IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS

SKYHOOK WIRELESS, INC.,				
	Plaintiff and Counterclaim-Defendant,)))		
v.)		
GOOGLE INC	GOOGLE INC.,			
	Defendant and Counterclaimant.)))		

Case No. 1:10-cv-11571-RWZ

JOINT CLAIM CONSTRUCTION AND PRE-HEARING STATEMENT

Pursuant to Patent LR 16.6, Skyhook Wireless, Inc. ("Skyhook") and Google Inc.

("Google") hereby submit this Joint Claim Construction and Pre-Hearing Statement.

I. Constructions On Which The Parties Agree

The parties have stipulated to the proper construction of nine claim terms. The parties'

agreed constructions are set forth below.

Term	Claims	Agreed Construction	Court's Construction
"Wi-Fi access	'245/1,2	Devices operating consistent with	
points"		the IEEE 802.11 standard to	
	'694/1	provide network connectivity.	
	'988/1.3		
	<i>y</i> 00, 1,0		
	'897/1,3,4		
"triggering the Wi-	'245/1	Causing the Wi-Fi device to	
Fi device to transmit		actively search for Wi-Fi access	
a request to all Wi-		points. The Wi-Fi device	
Fi access points		transmits a request to all Wi-Fi	
within range of the		access points within range of the	
Wi-Fi device"		Wi-Fi device to identify	
		themselves.	

Term	Claims	Agreed Construction	Court's Construction
"a radius on the	'694/1	A radius of ten miles or more but	
order of tens of		fewer than a hundred miles.	
miles"	'988/1		
"identification	'694/1	An identifier (e.g., a MAC	
information for a		address) for a corresponding Wi-	
corresponding Wi-	'988/1	Fi access point.	
Fi access point"			
"WiFi access points	'897/3	WiFi access points having a	
having a recorded		recorded location that is within a	
location within a		certain distance of the reference	
predefined threshold		point. That distance was	
distance of the		previously defined.	
reference point"			
"WiFi access points	'897/3	WiFi access points having a	
having a recorded		recorded location that exceeds a	
location in excess of		certain distance from the	
the predefined		reference point. That distance	
threshold distance		was previously defined.	
of the reference			
point"	10 1 7 1 7		
"a simple signal	'245/6	An algorithm that includes taking	
strength weighted		a simple average of the calculated	
average model"		locations of identified WI-FI	
		access points weighted according	
		to a function of their received	
	12 1 5 10	signal strengths.	
"a triangulation	245/8	An algorithm that includes (1)	
technique		estimating the distances from the	
		user device to at least two	
		identified wi-Fi access points	
		using their received signal	
		strengths and (2) determining a	
		distances	
"a maighted	1000/2	A position determined by	
a weighted	988/3	A position determined by	
centroid position		information	
		information.	

II. Disputed Claim Terms

The parties present twelve claim terms, or related groups of claim terms, for construction. Listed below are the terms to be construed, prioritized in the order of importance, and a joint claim construction chart, setting out each individual claim term:

- the "location" terms (including "calculated position information" for the Wi-Fi access point, "calculated positions of the Wi-Fi access points," "calculated locations," and "recorded location information");
- 2) "target area";
- 3) "arterial bias" and "avoid(s) arterial bias";
- "reference symmetry," and "wherein the database records for substantially all Wi-Fi access points in the target area provide reference symmetry within the target area";
- 5) "recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that the multiple readings have reference symmetry relative to other Wi-Fi access points in the target area and so that the calculation of the position of the Wi-Fi access point avoids arterial bias in the calculated position information" and "recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that the multiple readings avoid arterial bias in the calculated position information of the Wi-Fi access point so that the multiple readings avoid arterial bias in the calculated position information of the Wi-Fi access point so that the multiple readings avoid arterial bias in the calculated position information of the Wi-Fi access point.";
- "substantially all Wi-Fi access points" and "for substantially all Wi-Fi access points in the target area";
- 7) "said chosen algorithm being suited for the number of identified Wi-Fi access points";
- "providing a reference database of calculated locations of Wi-Fi access points in a target area";

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- 9) the "logic" terms;
- 10) "rules" and "predefined rules";
- 11) "in response to a user application request to determine a location of a user-device having

a Wi-Fi radio" and "a user-device having a Wi-Fi radio"; and

12) "a WiFi-enabled device communicating with WiFi access points within range of the

WiFi-enabled device so that observed WiFi access points identify themselves."

Term	Claims	Skyhook's	Google's	Court's
	Claims	Construction	Construction	Construction
"calculated	'245/1,2	Estimated physical	The physical location	
locations"		locations of Wi-Fi	(<i>i.e.</i> , latitude and	
		access points	longitude) attributed	
		calculated using	to each Wi-Fi access	
		characteristics of	point determined	
		signals transmitted by	mathematically from	
		such Wi-Fi access	readings recorded	
		points.	along a shortest	
			planned route	
		Support: Ex. 1 ('245	throughout all	
		Patent) see, e.g.,	drivable roads in the	
		Abstract, Figs. 3-6, 9,	target area (<i>i.e.</i> , by	
		4:21-23, 5:1-10, 5:15-	following the Chinese	
		17, 5:66-6:1, 7:41-49,	Postman routing	
		8:58-66, 12:3-14,	algorithm). The	
		12:22-13:28; Ex. 3	"calculated position	
		('988 Patent) Fig. 4,	information" cannot	
		5:1-3, 8:28-34, 8:41-	be based on	
		44; Ex. 14 (Kotz	randomly, or non-	
		Decl.) at ¶¶ 130-33;	systematically,	
		Ex. 15 (Acampora	collected readings of	
		Dep. Tr.) 110:2-11,	Wi-Fi access points.	
		191:11-192:3,		
		224:24-225:19.		
			Support: Ex. 23 ('988	
			Prosecution History)	
			GSHFED0000169-	
			72.	
			GSHFED0000181-	
			91.	
			GSHFED0000200-	
			12,	

Тотто	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			GSHFED0000234;	
			Ex. 24 ('245	
			Prosecution History)	
			GSHFED0000089-	
			90; Ex. 25 ('694	
			Prosecution History)	
			GSHFED0000287,	
			GSHFED0000295-	
			299; Ex. 26 ('897	
			Prosecution History)	
			GSHFED0000394-	
			95; Ex. 3 ('988	
			Patent) 3:12-26, 3:59-	
			4:9, 7:52-8:59, 9:6-	
			21, 9:57-10:4, 11:67-	
			13:30, Fig. 3, 5 & 9	
			and corresponding	
			disclosures in the	
			'694 patent; Ex. 1	
			('245 Patent) 3:13-15,	
			4:21-23, 4:30-31,	
			4:36-40, 4:41-45;	
			"calculated position	
			information" in the	
			.988 and .694	
			patents, "calculated	
			positions of the Wi-Fi	
			access points" in the	
			'988 patent claim 3,	
			"calculated locations"	
			in the 245 patent	
			claims I and 2, as	
			well as recorded	
			location information	
			in the 897 patent	
			claims 1 and 5,	
			(The Compact Outpard	
			English Distignary) at	
			English Dictionary) at $87 [sub page 7811 02]$	
			[sub page 822] 122	
			[sub-page 023], 132	
			[sub-page 777] 1001	
			[sub-page 777], 1991	

Tomm	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			2011 [sub-pages 640- 642]; Ex. 33 (Collins English Dictionary) at 452, 543 (7th ed. 2005); Ex. 28 (The American Heritage College Dictionary) at 379, 455 (3rd ed. 2000); Ex. 34 (The Concise Oxford English Dictionary) at 472, 836 (11th ed. 2004); Ex. 32 (Microsoft Computer Dictionary) at 42, 56- 57 (5th ed. 2002); Ex. 29 (The Merriam- Webster Dictionary) at 48 (6th ed. 2004); Ex. 30 (The Compact Oxford English Dictionary of Current English) at 133 (3rd ed. 2005); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 36 (8th ed. 2003).	
"calculated position information"	'694/1 '988/1	Estimated physical position of the observed Wi-Fi access point calculated using characteristics of its transmitted signal. Support: Ex. 2 ('694 Patent) <i>see</i> , <i>e.g.</i> , Abstract, Figs. 4, 9, 4:2-10, 4:34-35, 5:6- 26, 6:58-7:4, 8:16-24, 11:18-42, 11:51- 12:54; Ex. 3 ('988 Patent) <i>see</i> , <i>e.g.</i>	The physical location (<i>i.e.</i> , latitude and longitude) attributed to each Wi-Fi access point determined mathematically from readings recorded along a shortest planned route throughout all drivable roads in the target area (<i>i.e.</i> , by following the Chinese Postman routing algorithm). The "calculated position	

Тотт	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		Abstract, Figs. 4, 9,	information" cannot	
		4:31-40, 5:1-3, 5:14-	be based on	
		15, 5:53-6:7, 7:39-52,	randomly, or non-	
		8:28-34, 8:41-44,	systematically,	
		8:63-9:4, 11:64-	collected readings of	
		12:20, 12:29-13:31;	Wi-Fi access points.	
		Ex. 14 (Kotz Decl.) at		
		¶¶ 130-33; Ex. 15	Support: Ex. 23 ('988	
		(Acampora Dep. Tr.)	Prosecution History)	
		110:2-11, 191:11-	GSHFED0000169-	
		192:3, 224:24-	72,	
		225:19.	GSHFED0000181-	
			91,	
			GSHFED0000200-	
			12,	
			GSHFED0000234;	
			Ex. 24 ('245	
			Prosecution History)	
			GSHFED0000089-	
			90; Ex. 25 ('694	
			Prosecution History)	
			GSHFED0000287,	
			GSHFED0000295-	
			299; Ex. 26 ('897	
			Prosecution History)	
			GSHFED0000394-	
			95; Ex. 3 ('988	
			Patent) 3:12-26, 3:59-	
			4:9, 7:52-8:59, 9:6-	
			21, 9:57-10:4, 11:67-	
			13:30, Fig. 3, 5 & 9	
			and corresponding	
			disclosures in the	
			'694 patent; Ex. 1	
			('245 Patent) 3:13-15,	
			4:21-23, 4:30-31,	
			4:36-40, 4:41-45;	
			"calculated positions	
			of the Wi-Fi access	
			points" in the '988	
			patent claim 3,	
			"calculated locations"	
			in the '245 patent	
			claims 1 and 2, as	

Town	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			well as "recorded	
			location information"	
			in the '897 patent	
			claims 1 and 3,	
			respectively; Ex. 27.	
			(The Compact Oxford	
			English Dictionary) at	
			87 [sub-page 781], 92	
			[sub-page 823], 132	
			[sub-page 166], 200	
			[sub-page 777], 1991	
			[sub-pages 456-457],	
			2011 [sub-pages 640-	
			642]; Ex. 33 (Collins	
			English Dictionary) at	
			452, 543 (7th ed.	
			2005); Ex. 28 (The	
			American Heritage	
			College Dictionary)	
			at 379, 455 (3rd ed.	
			2000); Ex. 34 (The	
			Concise Oxford	
			English Dictionary) at	
			472, 836 (11th ed.	
			2004); Ex. 32	
			(Microsoft Computer	
			Dictionary) at 42, 56-	
			57 (5th ed. 2002); Ex.	
			29 (The Merriam-	
			Webster Dictionary)	
			at 48 (6th ed. 2004);	
			Ex. 30 (The Compact	
			Oxford English	
			Dictionary of Current	
			English) at 133 (3rd	
			ed. 2005); Ex. 31	
			(Barron's Dictionary	
			of Computer and	
			Internet Terms) at 36	
			(8th ed. 2003).	
"calculated	'988/3	Estimated physical	The physical location	
positions of the		positions of the	(<i>i.e.</i> , latitude and	
Wi-Fi access		observed Wi-Fi	longitude) attributed	
points"		access points	to each Wi-Fi access	

Torm	Claima	Skyhook's	Google's	Court's
I erm	Claims	Construction	Construction	Construction
		calculated using	point determined	
		characteristics of	mathematically from	
		their transmitted	readings recorded	
		signals.	along a shortest	
			planned route	
		See "Wi-Fi access	throughout all	
		points."	drivable roads in the	
			target area (<i>i.e.</i> , by	
		Support: Ex. 3 ('988	following the Chinese	
		Patent) see, e.g.,	Postman routing	
		Abstract, Figs. 4, 9,	algorithm). The	
		4:50-57, 5:1-3, 5:14-	"calculated position	
		15, 5:66-6:1, 7:39-52,	information" cannot	
		8:28-34, 8:41-44,	be based on	
		8:63-9:4, 11:64-	randomly, or non-	
		12:20, 12:29-13:31;	systematically,	
		Ex. 14 (Kotz Decl.) at	collected readings of	
		¶¶ 130-33; EX. 15	Wi-Fi access points.	
		(Acampora Dep. 11)		
		110:2-11, 191:11-	Support: Ex. 23	
		192:5, 224:24-	('988 Prosecution	
		225:19.	History)	
			GSHFED0000169-	
			72,	
			01	
			91, CELIEED0000200	
			USHFED0000200-	
			12,	
			GSHFED0000234, Ex. 24 (2245	
			Drospection History	
			GSHEED0000089	
			90. Fx 25 (.694)	
			Prosecution History)	
			GSHFED0000287	
			GSHFED 0000295-	
			299: Ex. 26 ('897	
			Prosecution History)	
			GSHFED0000394-	
			95; Ex. 3 ('988	
			Patent) 3:12-26, 3:59-	
			4:9, 7:52-8:59, 9:6-	
			21, 9:57-10:4, 11:67-	
			13:30, Fig. 3, 5 & 9	

Town	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			and corresponding	
			disclosures in the	
			'694 patent; Ex. 1	
			('245 Patent) 3:13-15,	
			4:21-23, 4:30-31,	
			4:36-40, 4:41-45;	
			"calculated position	
			information" in claim	
			1 of the '988 and '694	
			patents, "calculated	
			locations" in the '245	
			patent claims 1 and 2.	
			as well as "recorded	
			location information"	
			in the '897 patent	
			claims 1 and 3.	
			respectively: Ex. 27	
			(The Compact Oxford	
			English Dictionary) at	
			87 [sub-page 781] 92	
			[sub-nage 823] 132	
			[sub-page 166] 200	
			[sub-page 777] 1991	
			[sub-pages 456-457]	
			2011 [sub-nages 640-	
			6421: Ex. 33 (Collins	
			English Dictionary) at	
			452, 543 (7th ed.	
			2005): Ex. 28 (The	
			American Heritage	
			College Dictionary)	
			at 379, 455 (3rd ed.	
			2000): Ex. 34 (The	
			Concise Oxford	
			English Dictionary) at	
			472, 836 (11th ed.	
			2004); Ex. 32	
			(Microsoft Computer	
			Dictionary) at 42, 56-	
			57 (5th ed. 2002); Ex.	
			29 (The Merriam-	
			Webster Dictionary)	
			48 (6th ed. 2004); Ex.	
			30 (The Compact	

Torm	Claims	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
"recorded	'897/1,3	Estimated physical	Oxford English Dictionary of Current English) at 133 (3rd ed. 2005); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 36 (8th ed. 2003). The physical location	
location information"		location of Wi-Fi access points calculated using characteristics of signals transmitted by such Wi-Fi access points. Support: Ex. 4 ('897 Patent) <i>see</i> , <i>e.g.</i> , Abstract, Fig. 1, 4:50- 58, 4:63-5:4, 5:12-13, 7:30-34; Ex. 3 ('988 Patent) Fig. 4, 5:1-3, 8:28-34, 8:41-44; Ex. 14 (Kotz Decl.) at ¶¶ 130-33; Ex. 15 (Acampora Dep. Tr.) 110:2-11, 191:11- 192:3, 224:24- 225:19.	<i>(i.e.</i> , latitude and longitude) attributed to each Wi-Fi access point determined mathematically from readings recorded along a shortest planned route throughout all drivable roads in the target area (<i>i.e.</i> , by following the Chinese Postman routing algorithm). The "calculated position information" cannot be based on randomly, or non- systematically, collected readings of Wi-Fi access points. Support: Ex. 23 ('988 Prosecution History) GSHFED0000169- 72, GSHFED0000181- 91, GSHFED0000200- 12, GSHFED0000234; Ex. 24 ('245 Prosecution History) GSHFED0000089- 90; Ex. 25 ('694	

Town	Claims	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			Prosecution History)	
			GSHFED0000287,	
			GSHFED0000295-	
			299; Ex. 26 ('897	
			Prosecution History)	
			GSHFED0000394-	
			95; Ex. 3 ('988	
			Patent) 3:12-26, 3:59-	
			4:9, 7:52-8:59, 9:6-	
			21, 9:57-10:4, 11:67-	
			13:30, Fig. 3, 5 & 9	
			and corresponding	
			disclosures in the	
			'694 patent; Ex. 1	
			('245 Patent) 3:13-15,	
			4:21-23, 4:30-31,	
			4:36-40, 4:41-45;	
			"calculated position	
			information" in claim	
			1 of the '988 and '694	
			patents, "calculated	
			positions of the Wi-Fi	
			access points" in the	
			'988 patent claim 3,	
			"calculated locations"	
			in the '245 patent	
			claims 1 and 2; Ex.	
			27 (The Compact	
			Oxford English	
			Dictionary) at 87	
			[sub-page 781], 92	
			[sub-page 823], 132	
			[sub-page 166], 200	
			[sub-page 777], 1991	
			[sub-pages 456-457],	
			2011 [sub-pages 640-	
			642]; Ex. 33 (Collins	
			English Dictionary) at	
			452, 543 (7th ed.	
			2005); Ex. 28 (The	
			American Heritage	
			College Dictionary)	
			at 379, 455 (3rd ed.	
			2000); Ex. 34 (The	

Term Claims	Skyhook's	Google's	Court's	
Term	Claims	Construction	Construction	Construction
			Concise Oxford English Dictionary) at 472, 836 (11th ed. 2004); Ex. 32 (Microsoft Computer Dictionary) at 42, 56- 57 (5th ed. 2002); Ex. 29 (The Merriam- Webster Dictionary) at 48 (6th ed. 2004); Ex. 35 (Newton's Telecom Dictionary) at 689 (20th ed. 2004); Ex. 30 (The Compact Oxford English Dictionary of Current English) at 133 (3rd ed. 2005); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 36 (8th ed. 2003).	
"target area"	'245/1 '694/1,2 '988/1	A targeted geographic area. Support: Ex. 1 ('245 Patent) <i>see</i> , <i>e.g.</i> , Abstract, 4:21-23, 5:29-31, 7:36-42; Ex. 2 ('694 Patent) <i>see</i> , <i>e.g.</i> , Abstract, 3:66- 4:2, 4:47-49, 6:58-63; Ex. 3 ('988 Patent) <i>see</i> , <i>e.g.</i> , Abstract, Fig. 4, 4:28-31, 5:1- 3, 5:27-29, 7:39-44, 8:28-34, 8:41-44; Ex. 5 (<i>Compact Oxford</i> <i>English Dictionary</i> (2d ed. 1991)) at 2011, subpage 642; Ex. 14 (Kotz Decl.) at ¶ 130-33: Ex. 15	A pre-identified geographic region throughout which a shortest route is planned along all drivable roads. Support: Ex. 3 ('988 Patent) Abstract, claim 1, 4:28-40, 5:27-37, 7:37-44, 8:28-59 and corresponding disclosures in the '694, and '245 patents; Ex. 23 ('988 Prosecution History) GSHFED0000169- 72, GSHFED0000181- 91	

Torm Claims	Skyhook's	Google's	Court's	
Term	Claims	Construction	Construction	Construction
		(Acampora Dep. Tr.)	GSHFED0000200-	
		110:2-11, 224:24-	12; Ex. 36 (U.S.	
		225:19.	Patent 7,403,762)	
			GSHFED_0001671;	
			Ex. 37	
			(US2008/0139217	
			Patent Application	
			Pub.)	
			GSHFED_0001360-	
			61; Ex. 38 (U.S.	
			Patent No. 7,818,017)	
			14:25-16:7; Ex. 27	
			(The Compact Oxford	
			English Dictionary) at	
			87 [sub-page 781],	
			1501 [sub-pages 107-	
			108], 2011 [sub-pages	
			640-642]; Ex. 32	
			(Microsoft Computer	
			Dictionary) at 42 (5th	
			ed. 2002); Ex. 31	
			(Barron's Dictionary	
			of Computer and	
			Internet Terms) at 36	
			(8th ed. 2003).	
"arterial bias"	'694/1	The deviation of the	The deviation of the	
	'988/1	calculated position	calculated position	
		information for a Wi-	information for a Wi-	
		Fi access point	Fi access point	
		towards heavily	toward heavily	
		trafficked roads and	trafficked roads and	
		away from the actual	away from the actual	
		geographic location	geographic location	
		of the access point.	of the access point	
			due to the tendency of	
		Support: Ex. 2 ('694	random scanning to	
		Patent) see, e.g.,	result in a greater	
		Abstract, Figs. 3, 4,	number of scans from	
		11, 2:52-57, 4:2-10,	heavily trafficked	
		4:19-23, 4:38-40, 7:7-	roads.	
		8:12, 8:22-41, 9:3-23;	g . E 2 ((222	
		Ex. 3 (988 Patent)	Support: Ex. 3 ('988	
		see, e.g., Abstract,	Patent), Abstract,	
		Figs. 3, 4, 11, 3:12-	3:12-26, 4:4-9, 4:28-	

Torm	Claims	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		18, 4:31-40, 4:66-5:3,	46, 5:24-37, 7:34-	
		5:17-20, 7:55-8:59,	8:59, 9:2-10, 9:14-19,	
		9:2-21, 9:51-10:4;	9:57-61, 9:64-10:4,	
		Ex. 15 (Acampora	Figs. 1-5, 8 & 11 and	
		Dep. Tr.) 191:11-	corresponding	
		192:3.	disclosures in the	
			'694 patent; Ex. 23	
			('988 Prosecution	
			History)	
			GSHFED0000169-	
			72,	
			GSHFED0000181-	
			91,	
			GSHFED0000200-	
			12, ('694 Prosecution	
			History)	
			GSHFED_0000295-	
			299; Ex. 27 (The	
			Compact Oxford	
			English Dictionary) at	
			132 [sub-page 166],	
			200 [sub-page 777],	
			1718 [sub-page 33],	
			1991 [sub-pages 456-	
			457]; Ex. 32	
			(Microsoft Computer	
			Dictionary) at 42, 56-	
			57, 474 (5th ed.	
			2002); Ex. 30 (The	
			Compact Oxford	
			English Dictionary of	
			Current English) at	
			155 (5rd ed. 2005);	
			EX. 51 (Barron's	
			Computer and	
			Internet Terms) at	
			Add (8th ad 2002)	
"avoid(s) arterial	'60//1	Reduce(s) the effects	++o (oui cu. 2005).	
bias"	'988/1	of arterial bias	Indefinite under 35	
0103	700/1		U.S.C. § 112, ¶ 2	
		See "arterial bias."	operation one skilled in	
			the art of the bounds	
		Support: Ex. 2 ('694	of the claim.	

Term	Claims	Skyhook's	Google's	Court's
ICIM	Claims	Construction	Construction	Construction
Term	Claims	Skyhook's Construction Patent) see, e.g., Abstract, Figs. 3, 4, 11, 2:52-57, 4:2-10, 4:19-23, 4:38-40, 7:7- 8:12, 8:22-41, 9:3-23; Ex. 3 ('988 Patent) see, e.g., Abstract, Figs. 3, 4, 11, 3:12- 18, 4:31-40, 4:66-5:3, 5:17-20, 7:55-8:59, 9:2-21, 9:51-10:4; Ex. 11 (Merriam- Webster's Collegiate Dictionary (10th ed. 2001)) at 80; Ex. 14 (Kotz Decl.) at ¶¶ 119-129; Ex. 15 (Acampora Dep. Tr.) 191:11-192:3.	Google's ConstructionIn the alternative, "eliminates arterial bias."Support: Ex. 23 ('988 Prosecution) GSHFED0000169- 72, GSHFED0000181- 91, GSHFED0000200- 12; Ex. 25 ('694 Prosecution History) GSHFED0000295- 299; Ex. 29 (The Merriam-Webster Dictionary 6th ed. 2004) GSHFED_0004600; Ex. 3 ('988 Patent), 3:12-26, 4:4-9, 4:28- 46, 5:24-37, 7:34- 8:59, 9:2-10, 9:14-19, 9:57-61, 9:64-10:4, Figs. 1-5, 8 & 11, claim 1; Ex. 39 (U.S. Patent App. Pub. 2009/0075672), Ex. 40 (U.S. Patent No. 7,493,127); Ex. 27 (The Compact Oxford English Dictionary) at 92 [sub-page 823], 132 [sub-page 166]; Ex. 32 (Microsoft Computer Dictionary) at 56-57 (5th ed.	Construction
"reference	694/1	From the perspective	2002); Ex. 29 (The Merriam-Webster Dictionary) 48 (6th ed. 2004).	
symmetry"	'988/1	of a user whose	Indefinite under 35 U.S.C. § 112, \P 2	

Tomm	Claima	Skyhook's	Google's	Court's
Ierm	Claims	Construction	Construction	Construction
		location is being calculated, the calculated positions of observed Wi-Fi access points in range of the user tend to be distributed around the	Constructionbecause it does notapprise one skilled inthe art of the boundsof the claim.In the alternative,"the balanced or	Construction
		user with reduced arterial bias. Support: Ex. 2 ('694 Patent) <i>see</i> , <i>e.g.</i> , Abstract, Figs. 5, 6, 11, 4:2-10, 4:24-28, 4:38-40, 9:3-23; Ex. 3 ('988 Patent) <i>see</i> ,	symmetrical distribution of numerous access points on all sides of the user device and within range of the user device's WiFi radio."	
		<i>e.g.</i> , Abstract, Figs. 5, 6, 11, 4:4-9; 4:31-40, 5:4-8, 5:17-20, 5:33- 37; 9:51-10:4; Ex. 14 (Kotz Decl.) at ¶¶ 95- 118; Ex. 15 (Acampora Dep. Tr.) at 170:15-171:5, 168:11-18, 167:14- 21; 173:2-179:11, 181:21-182:13; Ex. 22 (Acampora Dep. Ex. 1) at Figs. 3,4.	Support: Ex. 3 ('988 Patent), claim 1, 2:53- 57, 4:38, 5:4-8, 9:2- 19, 9:49-10:4, Figs. 2-6, 8, 11 and corresponding disclosures in the '694 patent; Ex. 23 ('988 Prosecution History) GSHFED0000169- 72, GSHFED0000181-	
			91, GSHFED0000200- 12; Ex. 25 ('694 Prosecution History) GSHFED_0000295- 299; Ex. 27 (The Compact Oxford English Dictionary) at 87 [sub-page 781], 200 [sub-page 781], 200 [sub-page 777], 1991 [sub-pages 456- 457]; Ex. 30 (The Compact Oxford English Dictionary of Current English) at	

Torm	Claims	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			133 (3rd ed. 2005); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 36 (8th ed. 2003).	
"wherein the database records for substantially all Wi-Fi access points in the target area provide reference symmetry within the target area"	'694/1	Wherein the database records for substantially all Wi- Fi access points in the target area are distributed such that when the database records are used to calculate a user's location, the calculated positions of the observed Wi-Fi access points in range of the user tend to be distributed around the user with reduced levels of arterial bias. See "substantially all Wi-Fi access points," "target area," "Wi-Fi access points," and "reference symmetry." Support: Ex. 2 ('694 Patent) <i>see, e.g.</i> , Abstract, Figs. 3-6, 11, 4:2-10, 4:19-28, 4:38-40, 7:47-8:12, 9:3-23; Ex. 3 ('988 Patent) at 4:4-9, 5:33- 37; Ex. 13 ('988 patent prosecution history) Reply to Non-Final Office Action of Nov. 30, 2007, p. 8; Ex. 14	Indefinite under 35 U.S.C. § 112, ¶ 2 because it does not apprise one skilled in the art of the bounds of the claim, and in particular fails to apprise the person of ordinary skill in the art as to what it means to "provide reference symmetry within the target area." Support: Ex. 2 ('694 Patent), claim 1, 2:25- 29, 4:8-9, 4:27-28, 5:38-49, 7:32-35, 7:62-66, 9:3-23, Fig. 5, Fig. 6, Fig. 11; Ex. 23 ('988 Prosecution History) GSHFED0000169- 72, GSHFED0000169- 72, GSHFED0000181- 91, GSHFED0000181- 91, GSHFED0000200- 12; Ex. 41 (<i>David</i> <i>Nichols & Nichols</i> <i>Lures v. Strike King</i> <i>Lure Co.</i> , 2000 U.S. Dist. LEXIS 15781), 31-32 (N.D. Tex. Oct. 25, 2000); Ex. 27 (The Compact Oxford English Dictionary) at 389 [sub-page 261],	

Tomm	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		(Kotz Decl.) at ¶¶ 95-	1991 [sub-pages 456-	
		118; Ex. 15	457], 2011 [sub-pages	
		(Acampora Dep. Tr.)	640-642]; Ex. 32	
		at 170:15-171:5,	(Microsoft Computer	
		168:11-18, 167:14-	Dictionary) at 141	
		21; 173:2-179:11,	(5th ed. 2002); Ex. 35	
		181:21-182:13; Ex.	(Newton's Telecom	
		22 (Acampora Dep.	Dictionary) at 39-40,	
		Ex. 1) at Figs. 3,4.	232, 689, 916 (20th	
			ed. 2004); Ex. 31	
			(Barron's Dictionary	
			of Computer and	
			Internet Terms) at	
			123 (8th ed. 2003).	
"recording	'694/1	Multiple scans of a	Indefinite under 35	
multiple readings		Wi-Fi access point	U.S.C. § 112. ¶ 2	
of the Wi-Fi		are recorded. The	because it does not	
access point at		scans are taken at	apprise one skilled in	
different locations		different locations	the art of the bounds	
around the Wi-Fi		around the Wi-Fi	of the claim, and in	
access point so		access point. The	particular	
that the multiple		multiple readings	impermissibly recites	
readings avoid		avoid arterial bias in	a method step in an	
arterial bias in the		the calculated	apparatus claim.	
calculated		position information	**	
position		of the Wi-Fi access		
information of the		point.	In the alternative,	
Wi-Fi access		-	"storing Wi-Fi access	
point"		See "Wi-Fi access	point signals received	
		points," "avoid	while scanning along	
		arterial bias," and	a shortest planned	
		"calculated position	route along each	
		information."	drivable road	
			throughout each	
		Support: Ex. 2 ('694	target area, e.g.,	
		Patent) see, e.g.,	Chinese Postman and	
		Abstract, Figs. 3-6,	not using random	
		11, 4:2-10, 4:19-28,	scanning or collection	
		4:38-40, 7:47-8:12,	methods to avoid the	
		8:22-41, 9:3-23; Ex.	tendency of random	
		3 ('988 Patent) Fig. 4,	scanning to result in a	
		5:1-3, 8:28-34, 8:41-	greater number of	
		44; Ex. 14 (Kotz	scans of the Wi-Fi	
		Decl.) at ¶¶ 130-33;	access point from	

Tomm	Claime	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		Ex. 15 (Acampora	heavily trafficked	
		Dep. Tr.) 110:2-11,	roads."	
		191:11-192:3,		
		224:24-225:19.	Support: Ex. 23 ('988	
			Prosecution History)	
			GSHFED0000169-	
			72,	
			GSHFED0000181-	
			91,	
			GSHFED0000200-	
			12; Ex. 25 ('694	
			Prosecution History)	
			GSHFED0000287,	
			GSHFED0000297-	
			98; Ex. 3 ('988	
			patent) 7:52-8:59,	
			9:14-19, 9:64-10:4,	
			Figs. 4 & 11, claim 1;	
			Ex. 39 (U.S. Patent	
			App. Pub.	
			2009/0075672); Ex.	
			40 (U.S. Patent No.	
			7,493,127); Ex. 27	
			(The Compact Oxford	
			English Dictionary) at	
			87 [sub-page 781],	
			200 [sub-page 777],	
			1991 [sub-pages 456-	
			457], 2011 [sub-	
			pages $640-642$]; Ex.	
			33 (Collins English	
			Dictionary) at 543 $(74b + 1) 2005$ (74b - 1) 2005	
			(/th ed. 2005); Ex. 28	
			(The American Haritaga Collaga	
			Dictionary) at 455	
			(3rd ed 2000) Ev 21	
			(The Concise Oxford	
			Findlish Dictionary) at	
			472 836 (11th ed	
			2004): Ex 32	
			(Microsoft Computer	
			Dictionary) at 42 (5th	
			ed. 2002); Ex. 35	

Term	Claims	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			(Newton's Telecom Dictionary) at 39-40, 689, 916 (20th ed. 2004); Ex. 30 (The Compact Oxford English Dictionary of Current English) at 133 (3rd ed. 2005); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 36 (8th ed. 2003).	
"recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that the multiple readings have reference symmetry relative to other Wi-Fi access points in the target area"	'988/1	Multiple scans of a Wi-Fi access point are recorded. The scans are taken at different locations around the Wi-Fi access point. This results in the following: (a) the multiple readings produce a calculated position of the Wi-Fi access point having reference symmetry relative to other Wi- Fi access points in the target area and (b) the calculated position of the Wi-Fi access point reduces the effects of arterial bias. <i>See</i> "Wi-Fi access points," "reference symmetry," "avoids arterial bias," and "calculated position information."	Indefinite under 35 U.S.C. § 112, ¶ 2 because it does not apprise one skilled in the art of the bounds of the claim, and in particular (1) impermissibly recites a method step in an apparatus claim; and (2) fails to apprise the person of ordinary skill in the art as to what it means for "multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point" to "have reference symmetry <i>relative to</i> <i>other Wi-Fi access</i> <i>points</i> in the target area." In the alternative, "systematically driving each road in the target area using a predesigned Chinese Postman scanning	

Tour	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		Patent) see, e.g.,	route so as to collect	
		Abstract, Figs. 3-6,	multiple readings of	
		11, 2:55-56, 4:4-9,	the Wi-Fi access	
		4:31-40, 4:66-5:8,	point at different	
		5:17-20, 5:33-37,	locations around the	
		8:28-59, 9:2-21, 9:51-	Wi-Fi access point so	
		10:4; Ex. 13 ('988	that the multiple	
		patent prosecution	readings have	
		history) Reply to	reference symmetry	
		Non-Final Office	relative to other Wi-	
		Action of Nov. 30,	Fi access points in the	
		2007, p. 8; Ex. 10	target area."	
		(The Cassell		
		Dictionary and	Support: Ex. 23 ('988	
		Thesaurus (1999)) at	Prosecution History)	
		510-11; Ex. 14 (Kotz	GSHFED0000169-	
		Decl.) at $\P 95-118$,	72,	
		130-33; Ex. 15	GSHFED0000181-	
		(Acampora Dep. Tr.)	91,	
		at 110:2-11, 170:15-	GSHFED0000200-	
		1/1.3, 108.11-18, 167.14, 21, 172.2	12; Ex. 3 (*988	
		10/:14-21; 1/3:2-	patent) 7:52-8:59,	
		1/9:11, 181:21-	9:14-19, 9:64-10:4,	
		102:15, 191:11-	Figs. 4 & 11, claim 1;	
		192.3, 224.24-	EX. 39 (U.S. Patent	
		(A campora Den Ex	App. Pub. 2000/0075672), Ex	
		(Acampora Dep. Ex. 1) at Figs 3 1	2009/00/30/2); EX.	
		1) at 1 1gs. 5,4.	7 40 (0.5. Fatent NO. 7 402 (2.5) Fatent NO. 7 402 (2.5) Fr 27	
			(The Compact Oxford)	
			(The Compact Oxford English Dictionary) at	
			87 [sub-page 781]	
			200 [sub-page 777]	
			1991 [sub-nages 456-	
			457] 2011 [sub-pages	
			640-6421: Ex. 33	
			(Collins English	
			Dictionary) at 543	
			(7th ed. 2005): Ex. 28	
			(The American	
			Heritage College	
			Dictionary) at 455	
			(3rd ed. 2000); Ex. 34	
			(The Concise Oxford	

Term	Claims	Skyhook's	Google's	Court's
ICIM	Claims	Construction	Construction	Construction
"recording multiple readings of the Wi-Fi access point at different locations around the Wi-Fi access point so that the calculation of the position of the Wi-Fi access point avoids arterial bias in the calculated position information"	'988/1	Multiple scans of a Wi-Fi access point are recorded. The scans are taken at different locations around the Wi-Fi access point. This results in the following: (a) the multiple readings produce a calculated position of the Wi-Fi access point having reference symmetry relative to other Wi- Fi access points in the target area and (b) the calculated position of the Wi-Fi access point reduces the effects of arterial bias. See "Wi-Fi access	English Dictionary) at 472, 836 (11th ed. 2004); Ex. 32 (Microsoft Computer Dictionary) at 42 (5th ed. 2002); Ex. 35 (Newton's Telecom Dictionary) at 39-40, 689, 916 (20th ed. 2004); Ex. 30 (The Compact Oxford English Dictionary of Current English) at 133 (3rd ed. 2005); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 36 (8th ed. 2003). Indefinite in violation of 35 U.S.C. § 112, ¶ 2 because it does not apprise one skilled in the art of the bounds of the claim, and in particular (1) impermissibly recites a method step in an apparatus claim; and (2) fails to provide any measure of when "recording multiple readings around the Wi-Fi access point so that the calculation of the position of the Wi-Fi access point avoids arterial bias" is achieved. In the alternative, "storing Wi-Fi access point so that the calculation of the position of the Wi-Fi	
position of the Wi-Fi access point avoids arterial bias in the calculated position information"		multiple readings produce a calculated position of the Wi-Fi access point having reference symmetry relative to other Wi- Fi access points in the target area and (b) the calculated position of the Wi-Fi access point reduces the effects of arterial bias. <i>See</i> "Wi-Fi access points," "reference	apparatus claim; and (2) fails to provide any measure of when "recording multiple readings around the Wi-Fi access point so that the calculation of the position of the Wi-Fi access point avoids arterial bias" is achieved. In the alternative, "storing Wi-Fi access point signals received	

Tour	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		symmetry," "avoids	while scanning along	
		arterial bias," and	a shortest planned	
		"calculated position	route along each	
		information."	drivable road	
			throughout each	
		Support: Ex. 3 ('988	target area, e.g.,	
		Patent) see, e.g.,	Chinese Postman, and	
		Abstract, Figs. 3-6,	not using random	
		11, 2:55-56, 4:4-9,	scanning or collection	
		4:31-40, 4:66-5:8,	methods."	
		5:17-20, 5:33-37,	Support:	
		8:28-59, 9:2-21, 9:51-	Ex. 23 ('988	
		10:4; Ex. 13 ('988	Prosecution History)	
		patent prosecution	GSHFED0000169-	
		history) Reply to	72,	
		Non-Final Office	GSHFED0000181-	
		Action of Nov. 30,	91,	
		2007, p. 8; Ex. 10	GSHFED0000200-	
		(The Cassell	12; ('694 Prosecution	
		Dictionary and	History)	
		Thesaurus (1999)) at	GSHFED0000295;	
		510-11; Ex. 14 (Kotz	Ex. 3 ('988	
		Decl.) at ¶¶ 95-118,	Patent) Abstract,	
		130-33; Ex. 15	3:12-26, 4:4-9, 4:28-	
		(Acampora Dep. Tr.)	46, 5:24-37,	
		at 110:2-11, 170:15-	7:34-8:59, 9:2-10,	
		171:5, 168:11-18,	9:14-19, 9:57-10:4,	
		167:14-21; 173:2-	Figs. 1-5, 8 &	
		179:11, 181:21-	11, claim 1; Ex. 39	
		182:13, 191:11-	(U.S. Patent App.	
		192:3, 224:24-	Pub. 2009/0075672);	
		225:19; Ex. 22	Ex. 40 (U.S. Patent	
		(Acampora Dep. Ex.	No. 7,493,127); Ex.	
		1) at Figs. 3,4.	27 (The Compact	
			Oxford	
			English Dictionary) at	
			92 [sub-page 823],	
			132 [sub-page	
			166], 200 [sub-page	
			///], 2011 [sub-pages	
			[040-042];	
			Ex. 33 (Collins	
			English Dictionary) at	
			543 (7th ed. 2005);	

Torm	n Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
	Claims	Construction	Construction Ex. 28 (The American Heritage College Dictionary) at 455 (3rd ed. 2000); Ex. 34 (The Concise Oxford English Dictionary) at 472, 836 (11th ed. 2004); Ex. 32 (Microsoft Computer Dictionary) at 56-57 (5th ed. 2002); Ex. 35 (Newton's Telecom Dictionary) 39-40, 689, 916 (20th ed. 2004); Ex. 29 (The Merriam- Webster Dictionary) at 48 (6th ed. 2004); Ex. 30 (The Compact Oxford English Dictionary of Current English) at	Construction
			133 (3rd ed. 2005)	
"substantially all Wi-Fi access points"	'694/1 '988/1	Substantially all observed Wi-Fi access points. See "Wi-Fi access points." Support: Ex. 2 ('694 Patent) see, e.g., Abstract, 4:2-10, 4:47-54, 5:19-21, 5:54-56, 6:55-7:5, 7:63-66, 9:41-43, 10:57-67; Ex. 3 ('988 Patent) see, e.g., Abstract, 4:31-40, 5:27-34, 5:66-6:1, 6:35-37, 7:35-55,	All but an insignificant number of Wi-Fi access points in the target area. Support: Ex. 3 ('988 Patent), 4:28-46, 5:24-37, 6:19-30, 8:13-16, 8:44-47, 9:12-19 and corresponding disclosures in the '694 patent; Ex. 23 ('988 Prosecution History) GSHFED0000181- 91; Ex. 41 (David	

Torm	Claime	Skyhook's	Google's	Court's
ICIM	Claims	Construction	Construction	Construction
		8:44-47, 10:21-23,	Nichols & Nichols	
		11:35-45; Ex. 15	Lures v. Strike King	
		(Acampora Dep. Tr.)	<i>Lure Co.</i> , 2000 U.S.	
		37:1-4, 38:22-25,	Dist. LEXIS 15781),	
		238:2-239:17, 245:8-	31-32 (N.D. Tex. Oct.	
		246:17, 247:2-	25, 2000); Ex. 35	
		247:21.	(Newton's Telecom	
			Dictionary) at 39-40,	
			232, 689, 916 (20th	
			ed. 2004); Ex. 27	
			(The Compact Oxford	
			English Dictionary) at	
			2011 [sub-pages 640-	
			642].	
"for substantially	'694/1	For substantially all	All but an	
all Wi-Fi access	'988/1	observed Wi-Fi	insignificant number	
points in the		access points in the	of Wi-Fi access	
target area"		target area.	points in the target	
			area.	
		See "Wi-Fi access		
		points" and "target	Support: Ex. 3 ('988	
		area."	Patent), 4:28-46,	
			5:24-37, 6:19-30,	
		Support: Ex. 2 ('694	8:13-16, 8:44-47,	
		Patent) see, e.g.,	9:12-19 and	
		Abstract, 4:2-10,	corresponding	
		4:47-54, 5:19-21,	disclosures in the	
		5:54-50, 0:55-7:5,	694 patent; Ex. 23	
		7.05-00, 9.41-45, $10.57, 67, E_{\rm W}, 2, (000)$	('988 Prosecution	
		10:57-07; EX. 5 (988	History)	
		Abstract 4:21 40	GSHFED0000181-	
		Adstract, 4:51-40,	91; Ex. 41 (<i>David</i>	
		5.27-34, 5.00-0.1, 6.25, 27, 7.25, 55	Nichols & Nichols	
		0.33-37, 7.33-33, 8.44, 47, 10.21, 22	Lures v. Strike King	
		0.44-47, 10.21-23, 11.25 $A5$, Ex. 15	Lure Co., 2000 U.S.	
		$(\Lambda_{compore} Dop Tr)$	Dist. LEXIS $15/81$),	
		(A campora Dep. 11.) 37.1_A 38.72.25	51-52 (IN.D. 1eX. Uct.	
		$37.1^{-4}, 30.22^{-23},$ $338.2_{3}0.17, 245.8$	23, 2000; EX. 55	
		236.2-237.17, 2+3.0- 246.17 247.7_{-}	Distioners) at 20,40	
		$2+0.17, 2+7.2^{-1}$	Dictionary) at $39-40$,	
			232,009,910 (2001) ad 2004). Ex 27	
			(The Compact Oxford	
			English Distignary) at	
			English Dictionary) at	

Torm	Claims	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			2011 [sub-pages 640- 642].	
"said chosen algorithm being suited for the number of identified Wi-Fi access points"	'245/1	Does not need to be construed. But if construed: The chosen location- determination algorithm is suited for the number of Wi- Fi access points that are identified. See "Wi-Fi access points." Support: Ex. 1 ('245 Patent) see, e.g., 4:33-40, 5:45-48, 7:7- 13; Ex. 5 (English Dictionary (2d ed. 1991)) at 1956-57, subpage 149; Ex. 14 (Kotz Decl.) at ¶¶ 86- 88.	2011 [sub-pages 640- 642]. Indefinite under 35 U.S.C. § 112, ¶ 2 because it does not apprise one skilled in the art of the bounds of the claim, and in particular fails to apprise the person of ordinary skill in the art which algorithm(s) is (are) "suited" for a particular number of identified Wi-Fi access points. Support: Ex. 1 ('245 Patent), 5:45-48, 7:3- 12, 7:23-24, 12:29- 32; Ex. 24 '245 Prosecution History) GSHFED0000089- 90; Ex. 42 (McGraw- Hill Dictionary of Scientific and Technical Terms), 66, 2287 (6th ed. 2003); Ex. 43 (The American Heritage Science Dictionary) at 17 (2005); Ex. 27 (The Compact Oxford English Dictionary) at 1956-57 [sub-pages 146-150], 2289 [sub- page 100]; Ex. 28 (The American Heritage College Dictionary) at 1358,	
			(The American Heritage College Dictionary) at 1358, 1530 (3rd ed. 2000); Ex. 35 (Newton's Telecom Dictionary)	

Term	Claims	Skyhook's	Google's	Court's
ICIM	Claims	Construction	Construction	Construction
			39-40, 916 (20th ed. 2004); Ex. 44 (Webster's New World College Dictionary) at 1432 (4th ed. 2004); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 14- 15 (8th ed. 2003).	
"providing a reference database of calculated locations of Wi-Fi access points in a target area"	'245/1	Does not need to be construed. But if construed: Providing a database of calculated locations of Wi-Fi access points in a target area. The database is used to locate a user device having a Wi-Fi radio. <i>See</i> "calculated locations," "Wi-Fi access points," and "target area." Support: Ex. 1 ('245 Patent) <i>see</i> , <i>e.g.</i> , Abstract, Fig. 9, 4:21- 23, 5:15-17, 6:29-36, 8:58-64, 14:4-5; Ex. 3 ('988 Patent) Fig. 4, 5:1-3, 8:28-34, 8:41- 44; Ex. 14 (Kotz Decl.) at ¶¶ 130-33; Ex. 15 (Acampora Dep. Tr.) 110:2-11, 191:11-192:3, 224:24-225:19.	A database that contains calculated locations for all the Wi-Fi access points collected in the pre- identified target area by scanning a shortest planned route along all drivable roads. The database does not include information about Wi-Fi access points gathered using random or end-user based collection methods. <i>See also</i> "a database of Wi-Fi access points for at least one target area" in the '988 and '694 patents. Support: Ex. 3 ('988 Patent), Abstract, claim 1, 3:12-18, 4:28-40, 5:27-30, 5:55-6:3, 7:39-44, 8:28-34, 8:41-44, 8:56-59; Ex. 2 '694 Patent), 2:51-57, 5:8- 24 and corresponding disclosures in the	

Tomm	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
			'245 patent; Ex. 23	
			('988 Prosecution	
			History)	
			GSHFED0000169-	
			72,	
			GSHFED0000181-	
			91,	
			GSHFED0000200-	
			12; Ex. 27 (The	
			Compact Oxford	
			English Dictionary) at	
			200 [sub-page 777],	
			389 [sub-page 261],	
			2011 [sub-pages 640-	
			642]; Ex. 33 (Collins	
			English Dictionary) at	
			543 (7th ed. 2005);	
			Ex. 28 (The	
			American Heritage	
			College Dictionary)	
			at 455 (3rd ed. 2000);	
			Ex. 34 (The Concise	
			Oxford English	
			Dictionary) at $4/2$,	
			550 (1101 ed. 2004);	
			EX. 52 (MICIOSOIL Computer Distionary)	
			ot 141 (5th od 2002)	
			at 141 (Jul eu. 2002), Ev. 35 (Noveton's	
			Telecom Dictionary)	
			$2 + 39_{-10} - 232_{-916} = 0.000$	
			(20th ed 2004) Ex	
			30 (The Compact	
			Oxford English	
			Dictionary of Current	
			English) at 133 (3rd	
			ed. 2005); Ex. 31	
			(Barron's Dictionary	
			of Computer and	
			Internet Terms) at	
			123 (8th ed. 2003).	
"logic to	'988/1	Software and/or	Indefinite under 35	
recalculate		hardware to	U.S.C. § 112, ¶ 2	
position		recalculate position	because the	

Tomm	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
information for		information for Wi-Fi	specification does not	
Wi-Fi access		access points	disclose a structure	
points previously		previously stored in	corresponding to the	
stored in the		the database. This	claimed "logic"	
database to utilize		recalculation utilizes	capable of performing	
position		new position	the recited function of	
information for		information for such	"recalculat[ing]	
the newly-		Wi-Fi access points	position information	
discovered		calculated using	for Wi-Fi access	
readings of		scans taken after the	points previously	
previously stored		previously stored Wi-	stored in the database	
Wi-Fi access		Fi access points were	to utilize position	
points"		stored.	information for the	
			newly-discovered	
		See "Wi-Fi access	readings of	
		points."	previously stored Wi-	
			Fi access points."	
		Support: Ex. 3 ('988		
		Patent) see, e.g., Figs.	Support: Ex. 3 ('988	
		8, 9, 4:40-46, 5:11-	Patent), 12:29-13:31;	
		13, 5:37-41, 11:47-	Ex. 27 (The Compact	
		13:31, 14:14; Ex. /	Oxford English	
		(The American	Dictionary) at 200	
		Heritage College	[sub-page 777], 389	
		Dictionary (3rd ed.	[sub-page 261], 992	
		1997)) at 797; Ex. 8	[sub-pages 1107-	
		(Wiley Electrical and	1108]; Ex. 32	
		Electronics	(Microsoft Computer	
		Engineering	Dictionary) at 141,	
		Dictionary (2004)) at 122 , E_{22} , D_{32}	317 (5th ed. 2002);	
		432; EX. 9 (<i>of</i>	Ex. 35 (Newton's	
		Scientific and	Telecom Dictionary)	
		<i>Technical Terms</i> (411 ad 1080)) at 1101.	at 39-40, 232, 916	
		Ex. 1989) at 1101;	(20th ed. 2004); Ex.	
		EX. 14 (KOLZ DECI.) at π	30 (The Compact	
		[1] 32, 38-00, 00-08;	Oxford English	
		Dan Tr = 60.2 6	Dictionary of Current	
		204.16 10 208.2 17	English) at 133 (3rd 1.12005). E 21	
		204.10-17, 200.2-17, 200.2-17, 200.21, 200.2	ea. 2005); Ex. 31	
		200.21-23, 219.14- 220.10. Ex. 16	(Barron's Dictionary	
		$(\Delta nthony S \Delta compare)$	of Computer and	
		An Introduction to	internet Terms) at	
		Broadhand Networks	125 (8th ed. 2003).	
		(1994)) at 1; Ex. 17		

Term	Claims	Skyhook's	Google's	Court's
		Construction	Construction	Construction
		(U.S. Patent No. 4,425,639) at 7:60-63; Ex. 18 (U.S. Patent Application No. 20080039130) at ¶ 76; Ex. 19 (U.S. Patent No. 7,869,667 B1) at 12:48; Ex. 20 (U.S. Patent No. 7,627,548) at 5:61-		
		62; Ex. 21 (U.S. Patent No. 7,751,592) at 12:51-54.		
"computer- implemented logic to add records to the database for newly-discovered Wi-Fi access points"	'988/1	Computer- implemented software and/or hardware to add data records to the database for newly- discovered Wi-Fi access points. <i>See</i> "Wi-Fi access points" and "database records." Support: Ex. 3 ('988 Patent) see, e.g., Figs. 8, 9, 4:40-46, 5:11- 13, 5:37-41, 11:47- 13:31, 14:14; Ex. 7 (<i>The American</i> <i>Heritage College</i> <i>Dictionary</i> (3rd ed. 1997)) at 797; Ex. 8 (<i>Wiley Electrical and</i> <i>Electronics</i> <i>Engineering</i> <i>Dictionary</i> (2004)) at 432; Ex. 9 (<i>McGraw</i> - <i>Hill Dictionary of</i> <i>Scientific and</i> <i>Technical Terms</i> (4th ed. 1989)) at 1101; Ex. 14 (Kotz Decl.) at ¶¶ 32, 58-60, 63; Ex.	Indefinite under 35 U.S.C. § 112, ¶ 2 because the specification does not disclose a structure corresponding to the claimed "computer- implemented logic" capable of performing the recited function of "add[ing] records to the database for newly-discovered Wi- Fi access points." Support: Ex. 3 ('988 Patent), 11:64-12:6, 12:29-38, 12:39- 13:31; Ex. 23 ('988 Prosecution History) GSHFED0000169- 72, GSHFED0000169- 72, GSHFED0000181- 91, GSHFED0000200- 12; Ex. 27 (The Compact Oxford English Dictionary) at 389 [sub-page 261], 992 [sub-pages 1107- 1108]; Ex. 32 (Microsoft Computer	

Tomm	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		15 (Acampora Dep. Tr.) 69:2-6, 204:16- 19, 208:2-17, 208:21- 25, 219:14-220:19; Ex. 16 (Anthony S. Acampora, <i>An</i> <i>Introduction to</i> <i>Broadband Networks</i> (1994)) at 1; Ex. 17 (U.S. Patent No. 4,425,639) at 7:60-63; Ex. 18 (U.S. Patent Application No. 20080039130) at ¶ 76; Ex. 19 (U.S. Patent No. 7,869,667 B1) at 12:48; Ex. 20 (U.S. Patent No. 7,627,548) at 5:61- 62; Ex. 21 (U.S. Patent No. 7,751,592) at 12:51-54.	Dictionary) at 141, 317 (5th ed. 2002); Ex. 35 (Newton's Telecom Dictionary) at 39-40, 232, 689, 916 (20th ed. 2004); Ex. 31 (Barron's Dictionary of Computer and Internet Terms) at 123 (8th ed. 2003).	
"computer- implemented clustering logic to identify position information based on error prone GPS information"	'988/2	Computer- implemented software and/or hardware to identify when position information for a Wi- Fi access point based on GPS readings is likely to be erroneous. The software and/or hardware identifies position information that is not located within a certain threshold distance of other position information for the Wi-Fi access point. Support: Ex. 3 ('988 Patent) <i>see, e.g.</i> , Figs. 8, 9, 4:47-49, 5:11- 13, 11:47-13:31,	Indefinite under 35 U.S.C. § 112, ¶ 2 because (1) it does not apprise one skilled in the art of the bounds of the claim, and in particular fails to apprise the person of ordinary skill in the art what constitutes "error prone GPS information"; and (2) in violation of 35 U.S.C. § 112, ¶ 2 because the specification does not disclose a structure corresponding to the claimed "computer- implemented clustering logic" capable of performing the recited function of	

Torm	Claims	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		14:14; Ex. 7 (<i>The</i>	"identify[ing]	
		American Heritage	position information	
		College Dictionary	based on error prone	
		(3rd ed. 1997)) at	GPS information."	
		797; Ex. 8 (Wiley		
		Electrical and	Support: Ex. 3 ('988	
		Electronics	Patent), 12:6-13; Ex.	
		Engineering	27 (The Compact	
		Dictionary (2004)) at	Oxford English	
		432; Ex. 9 (<i>McGraw</i> -	Dictionary) at 992	
		Hill Dictionary of	[sub-pages 1107-	
		Scientific and	1108], 1/18 [sub-	
		Technical Terms (4th	page 33]; Ex. 32	
		ed. 1989)) at 1101;	(Microsoft Computer	
		Ex. 14 (Kotz Decl.) at	Dictionary) at 317 ,	
		¶¶ 32, 58-60, 70-71;	4/4 (5th ed. 2002);	
		Ex. 15 (Acampora	EX. 35 (Newton's	
		Dep. Ir.) $69:2-6$,	relecom Dictionary)	
		204:10-19, 208:2-17,	at $757 (20th ed.)$	
		200.21-23, 219.14-	(Derron's Distionery	
		220.19, EX. 10	of Computer and	
		An Introduction to	Internet Terms) at	
		Broadband Networks	1110110011011101) at $1/48$ (8th ed. 2003)	
		(1994)) at 1: Ex. 17	446 (oui eu. 2003).	
		(U.S. Patent No.		
		4,425,639) at 7:60-63;		
		Ex. 18 (U.S. Patent		
		Application No.		
		20080039130) at ¶ 76;		
		Ex. 19 (U.S. Patent No. $7.960.667$ P1) at 12:49:		
		7,809,007 B1) at 12:48;		
		No. 7 627 548) at 5.61 -		
		62: Ex 21 (US Patent		
		No. 7,751,592) at		
		12:51-54.		
"logic to	'988/3	Software and/or	Indefinite under 35	
determine a		hardware to	U.S.C. § 112, ¶ 2	
weighted centroid		determine a weighted	because the	
position for all		centroid position for	specification does not	
position		a Wi-Fi access point.	disclose a structure	
information		The weighted	corresponding to the	
reported for an		centroid position is	claimed "logic"	
access point"		determined using all	capable of performing	

Tarm	Skyhook's	Google's	Court's
Term Claims	Construction	Construction	Construction
	position information	the recited function of	
	reported for that Wi-	"determin[ing] a	
	Fi access point.	weighted centroid	
	-	position for all	
	See "weighted	position information	
	centroid position"	reported for an access	
	and "Wi-Fi access	point."	
	points."		
	Summart, Ex. 2 (1000	Support: Ex. 3 ('988	
	Support: Ex. 3 (988	Patent), 3:20-26,	
	Patent) see, e.g., Figs.	12:11-20, 12:24-28,	
	8, 9, 4:50-57, 5:11-	12:35-13:31; Ex. 42	
	13, 11:4/-13:31,	(McGraw-Hill	
	14:14; Ex. / (<i>Ine</i>	Dictionary of	
	American Heritage	Scientific and	
	College Dictionary	Technical Terms) at	
	(3rd ed. 1997) at 707 , E= 9 (W ²)	357, 2287 (6th ed.	
	797; EX. 8 (Wiley	2003); Ex. 27 (The	
	Electrical ana	Compact Oxford	
		English Dictionary) at	
	Engineering	200 [sub-page 777],	
	Dictionary (2004)) at 422 : Ex. 0 (MaChan	229 [sub-page 1040],	
	452; EX. 9 (<i>McGraw-</i>	992 [sub-pages 1107-	
	Hui Dictionary of	1108], 2289 [sub-	
	Scientific and	page 100]; Ex. 32	
	<i>Technical Terms</i> (4th	(Microsoft Computer	
	$E_{\rm W} = \frac{14}{(V_{\rm otr} - D_{\rm ool})}$ at 1101;	Dictionary) at 317	
	EX. 14 (KOIZ DECI.) at 1002258607475	(5th ed. 2002); Ex. 33	
	11 52, 58-00, 74-75;	(Collins English	
	EX. 15 (Acampora Don T_{r}) 60.2 6	Dictionary) at 277,	
	Dep. 11.) $09.2-0$, 204.16 10 208.2 17	452 (7th ed. 2005);	
	204.10-19, 208.2-17, 208.21, 25, 210.14	Ex. 28 (The	
	200.21-23, 217.14- 220.10. Ev. 16	American Heritage	
	(Anthony S A compose)	College Dictionary)	
	An Introduction to	at 379, 1530 (3rd ed.	
	Broadband Networks	2000); Ex. 34 (The	
	(1994)) at 1; Ex. 17	Concise Oxford	
	(U.S. Patent No.	English Dictionary) at	
	4,425,639) at 7:60-63;	230 (11 th ed. 2004);	
	Ex. 18 (U.S. Patent	Ex. 35 (Newton's	
	Application No.	Telecom Dictionary)	
	20080039130) at ¶ 76;	at 39-40, 916 (20th	
	Ex. 19 (U.S. Patent No. $7.800 \text{ c}(7.\text{P1}) \rightarrow 10.40$	ea. 2004); Ex. 30	
	1 / 309 00 / 611 31 12.48	LINEL Omnact () vtord	

Term	Claims	Skyhook's	Google's	Court's
	Claims	Construction	Construction	Construction
		No. 7,627,548) at 5:61- 62; Ex. 21 (U.S. Patent	English Dictionary of Current English) at	
		No. 7,751,592) at	133 (3rd ed. 2005).	
		12:51-54.		
"logic to identify	'988/3	Software and/or	Indefinite under 35	
position		hardware to identify	U.S.C. § 112, ¶ 2	
exceeds a		whose distance from	specification does not	
statistically-based		the centroid position	disclose a structure	
deviation		exceeds a certain	corresponding to the	
threshold amount		threshold distance.	claimed "logic"	
away from the		This threshold	capable of performing	
centroid position"		distance is based on	the recited function of	
		nosition information	nosition information	
		used to calculate the	that exceeds a	
		centroid position.	statistically-based	
		1	deviation threshold	
		See "weighted	amount away from	
		centroid position."	the centroid position."	
		Support: Ex. 3 ('988	Support: Ex. 3 ('988	
		Patent) see, e.g., Figs.	patent), 12:6-20; Ex.	
		8, 9, 4:50-57, 5:11-	42 (McGraw-Hill	
		13, 11.47 - 15.51, $14 \cdot 14 \cdot F_{X} - 7 The$	Dictionary of	
		American Heritage	Scientific and Technical Terms) at	
		College Dictionary	357 2287 (6th ed	
		(3rd ed. 1997)) at	2003): Ex. 27 (The	
		797; Ex. 8 (Wiley	Compact Oxford	
		Electrical and	English Dictionary) at	
		Electronics	229 [sub-page 1040],	
		Engineering Dictionary (2004)) at	992 [sub-pages 1107-	
		$432 \cdot \text{Ex} = 9 (M_c Graw-$	1108], 2289 [sub-	
		Hill Dictionary of	page 100]; EX. 32 (Microsoft Computer	
		Scientific and	Dictionary) at 317	
		Technical Terms (4th	(5th ed. 2002); Ex. 33	
		ed. 1989)) at 1101;	(Collins English	
		Ex. 14 (Kotz Decl.) at	Dictionary) at 277	
		132, 58-60, 77-80;	(7th ed. 2005); Ex. 28	
		Den Tr) $69.2-6$	(The American	
		204:16-19, 208:2-17.	Heritage College	
		ed. 1989)) at 1101; Ex. 14 (Kotz Decl.) at ¶¶ 32, 58-60, 77-80; Ex. 15 (Acampora Dep. Tr.) 69:2-6, 204:16-19, 208:2-17,	(Collins English Dictionary) at 277 (7th ed. 2005); Ex. 28 (The American Heritage College Dictionary) at 1530	

Torm	Claims	Skyhook's	Google's	Court's
I el m	Claims	Construction	Construction	Construction
		208:21-25, 219:14-	(3rd ed. 2000); Ex. 34	
		220:19; Ex. 16	(The Concise Oxford	
		(Anthony S. Acampora,	English Dictionary) at	
		An Introduction to	230 (11th ed. 2004).	
		Broadband Networks		
		(1994)) at 1; Ex. 17		
		(0.5. Fatent NO. 1.125.639 at 7.60-63.		
		Ex 18 (U S Patent		
		Application No.		
		20080039130) at ¶ 76;		
		Ex. 19 (U.S. Patent No.		
		7,869,667 B1) at 12:48;		
		Ex. 20 (U.S. Patent		
		No. 7,627,548) at 5:61-		
		62; Ex. 21 (U.S. Patent		
		10. 7,751,592) at		
		12.31-34.		
"the clustering	'988/3	The software and/or	Indefinite under 35	
logic excludes		hardware excludes	U.S.C. § 112, ¶ 2	
such deviating		such deviating	because the	
position		position information	specification does not	
information from		from being stored in	disclose a structure	
the database and		the database of WiFi	corresponding to the	
from influencing		access points. Such	claimed "clustering	
the calculated		deviating position	logic" capable of	
positions of the		information is not	performing the	
W1-F1 access		used to determine the	recited function of	
points		calculated positions	"exclude[ing] such	
		of the W1-F1 access	deviating position	
		points.	information from the	
		See "computer-	influencing the	
		implemented	calculated positions	
		clustering logic"	of the Wi-Fi access	
		and "Wi-Fi access	points "	
		points."	points.	
		Surge out: E== 2 (1000	Support: Ex. 3 ('988	
		Support: EX. 3 (988	patent), 12:7-20; Ex.	
		Patent) see, e.g., Figs.	42 (McGraw-Hill	
		0, 9, 4:30-3/, 3:11-	Dictionary of	
		13, 3.37 + 41, 11.47 + 12.21 + 14.17 + 12.21 + 14.17 + 12.21 + 14.17 + 12.27 + 12.21 + 14.17 + 12.21	Scientific and	
		13.31, 14.14, EX. /	Technical Terms),	
		Haritaga Collega	357, 2287 (6th ed.	
		mernage Conege	2003); Ex. 27 (The	

Torm	Claims	Skyhook's	Google's	Court's
ICIM	Claims	Construction	Construction	Construction
		Dictionary (3rd ed.	Compact Oxford	
		1997)) at 797; Ex. 8	English Dictionary) at	
		(Wiley Electrical and	200 [sub-page 777],	
		Electronics	229 [sub-page 1040],	
		Engineering	389 [sub-page 261],	
		Dictionary (2004)) at	992 [sub-pages 1107-	
		432; Ex. 9 (McGraw-	1108], 2289 [sub-	
		Hill Dictionary of	page 100]; Ex. 32	
		Scientific and	(Microsoft Computer	
		Technical Terms (4th	Dictionary) at 141,	
		ed. 1989)) at 1101;	317 (5th ed. 2002);	
		Ex. 14 (Kotz Decl.) at	Ex. 33 (Collins	
		¶¶ 32, 58-60, 74, 82-	English Dictionary) at	
		84; Ex. 15	277 (7th ed. 2005);	
		(Acampora Dep. Tr.)	Ex. 28 (The	
		69:2-6, 204:16-19,	American Heritage	
		208:2-17, 208:21-25,	College Dictionary)	
		219:14-220:19; Ex.	at 1530 (3rd ed.	
		16 (Anthony S.	2000); Ex. 34 (The	
		Acampora, An	Concise Oxford	
		Broadband Networks	English Dictionary) at	
		(1994)) at 1: Ex. 17	230 (11 th ed. 2004);	
		(U.S. Patent No.	EX. 35 (Newton s	
		4,425,639) at 7:60-63;	at 20, 40, 222, 016	
		Ex. 18 (U.S. Patent	(20th ad 2004); Ev	
		Application No.	(2001 eu. 2004), Ex.	
		20080039130) at ¶ 76;	Ovford English	
		Ex. 19 (U.S. Patent No.	Dictionary of Current	
		7,809,007 B1) at 12:48; Ex. 20 (U.S. Potont	English) at 133 (3rd	
		EX. 20 (0.5 . Fatelli No. 7 627 548) at 5.61-	ed 2005). Ex 31	
		62: Ex. 21 (U.S. Patent	(Barron's Dictionary	
		No. 7,751,592) at	of Computer and	
		12:51-54.	Internet Terms) at	
			123 (8th ed. 2003)	
"using the	'897/1	Does not need to be	Indefinite under	
recorded location	0,1,1	construed.	$35 U S C = 8 112 \square 2$	
information for			because (a) it does	
each of the		But if construed:	not apprise one	
observed WiFi			skilled in the art of	
access points in		Predefined rules are	the bounds of the	
conjunction with		used to determine	claim and in	
predefined rules		whether each	narticular fails to	
to determine		observed WiFi access	apprise the person of	
		point should be	apprise the person of	

Term	Claims	Skyhook's	Google's	Court's
Term	Cluins	Construction	Construction	Construction
whether an observed WiFi access point should be included or excluded from a set of WiFi access points"		included or excluded from a set of WiFi access points that is to be used to calculate location. The predefined rules consider recorded location information for each of the observed WiFi access points. <i>See</i> "recorded location information" and "WiFi access points." <i>Support:</i> Ex. 4 ('897 Patent) <i>see</i> , <i>e.g.</i> , Figs. 5, 6, 4:35-42, 4:50- 52, 5:20-23, 5:37-43, 5:65-6:12, 7:34-52, 9:11-16, 10:6-23; Ex. 6 (<i>Webster's Third</i> <i>New International</i> <i>Dictionary</i> <i>Unabridged</i> (2002)) at 1785; Ex. 7 (<i>The</i> <i>American Heritage</i> <i>College Dictionary</i> (3rd ed. 1997)) at 1192; Ex. 14 (Kotz Decl.) at ¶¶ 87-88, 91- 92; Ex. 15 (Acampora Dep. Tr.) at 221:14-	ordinary skill in the art what constitutes the claimed "predefined rules." Support: Ex. 4 ('897 patent), 6:3-12, 7:3- 12, 7:34-48, 8:46- 10:31, 9:11-15; Ex. 26 ('897 Prosecution History) GSHFED_0000394- 95; Ex. 33 (Collins English Dictionary) at 452 (7th ed. 2005); Ex. 28 (The American Heritage College Dictionary) at 379; Ex. 34 (The Concise Oxford English Dictionary) at 836 (11th ed. 2004); Ex. 35 (Newton's Telecom Dictionary) at 39-40, 689, 916 (20th ed. 2004).	
		19, 222:11-223:5.		
"rules to determine a reference point and to compare	'897/3	Does not need to be construed. But if construed:	Indefinite under 35 U.S.C. § 112, ¶ 2 because (a) it does not apprise one	
location information for each of the observed WiFi		Rules that (1) first determine a reference point and (2) then compare the recorded	skilled in the art of the bounds of the claim, and in particular fails to	

Term	Claims	Skyhook's	Google's	Court's
101111	Claims	Construction	Construction	Construction
access points to the reference point"		location information for each of the observed WiFi access points to the reference point. <i>See</i> "recorded location information" and "WiFi access points." Support: Ex. 4 ('897 Patent) <i>see</i> , <i>e.g.</i> , Fig. 6, 4:63-5:4, 5:22-23, 5:65-6:12, 8:52-10:3; Ex. 6 (<i>Webster's</i> <i>Third New</i> <i>International</i> <i>Dictionary</i> <i>Unabridged</i> (2002)) at 1785; Ex. 7 (<i>The</i> <i>American Heritage</i> <i>College Dictionary</i> (3rd ed. 1997)) at 1192; Ex. 14 (Kotz Decl.) at ¶¶ 87-88, 91- 92; Ex. 15 (Acampora Dep. Tr.) at 221:14- 19, 222:11-223:5.	apprise the person of ordinary skill in the art what constitutes the claimed "rules." Support: Ex. 4 '897 patent, 8:61-9:15; Ex. 33 (Collins English Dictionary) at 452 (7th ed. 2005); Ex. 28 (The American Heritage College Dictionary) at 379; Ex. 34 (The Concise Oxford English Dictionary) at 836 (11th ed. 2004); Ex. 35 (Newton's Telecom Dictionary) at 39-40, 689, 916 (20th ed. 2004).	
"in response to a user application request to determine a location of a user- device having a Wi-Fi radio"	'245/1	In response to a request made by an application running on a user-device having a Wi-Fi radio to determine the location of the user- device. <i>See</i> "a user-device having a Wi-Fi radio." Support: Ex. 1 ('245 Patent) <i>see</i> , <i>e.g.</i> , Fig.	In response to a request made by an end-user facing application, <i>i.e.</i> , not by the operating system, to determine the location of an end user-device using a Wi-Fi radio. Support: Ex. 1 ('245 patent), 1:31-50, 3:53-63, 6:7-9, 6:12- 29, 6:52-64, 7:12, 8:27, 9:10, 9:54-55,	

Tomm	Claima	Skyhook's	Google's	Court's
Term	Claims	Construction	Construction	Construction
		9, 4:23-24, 5:15-17,	Figs. 1 & 9; Ex. 33	
		6:12-29.	(Collins English	
			Dictionary) at 452,	
			543 (7th ed. 2005);	
			Ex. 28 (The	
			American Heritage	
			College Dictionary)	
			at 379, 455 (3rd ed.	
			2000); Ex. 34 (The	
			Concise Oxford	
			English Dictionary) at	
			472, 836 (11th ed.	
			2004); Ex. 45	
			(Microsoft Computer	
			Dictionary) at 30-31,	
			33, 193, 378 & 544	
			(5th ed. 2002); Ex. 46	
			(Webster's New	
			World Computer	
			Dictionary) at 22-24,	
			129, 264-265, 387	
			(4th ed. 2004); Ex. 47	
			(PC Magazine	
			Encyclopedia	
			definition at "API")	
			available at	
			http://www.pcmag.co	
			m/encyclopedia_term	
			/0,2542,t=API&1=378	
	10.17/1	~	56,00.asp.	
"a user-device	'245/1	Does not need to be	An end user or	
having a W1-F1		construed.	consumer device	
rad10"		Dut if a grateria di	having a Wi-Fi radio.	
		But II construed.		
		Δ user device having	Support: Ex. 1 (*245	
		a Wi-Fi radio	patent), 1:36-40,	
			1:48-50, 8:27; 9:10;	
		Support: Ex 1 ('245	9:54-55; Ex. 33	
		Patent) $soo o \sigma$ Fig	Collins English	
		1 4.20-21 4.64-65	Dictionary) at 543	
		5.55-61 6.14-29	(/tn ed. 2005); Ex. 28	
			(Ine American	
			Heritage College	
			Dictionary) at 455	

Term	Claims	Skyhook's	Google's	Court's
ICIM	Claims	Construction	Construction	Construction
			(3rd ed. 2000); Ex. 34 (The Concise Oxford English Dictionary) at 472 (11th ed. 2004); Ex. 45 (Microsoft Computer Dictionary) at 193; Ex. 46 (Webster's New World Computer Dictionary) at 129,	
"a WiFi-enabled device communicating with WiFi access points within range of the WiFi-enabled device so that observed WiFi access points identify themselves"	'897/1	A user device having a Wi-Fi radio communicates with Wi-Fi access points within range of the user device. Communications received by the user device include an identifier (<i>e.g.</i> , a MAC address) for observed Wi-Fi access points. <i>See</i> "WiFi access points." Support: Ex. 4 ('897 Patent) <i>see</i> , <i>e.g.</i> , Figs. 1, 3, 4:43-47, 5:12- 13, 5:16-17, 5:65-67, 6:13-16, 6:52-60, 7:4- 8, 7:13-26; Ex. 12 (<i>The IEEE Standard</i> <i>Dictionary of</i> <i>Electrical and</i> <i>Electronics Terms</i> (6th ed. 1996)) at 182	387.A user device having a Wi-Fi radio actively searching for Wi-Fi access points by transmitting a signal to all Wi-Fi access points within range and receiving a response that includes a unique identifier (e.g., a MAC address) from each such Wi-Fi access point.Support: Ex. 4 ('897 patent), Abstract, 6:13-21, 6:47-59, 7:12-26, Fig. 2, Fig. 5; Ex. 35 (Newton's Telecom Dictionary) at 39-40, 916 (20th ed. 2004); Ex. 48 (Leary et al., "Wireless LAN Fundamentals: Mobility," Jan. 9, 2004), available at http://www.ciscopress .com/articles/article.a sp?p=102282&seqNu m=2; Ex. 49 (IEEE 802.11 standard)	

III. Tutorials

Per the Court's December 14, 2010 Order, the parties will present tutorials on the relevant technology on October 21, 2011. This is 19 days before the claim construction hearing on November 9, 2011. Skyhook intends to present its tutorial in the form of a Power Point presentation by Ted Morgan and/or counsel. Google objects to Skyhook's proposal that Mr. Morgan—who is Skyhook's CEO, a co-inventor of each of the patents-in-suit, and a fact witness in this case—make a presentation at the technology tutorial. Google intends to present its tutorial in the form of a Power Point its tutorial in the form of a Power Point presentation by CEO, a co-inventor of each of the patents-in-suit, and a fact witness in this case—make a presentation at the technology tutorial. Google intends to present its tutorial in the form of a Power Point presentation by counsel.

IV. Anticipated Length Of Time For Claim Construction Hearing

Skyhook and Google anticipate the claim construction hearing will last approximately 3 hours.

V. Witnesses

Neither Skyhook nor Google intends to call any witnesses to testify at the claim construction hearing. Both parties, however, reserve the right to call a witness if the other chooses to do so.

VI. Proposed Order Of Arguments

Skyhook and Google jointly propose the arguments proceed on a term-by-term basis.

Respectfully submitted,

SKYHOOK WIRELESS, INC.,

By their attorneys

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Dated: October 13, 2011

Respectfully submitted,

GOOGLE, INC.,

Dated: October 13, 2011

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Certificate of Service

I, Samuel K. Lu, 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) on October 13, 2011.

/s/ Samuel K. Lu

Samuel K. Lu