

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
EASTERN DIVISION**

RED BEND LTD., and RED BEND SOFTWARE INC.,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 09-cv-11813-DPW

GOOGLE INC.,

Counterclaim-Plaintiff,

v.

RED BEND LTD. and RED BEND SOFTWARE INC.,

Counterclaim-Defendants.

JOINT POST-MARKMAN HEARING PROPOSED CLAIM CONSTRUCTIONS

Further to the parties' arguments made at the August 18, 2010 Markman hearing in this action, the parties jointly submit the following alternative claim construction proposals for the Court's consideration.

A. Invariant Reference

RedBend's New Proposal¹	Google's New Proposal
Values made the same in the modified old and new programs (or data tables) for corresponding reference entries so that substantially each reference that has changed due to delete/insert modifications does not appear in the difference result.	Values made the same in the modified old and new programs (or data tables) for substantially each corresponding reference entry, that has changed due to delete/insert modifications, so that their references are excluded from the difference result.

B. Modified Old/New Program/Data Table

RedBend's New Proposal²	Google's New Proposal
Table(s) or data structure(s), related to the old/new program or data table, wherein substantially each of the references in corresponding entries that changed due to a delete/insert modification are reflected as invariant references. (<i>See, e.g., '552 Patent at 3:36-41; Fig. 2; 10:47-11:3 ("table"); 13:61-64 ("data structure")</i>).	A version of the actual program or data table in its original executable form, with references replaced.

C. Continued *Markman* Hearing

Should the Court find it useful, the parties are available for a short follow-up hearing for additional argument on the foregoing claim terms.

¹ Although RedBend continues to believe this term should properly be construed as "values made the same" (with the remainder of the claim text already specifying which references are to be reflected as invariant), RedBend proposes this alternative construction in the event the Court elects to depart from RedBend's original proposed construction.

² Red Bend proposes this new construction to replace its prior construction for each of "modified old data table," "modified old program," "modified new data table" and "modified new program."

Dated: August 19, 2010

Respectfully submitted,

By: /s/ Jennifer C. Tempesta

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on August 19, 2010.

By: */s/ Jennifer C. Tempesta*

Jennifer C. Tempesta