said virtual input and generating virtual output  <b><u>Structure</u></b> : the operations performed by the Console Manager process as explicitly defined at 15:30-17:6, 44:6-34, and 5:20-46.	<b><u>Function</u></b> : performing processing operations on virtual input and generating virtual output  <b><u>Corresponding structure</u></b> : Console Manager, which is any process that processes virtual input and, in response, generates virtual output, as described, for example, at least at FIGs. 8, 9, 12, 13; Cols. 15:30-17:17; 24:49-26:24; 27:5-28:17; 29:65-30:48; 43:51-65; 44:6-34; 47-56.
Microsoft and Motorola Means-Plus -Function term: “means for accepting said virtual output”	9-14	<b><u>Function</u></b> : accepting said virtual output  <b><u>Structure</u></b> : the operations by which a Picture Manager process receives and processes incoming requests related to picture elements, as explicitly defined at 17:23-25, 17:63-18:10, and 5:20-46.	<b><u>Function</u></b> : accepting virtual output  <b><u>Corresponding structure</u></b> : Picture Manager, which is any process that accepts virtual output as described, for example, at least at FIGs. 8, 9, 12, 14; Cols. 13:64-14:7; 16:4-56; 17:23-25; 17:63-18:23; 25:44-56; 30:51-33:5; 43:60-65; 44:35-39; 145-150.
Microsoft and Motorola Means-	9-14	<b><u>Function</u></b> : converting said virtual	<b><u>Function</u></b> : converting virtual output into

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
<p>Plus -Function term:</p> <p>“means for converting said virtual output into at least one physical output suitable for use by at least one physical output device”</p>		<p>output into at least one physical output suitable for use by at least one physical output device</p> <p><b>Structure:</b> the operations performed by the Output Manager process as defined at 19:32-20:64 and 5:20-46.</p>	<p>at least one physical output suitable for use by at least one physical output device</p> <p><b>Corresponding structure:</b> Output Manager, which is any process that converts virtual output into physical output suitable for use by a physical output device as described, for example, at least at FIGs. 8, 9, 12, 14; Cols. 19:32-20:64; 23:51-24:44; 25:33-43; 26:33-43; 43:58-65.</p>
<p>Microsoft Means-Plus -Function term:</p> <p>“wherein said virtual output accepting means comprises a picture manager process for controlling said plurality of related picture elements”</p>	10	<p><b>Function:</b> accepting virtual output to control a picture, a meta element, or a macro element</p> <p><b>Structure:</b> the operations by which a Picture Manager process controls the modification and retrieval of a picture, meta element, or macro element as explicitly defined at 17:23-25, 17:63-18:10, and 5:20-46.</p>	<p>This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.</p> <p>(see Picture Manager Process above)</p>
<p>Microsoft Means-Plus -Function term:</p> <p>“wherein said virtual output accepting means further comprises a window manager process for controlling the display of said plurality of related picture elements on said display</p>	11	<p>In addition to the structure and function defined in claim 10, the claimed means includes:</p> <p><b>Function:</b> mapping said plurality of related picture elements onto a rectangular area (called a “window”) on the screen of said display device</p>	<p>This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.</p> <p>(see Window Manager Process above)</p>

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
device”		<b>Structure:</b> the operations performed by the Window Manager process, which is a process that maps a given picture (or portion thereof) to a rectangular area of a given size on a given screen (a “window”) in virtual pixels, as explicitly defined at 22:53-24:11 and 5:20-46.	
Microsoft Means-Plus -Function term:  “wherein said virtual output converting means comprises a virtual output manager process responsive to said one or more processed picture elements for coupling said one or more processed picture elements to said at least one physical output device”	12	<b>Function:</b> coupling <sup>1</sup> said one or more processed picture elements to said at least one physical output device  <b>Structure:</b> the operations performed by the Output Manager process as explicitly defined at 19:32-20:64 and 5:20-46, wherein the physical output suitable for the screen is sent to the display device  <sup>1</sup> Coupling is defined at 18:51-52, 19:59-61, and 23:51-54 as processes or structures that exchange messages via process identifiers (PID's) rather than by name	This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.  “Virtual output manager process” means the process by which virtual output is converted into real output on a particular physical device.
Microsoft and Motorola Means-Plus -Function term:  “means responsive to one of said physical input devices for generating a picture”	15-16, 18-23	<b>Function:</b> generating a picture from the input from a physical input device <sup>2</sup>  <b>Structure:</b> the Input Manager, Console Manager, and Picture Manager processes communicating between	<b>Function:</b> generating a picture comprising one or more picture elements responsive to a user’s interaction with a physical input device.  <b>Corresponding structure:</b> Input Manager

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
		<p>each other as described at 25:25-31, 25:44-56, and 5:20-46.</p> <p><sup>2</sup> as the term "said physical input devices" has no antecedent basis other than in the preamble, this term becomes indefinite unless the preamble to Claim 15 is limiting</p>	<p>and Console Manager processes that generate a picture comprising one or more picture elements responsive to a user's interaction with a physical input device, as described, for example, at least at FIGs. 8, 9, 12; Cols. 12:14-23; 13:64-14:7; 18:24-19: 31; 25:25-31, 25:44-56; 43:51-65; 47-56; 70-71.</p>
<p>Microsoft and Motorola Means-Plus -Function term:</p> <p>“means for performing processing operations on said one or more picture elements”</p>	<p>15-16, 18-23</p>	<p><b><u>Function:</u></b> performing processing operations on said one or more picture elements</p> <p><b><u>Structure:</u></b> the operations performed by the Console Manager process on picture elements as described at 44:6-34 and 5:20-46.</p>	<p><b><u>Function:</u></b> performing processing operations on one or more picture elements.</p> <p><b><u>Corresponding structure:</u></b> Console Manager processes that perform processing operations on one or more picture elements, as described, for example, at least at FIGs. 8, 9, 12, 13; Cols. 15:30-17:17; 24:49-26:24; 27:5-28:17; 29:65-30:48; 43:51-65; 44:6-34; 47-56</p>
<p>Microsoft and Motorola Means-Plus -Function term:</p> <p>“means responsive to said one or more processed picture elements for coupling said one or more processed picture elements to one of said physical output devices”</p>	<p>15-16, 18-23</p>	<p><b><u>Function:</u></b> sending one or more processed picture elements to one or more said physical display devices<sup>3</sup> for display</p> <p><b><u>Structure:</u></b> the operations performed by the virtual output manager process as described at 20:4-42 and 5:20-46.</p>	<p><b><u>Function:</u></b> coupling said one or more processed picture elements to a physical output device</p> <p><b><u>Corresponding structure:</u></b> Output Manager processes that couple one or more processed picture elements to a physical output device, as described, for example, at least at FIGs. 8, 9, 12, 14;</p>

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
		<sup>3</sup> as the term "said physical output devices" has no antecedent basis other than in the preamble, this term becomes indefinite unless the preamble to Claim 15 is limiting	Cols. 19:32-20:64; 23:51-24:44; 25:33-43; 26:33-43; 43:58-65.
Microsoft Means-Plus -Function term:  “wherein said means responsive to one of said physical input devices comprises a virtual input manager process”	22	<b>Function:</b> generating a picture from the input from a physical input device  <b>Structure:</b> the operations performed by the virtual input manager process as defined at 18:24-19:31 and 5:20-46.	“Virtual input manager process” means the process by which input from a physical device is converted into virtual form
Microsoft Means-Plus -Function term:  “wherein said means responsive to said one or more processed picture elements comprises a virtual output manager process”	23	<b>Function:</b> coupling one or more processed picture elements to one or more said physical display devices  <b>Structure:</b> the operations performed by the virtual output manager process as defined at 20:4-42 and 5:20-46.	“Virtual output manager process” means the process by which virtual output is converted into real output on a particular physical device



**Motorola Patent No. 5,764,899**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Microsoft proposed term:  A system for communicating reply data with a communication unit comprising	1	The preamble is limiting. The term means "A system for transmitting or receiving the reply email composed on the communication unit before optimization."	The preamble is not limiting and should be construed according to its plain and ordinary meaning.
Microsoft proposed term:  a host server, in communication with the communication server	1	The host server and the communication server are separate processing devices (e.g., computers) transmitting to or receiving from each other over a network.	A computer or a program that operates as an e-mail post office, which can exchange data with the communication server
Microsoft proposed term:  email; e-mail	1, 15,18	A message, transmitted to a mailbox, having text and header information used for transmitting the text. The header information includes at least the recipient mailbox address and the author address and may include other message attributes such as subject, date, and priority level.	This element requires no construction and should be accorded its plain and ordinary meaning.  If this element is construed, it should be given the following meaning: "electronic mail"
Microsoft proposed term:  "forwarding" / "forward" / "forwards" / "forwarded"	1, 14, 16, 17	Sending [send, sends, sent] from one processing device (e.g., computer) to a separate processing device (e.g., computer)	This element requires no construction and should be accorded its plain and ordinary meaning.  If this element is construed, it should be given the following meaning: "Forwarding from one computer or program to another"
Microsoft proposed term:	14	A comparison is made at the	This element requires no construction

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
a determination is made whether to forward the optimized reply or a replica reply		communication server whether to forward the optimized reply or replica reply based on the known parameters of the target communication unit, such as whether the target is served by the same communication server, was an original addressee, or has deleted the original message.	and should be accorded its plain and ordinary meaning.  If this element is construed, it should be given the following meaning: "the communication server decides whether to forward the optimized reply or the replica reply."

**Motorola Patent No. 5,784,001**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Microsoft proposed term:  "referencing a database to determine whether at least one word included in the alphanumeric message matches at least one key word included in the database" / "determining whether at least one word included in the alphanumeric message matches at least one key word included in the database" / "determining whether at least one word included in the alphanumeric message matches at least one key word included in the database"	1, 4, 6	Searching a particular database on the data communication receiver to compare each alphanumeric word parsed from the message for a match between it and the alphanumeric key words in the database. Alphanumeric only includes numbers and alphabet characters.	This element requires no construction and should be accorded its plain and ordinary meaning.
Microsoft proposed term:  "graphic message that is accompanied by the alphanumeric message" / "graphic message accompanied by the alphanumeric message" / "graphic message accompanied by the message"	1, 4, 6	At least one supplemental image is displayed along with the entire alphanumeric message.	At least one image is displayed along with a portion of, or the entire, alphanumeric message.
Microsoft proposed term:	1, 4, 6	The preamble is limiting.	The preamble is a limitation that should

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
"A method for displaying messages in a data communication receiver; A data communication receiver for presenting information"		All claim elements are a part of or performed on the mobile communication device receiving the message.	be construed according to its plain and ordinary meaning.
<p>Microsoft proposed Means-Plus-Function term:</p> <p>"programming means coupled to the processor and to the database for programming the database, the programming means further comprising: the receiver for receiving a programming message including a key word and image data; a memory for storing a programming word; and storing means for storing the key word and image data in the database in response to determining that the programming message includes the programming word"</p>	4	<p><b>Function:</b> programming the database, receiving a programming message including a key word and image data, storing a programming word, storing the key word and image data in the database in response to determining that the programming message includes the programming word</p> <p><b>Structure:</b> none.</p> <p>The claim is indefinite for claiming processor 120, programmed to perform the function of "storing the key word and image data in the database in response to determining that the programming message includes the programming word" without disclosing the internal structure of that processor in the form of an algorithm.</p>	<p>This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶6 because it recites sufficient structure to perform the claimed function in its entirety.</p> <p>To the extent that this element is construed according to 35 U.S.C. §112:</p> <p><u>Claimed function:</u> "programming the database"</p> <p><u>Corresponding structure:</u> the Receiver, the Decoder, the Memory, and a program for operating the Processor according to the algorithm of Figure 13.</p>
<p>Microsoft proposed Means-Plus-Function term:</p> <p>"storing means for storing the key</p>	4	<p><b>Function:</b> storing the key word and image data in the database in response to determining that the programming message includes the programming</p>	This is a means-plus function element that should be construed according to 35 U.S.C. §112.

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
word and image data in the database in response to determining that the programming message includes the programming word"		<p>word</p> <p><b><u>Structure:</u></b> none.</p> <p>The claim is indefinite for claiming processor 120, programmed to perform the function of "storing the key word and image data in the database in response to determining that the programming message includes the programming word" without disclosing the internal structure of that processor in the form of an algorithm.</p>	<p><b><u>Claimed function:</u></b> "storing the key word and the image data in the database in response to determining that the programming message includes the programming word"</p> <p><b><u>Corresponding structure:</u></b> A program for operating the Processor according to steps 360, 370, 375, and 380 of the algorithm of Fig. 13.</p>
Motorola proposed term: "programming message"	1, 3, 4	A message, received by the receiver separately from the alphanumeric message, that includes a predetermined programming word indicative of programming information, a key word, and an image associated with the key word.	A message that creates or modifies an association between a key word and image data.

**Motorola Patent No. 6,272,333**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Microsoft term: “data”	1, 7, 12	Information to be processed by an application, not an application or a software update for an application	Digital information
Microsoft term: “controlling a delivery of data”	1, 7, 12	delivering data only after checking in the fixed portion whether an application compatible with the data is accessible to the subscriber unit	Managing whether and when data is delivered
Microsoft term: “fixed portion of [a/the] wireless communication system”	1, 3, 5, 7, 12	the stationary portion of the wireless communication system that includes base stations and a controller that controls the base stations, as distinct from the portable portion that includes subscriber units, or the public network portion that includes telephones or computers that originate data messages	The stationary portion of the wireless communication system that includes base stations and a controller
Motorola term: “subscriber unit”	1, 3, 5-7, 12-13	a device that can receive data from the fixed portion of the wireless communication system	A portable device for use in a wireless communication system
Motorola term: “application registry comprising a list of all software applications that are currently accessible to the subscriber unit”	1, 3, 5-7, 12-13	one official list of all applications currently accessible to the subscriber unit, including applications that can be downloaded over the air	A portion of memory that includes a list of all software applications that are immediately available for use by the subscriber unit

**Motorola Patent No. 6,757,544**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Microsoft term:  “specific location information of the communication device”	1, 3	“Location information input by the user to indicate the location of the communication device.”	This element requires no construction and should be accorded its plain and ordinary meaning.  If this element is construed, it should be given the following meaning:  “Information about the specific location of the communication device.”
Microsoft term:  “general location information of the location relevant to the user”	1, 3, 9, 10	A geographic area that is determined by the nature of the service request of a user.	This element requires no construction and should be accorded its plain and ordinary meaning.  If this element is construed, it should be given the following meaning:  “Information about the general area of a location relevant to the user.”
Microsoft & Motorola term:  “determining the location relevant to a user by comparing the list of location parameters with the specific location information”	1, 3	Determining the geographic location that corresponds to the specific location information by matching the specific location information with a list of location parameters to identify a matching location parameter.	“Identifying the location relevant to the user by selecting from the list of location parameters based on the specific location information.”

**Motorola Patent No. 6,408,176**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
<p>Microsoft term:</p> <p>“extracts the caller-related information from the stored voice mail” / “extracting the caller-related information from the stored voice mail” / “receiving the caller-related information ... after extraction from stored voice mail”</p>	<p>1, 8, 11</p>	<p>“To select and remove the spoken words that relate to the caller (e.g. a telephone number) from the remainder of the stored voice mail message to produce caller-related information in voice format.”</p>	<p>See constructions for “extracts / extracting / extraction” and “caller-related information”</p>
<p>Microsoft term:</p> <p>Order of the functional operation (Claim 1 -extracts caller-relation information/(Claim 8 - extracting the caller-related information/Claim 11 - extraction from stored voice mail) and the functional step (Claim 1 - converts the caller-related information from the voice format to an alpha-numeric string format/Claim 8 - converting the caller-related information from a voice format into an alpha-numeric-string format/Claim 11 - caller-related information in an alpha-numeric string format resulting from a</p>	<p>1, 8, 11</p>	<p>The functional operation (Claim 1 - extracts caller-relation information/(Claim 8 - extracting the caller-related information/Claim 11 - extraction from stored voice mail) is performed prior to the functional step (Claim 1 - converts the caller-related information from the voice format to an alpha-numeric string format/Claim 8 - converting the caller-related information from a voice format into an alpha-numeric-string format/Claim 11 - caller-related information in an alpha-numeric string format resulting from a voice-to-alphanumeric-string-format conversion).</p>	<p>The operation of “extracts”; “extracting”; “extraction” of caller-related information and the operation of “converts” / “converting” / “conversion” of caller-related information may take place in any order in accordance with known speech-recognition techniques.</p>



Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
voice-to-alphanumeric-string-format conversion).			
Microsoft term: “fixed network equipment”	1	A telecommunication equipment installation that routes voice calls between the communication, target and voice mail devices and routes data between the converter and the communication devices.	Communication system infrastructure component.
Microsoft term: “receiving a request from a user of the communication unit”	11	The communication system infrastructure is receiving a request from the communication unit.	This element requires no construction and should be accorded its plain and ordinary meaning.
Motorola term: “caller-related information”	1, 8, 11	Information present in a stored voice mail that enables a communication device to initiate a communication to a target device.	Information provided by a caller in a stored audio message.
Motorola term: “extracts” / “extracting” / “extraction”	1, 8, 11	To select and remove from a group of items those which meet specific criteria.	Selecting.

**Motorola Patent No. 6,983,370**

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Microsoft term:  for providing continuity	1, 6, 9, 10, 11, 12, 13, 15, 18, 19, 20, 22, 29, 33, 36, 42, 45, 46, 50, 59	Indefinite.	Allowing an account user to continue at least one messaging session on different messaging clients
Microsoft term:  first / second messaging client	1, 2, 6, 9, 10, 11, 12, 15, 22, 36, 46, 50, 51, 52, 54, 59, 61	Client application operating on a messaging device that includes software capability for transferring client data to and receiving client data from at least one other messaging client. The First and Second Messaging Clients can be operated by one or more account users.	First client software to interface a user's device within a messaging communication system  Second client software to interface a user's device within a messaging communication system
Microsoft term:  “adding the second messaging client to the at least one messaging session using the session identifier”	46	Indefinite.	This element requires no construction and should be accorded its plain and ordinary meaning.  If this element is construed, it should be given the following meaning:  “using the session identifier to allow the second messaging client to participate in the at least one messaging session.”
Microsoft terms:	59	Indefinite.	This element requires no construction

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
<p>“transfer the at least one messaging session to the second messaging client using the session identifier”</p>			<p>and should be accorded its plain and ordinary meaning.</p> <p>If this element is construed, it should be given the following meaning:</p> <p>“Using the session identifier to transfer the at least one messaging session from the first messaging client to the second messaging client.”</p>
<p>Microsoft Means-Plus-Function Term</p> <p>“a first messaging client, for establishing a first communication connection including a plurality of client data with a message server”</p>	<p>50 – 52, 54</p>	<p>Indefinite.</p> <p><b>Function:</b> establishing a first communication connection including a plurality of client data with a message server.</p> <p><b>Structure:</b> none.</p> <p>The claims are indefinite for failing to identify a structure capable of providing or maintaining continuity by “establishing a first communication connection including a plurality of client data with a message server.”</p>	<p>This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶ 6 because it recites sufficient structure to perform the claimed function in its entirety.</p> <p>This element requires no construction and should be accorded its plain and ordinary meaning.</p> <p>To the extent that this element is construed according to 35 U.S.C. §112, ¶ 6:</p> <p><b>Claimed function:</b> “establishing a first communication connection including a plurality of client data with a message server.”</p> <p><b>Corresponding structure:</b></p>

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
			“first messaging client”
<p>Microsoft Means-Plus-Function term:</p> <p>“a second messaging client for receiving the plurality of client data from the first messaging client and for establishing a second communication connection including the plurality of client data with the message server”</p>	50 – 52, 54	<p>Indefinite.</p> <p><b>Function:</b> receiving the plurality of client data from the first messaging client and for establishing a second communication connection including the plurality of client data with the message server</p> <p><b>Structure:</b> none.</p> <p>The claims are indefinite for failing to identify a structure capable of providing or maintaining continuity by “receiving the plurality of client data from the first messaging client and for establishing a second communication connection including the plurality of client data with the message server.”</p>	<p>This element is not a means-plus-function element that should be construed according to 35 U.S.C. §112, ¶6 because it recites sufficient structure to perform the claimed function in its entirety.</p> <p>This element requires no construction and should be accorded its plain and ordinary meaning.</p> <p>To the extent that this element is construed according to 35 U.S.C. §112, ¶6:</p> <p><b>Claimed function:</b> “receiving the plurality of client data from the first messaging client, and establishing a second communication connection including the plurality of client data with the message server</p> <p><b>Corresponding structure:</b> “second messaging client”</p>
<p>Motorola term:</p> <p>“client data”</p>	1, 6, 9, 10, 13, 15, 18, 20, 36, 42, 45, 46, 50, 52, 54, 59	Data associated with the messaging client and data associated with each messaging session for which the messaging client is currently participating, has participated in, or plans to participate in.	Motorola agrees with Microsoft’s proposed construction.

Claim Term/ Identified By	Claims	Microsoft Proposed Construction	Motorola Proposed Construction
Motorola term: “messaging session”	22, 29, 36, 42, 46, 59	an active communication connection during which there is a transfer of electronic messages between two or more communicating devices with a defined beginning and end.	A session of real time electronic messaging, between two or more messaging clients.
Motorola term: “providing continuity between a plurality of messaging clients”	2, 6, 9, 10, 11, 12, 13, 18, 19, 20, 29, 33, 42, 45, 59	Indefinite.	See construction for “for providing continuity”
Motorola term: “session data”	22, 29, 33,	Data relating to each of the plurality of messaging sessions for which the account user is currently participating, has previously participated, or plans to participate in.	Data relating to one or more of the messaging sessions in which the account user is participating, has previously participated, or plans to participate, using the messaging client

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**CERTIFICATE OF SERVICE**

I hereby certify that on June 3, 2011, a true copy of the foregoing document was served upon the following counsel of record in the manner indicated.

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