

EXHIBIT

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From: Somait, Lina [LSomait@irell.com]
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To: zzm google/skyhook (ext)
Cc: Lu, Sam; Milkey, James
Subject: Joint Claim Construction and Prehearing Statement
Attachments: Skyhook Joint Claim Construction and Pre-Hearing Statement.DOC
Counsel,

Attached is Skyhook's portion of the Joint Claim Construction and Prehearing Statement, which is due on October 13. I've highlighted sections for Google to fill out. Per LR 16.6 we've prioritized the disputed terms in order of importance. If Google has different thoughts on the order of priority, let us know.

Please send us Google's portion of the Joint Claim Construction and Prehearing Statement, and we will take care of the filing on October 13.

Regards,
Lina

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

SKYHOOK WIRELESS, INC.,)	
)	
Plaintiff and)	
Counterclaim-Defendant,)	Case No. 1:10-cv-11571-RWZ
)	
v.)	
)	
GOOGLE INC.,)	
)	
Defendant and)	
Counterclaimant.)	
_____)	

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 agree on the constructions of the following claim terms: 1) Wi-Fi access points, 2) triggering the Wi-Fi device to transmit a request to all Wi-Fi access points within range of the Wi-Fi device, 3) a radius on the order of tens of miles, 4) identification information for a corresponding Wi-Fi access point, 5) WiFi access points having a recorded location within a predefined threshold distance of the reference point, 6) WiFi access points having a recorded location in excess of the predefined threshold distance of the reference point, 7) a simple signal strength weighted average model, 8) a triangulation technique, and 9) a weighted centroid position.

A. Joint Claim Construction Chart

Term	Claims	Agreed Construction	Court's Construction
"Wi-Fi access points"	'245/1,2 '694/1 '988/1,3 '897/1,3,4	Devices operating consistent with the IEEE 802.11 standard to provide network connectivity.	
"triggering the Wi-Fi device to transmit a request to all Wi-Fi access points within range of the Wi-Fi device"	'245/1	Causing the Wi-Fi device to actively search for Wi-Fi access points. The Wi-Fi device transmits a request to all Wi-Fi access points within range of the Wi-Fi device to identify themselves.	
"a radius on the order of tens of miles"	'694/1 '988/1	A radius of ten miles or more but fewer than a hundred miles.	
"identification information for a corresponding Wi-Fi access point"	'694/1 '988/1	An identifier (<i>e.g.</i> , a MAC address) for a corresponding Wi-Fi access point.	
"WiFi access points having a recorded location within a predefined threshold distance of the reference point"	'897/3	WiFi access points having a recorded location that is within a certain distance of the reference point. That distance was previously defined.	
"WiFi access points having a recorded location in excess of the predefined threshold distance of the reference point"	'897/3	WiFi access points having a recorded location that exceeds a certain distance from the reference point. That distance was previously defined.	
"a simple signal strength weighted average model"	'245/6	An algorithm that includes taking a simple average of the calculated locations of identified Wi-Fi access points weighted according to a function of their received signal strengths.	
"a triangulation technique"	'245/8	An algorithm that includes (1) estimating the distances from the user device to at least two identified Wi-Fi access points	

Term	Claims	Agreed Construction	Court's Construction
		using their received signal strengths and (2) determining a location based on the estimated distances.	
"a weighted centroid position"	'988/3	A position determined by weighted averaging of position information.	

II. Disputed Claim Terms

The following claim terms are in dispute, prioritized in the order of importance:

- 1) arterial bias,
- 2) reference symmetry,
- 3) wherein the database records for substantially all Wi-Fi access points in the target area provide reference symmetry within the target area,
- 4) 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,
- 5) calculated locations,
- 6) calculated position information,
- 7) calculated positions of the Wi-Fi access points,
- 8) recorded location information,
- 9) substantially all Wi-Fi access points,
- 10) for substantially all Wi-Fi access points in the target area,

- 11) logic to recalculate position information for Wi-Fi access points previously stored in the database to utilize position information for the newly-discovered readings of previously stored Wi-Fi access points,
- 12) computer-implemented logic to add records to the database for newly-discovered Wi-Fi access points,
- 13) computer-implemented clustering logic to identify position information based on error prone GPS information,
- 14) logic to determine a weighted centroid position for all position information reported for an access point,
- 15) logic to identify position information that exceeds a statistically-based deviation threshold amount away from the centroid position,
- 16) the clustering logic . . . excludes such deviating position information from the database and from influencing the calculated positions of the Wi-Fi access points,
- 17) a WiFi-enabled device communicating with WiFi access points within range of the WiFi-enabled device so that observed WiFi access points identify themselves,
- 18) target area,
- 19) in response to a user application request to determine a location of a user-device having a Wi-Fi radio,
- 20) said chosen algorithm being suited for the number of identified Wi-Fi access points,
- 21) avoid(s) arterial bias,
- 22) 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,

- 23) using the recorded location information for each of the observed WiFi access points in conjunction with predefined rules to determine whether an observed WiFi access point should be included or excluded from a set of WiFi access points,
- 24) rules to determine a reference point and to compare the recorded location information for each of the observed WiFi access points to the reference point,
- 25) providing a reference database of calculated locations of Wi-Fi access points in a target area, and
- 26) a user-device having a Wi-Fi radio.

A. Joint Claim Construction Chart

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
18	"target area"	'245/1 '694/1,2 '988/1	A targeted geographic area. Support: Ex. 1 ('245 Patent) <i>see, e.g.</i> , Abstract, 4:21-23, 5:29-31, 7:36-42; Ex. 2 ('694 Patent) <i>see, e.g.</i> , Abstract, 3:66-4:2, 4:47-49, 6:58-63; Ex. 3 ('988 Patent) <i>see, 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 English Dictionary</i> (2d ed. 1991)) at 2011, subpage 642; Ex. 14 (Kotz Decl.) at ¶¶ 130-33; Ex. 15 (Acampora Dep. Tr.) 110:2-11, 224:24-225:19.	A pre-identified geographic region throughout which a shortest route is planned along all drivable roads.	
26	"a user-device"	'245/1	Does not need to be	An end user or	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
	having a Wi-Fi radio"		<p>construed.</p> <p>But if construed:</p> <p>A user device having a Wi-Fi radio.</p> <p>Support: Ex. 1 ('245 Patent) <i>see, e.g.</i>, Fig. 1, 4:20-21, 4:64-65, 5:55-61, 6:14-29.</p>	consumer device having a Wi-Fi radio.	
25	"providing a reference database of calculated locations of Wi-Fi access points in a target area"	'245/1	<p>Does not need to be construed.</p> <p>But if construed:</p> <p>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.</p> <p><i>See</i> "calculated locations," "Wi-Fi access points," and "target area."</p> <p>Support: Ex. 1 ('245 Patent) <i>see, 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.</p>	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.	
5	"calculated	'245/1,2	Estimated physical	The physical	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
	locations"		<p>locations of Wi-Fi access points calculated using characteristics of signals transmitted by such Wi-Fi access points.</p> <p>Support: Ex. 1 ('245 Patent) <i>see, e.g.</i>, Abstract, Figs. 3-6, 9, 4:21-23, 5:1-10, 5:15-17, 5:66-6:1, 7:41-49, 8:58-66, 12:3-14, 12:22-13:28; 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.</p>	<p>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 information" cannot be based on randomly, or non-systematically, collected readings of Wi-Fi access points.</p>	
19	"in response to a user application request to determine a location of a user-device having a Wi-Fi radio"	'245/1	<p>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.</p> <p><i>See</i> "a user-device having a Wi-Fi radio."</p> <p>Support: Ex. 1 ('245 Patent) <i>see, e.g.</i>, Fig.</p>	<p>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.</p>	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			9, 4:23-24, 5:15-17, 6:12-29.		
20	"said chosen algorithm being suited for the number of identified Wi-Fi access points"	'245/1	<p>Does not need to be construed.</p> <p>But if construed:</p> <p>The chosen location-determination algorithm is suited for the number of Wi-Fi access points that are identified.</p> <p><i>See</i> "Wi-Fi access points."</p> <p>Support: Ex. 1 ('245 Patent) <i>see, e.g.</i>, 4:33-40, 5:45-48, 7:7-13; Ex. 5 (<i>Compact Oxford English Dictionary</i> (2d ed. 1991)) at 1956-57, subpage 149; Ex. 14 (Kotz Decl.) at ¶¶ 86-88.</p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	
9	"substantially all Wi-Fi access points"	'694/1 '988/1	<p>Substantially all observed Wi-Fi access points.</p> <p><i>See</i> "Wi-Fi access points."</p> <p>Support: Ex. 2 ('694 Patent) <i>see, e.g.</i>, 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) <i>see, e.g.</i>, Abstract, 4:31-40, 5:27-34, 5:66-6:1,</p>	All but an insignificant number of Wi-Fi access points in the target area.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			6:35-37, 7:35-55, 8:44-47, 10:21-23, 11:35-45; Ex. 15 (Acampora Dep. Tr.) 37:1-4, 38:22-25, 238:2-239:17, 245:8-246:17, 247:2-247:21.		
10	"for substantially all Wi-Fi access points in the target area"	'694/1 '988/1	For substantially all observed Wi-Fi access points in the target area. <i>See</i> "Wi-Fi access points" and "target area." Support: Ex. 2 ('694 Patent) <i>see, e.g.</i> , 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) <i>see, e.g.</i> , Abstract, 4:31-40, 5:27-34, 5:66-6:1, 6:35-37, 7:35-55, 8:44-47, 10:21-23, 11:35-45; Ex. 15 (Acampora Dep. Tr.) 37:1-4, 38:22-25, 238:2-239:17, 245:8-246:17, 247:2-247:21.	All but an insignificant number of Wi-Fi access points in the target area.	
6	"calculated position information"	'694/1 '988/1	Estimated physical position of the observed Wi-Fi access point calculated using characteristics of its transmitted signal.	The physical location (<i>i.e.</i> , latitude and longitude) attributed to each Wi-Fi access point determined mathematically	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			Support: Ex. 2 ('694 Patent) <i>see, 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, e.g.</i> , Abstract, Figs. 4, 9, 4:31-40, 5:1-3, 5:14-15, 5:53-6:7, 7:39-52, 8:28-34, 8:41-44, 8:63-9:4, 11:64-12:20, 12:29-13:31; Ex. 14 (Kotz Decl.) at ¶¶ 130-33; Ex. 15 (Acampora Dep. Tr.) 110:2-11, 191:11-192:3, 224:24-225:19.	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.	
2	"reference symmetry"	'694/1 '988/1	From the perspective of a user whose location is being calculated, the calculated positions of observed Wi-Fi access points in range of the user tend to be distributed around the user with reduced arterial bias. Support: Ex. 2 ('694 Patent) <i>see, 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, 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	Indefinite under 35 U.S.C. § 112, ¶ 2. The balanced or symmetrical distribution of numerous access points on all sides of the user device and within range of the user device's WiFi radio.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			(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.		
1	"arterial bias"	'694/1 '988/1	The deviation of the calculated position information for a Wi-Fi access point towards heavily trafficked roads and away from the actual geographic location of the access point. Support: Ex. 2 ('694 Patent) <i>see, e.g.</i> , 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) <i>see, e.g.</i> , 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. 15 (Acampora Dep. Tr.) 191:11-192:3.	The deviation of the calculated position information for a Wi-Fi access point toward heavily trafficked roads and away from the actual geographic location of the access point due to the tendency of random scanning to result in a greater number of scans from heavily trafficked roads.	
21	"avoid(s) arterial bias"	'694/1 '988/1	Reduce(s) the effects of arterial bias. <i>See</i> "arterial bias." Support: Ex. 2 ('694 Patent) <i>see, e.g.</i> , Abstract, Figs. 3, 4, 11, 2:52-57, 4:2-10,	Indefinite under 35 U.S.C. § 112, ¶ 2 Eliminates arterial bias.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			4:19-23, 4:38-40, 7:7-8:12, 8:22-41, 9:3-23; Ex. 3 ('988 Patent) <i>see, e.g.</i> , 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 (<i>Merriam-Webster's Collegiate Dictionary</i> (10th ed. 2001)) at 80; Ex. 14 (Kotz Decl.) at ¶¶ 119-129; Ex. 15 (Acampora Dep. Tr.) 191:11-192:3.		
22	"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"	'694/1	Multiple scans of a Wi-Fi access point are recorded. The scans are taken at different locations around the Wi-Fi access point. The multiple readings avoid arterial bias in the calculated position information of the Wi-Fi access point. <i>See</i> "Wi-Fi access points," "avoid arterial bias," and "calculated position information."	Indefinite under 35 U.S.C. § 112, ¶ 2. Storing Wi-Fi access point signals received while scanning along a shortest planned route along each drivable road throughout each target area, <i>e.g.</i> , Chinese Postman and not using random scanning or collection methods to avoid the tendency of random scanning to result in a greater number of scans of the Wi-Fi access point from heavily	
			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, 8:22-41, 9:3-23; Ex. 3 ('988 Patent) Fig. 4,		

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			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.	trafficked roads.	
3	"wherein the database records for substantially all Wi-Fi access points in the target area provide reference symmetry within the target area"	'694/1	<p>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.</p> <p>See "substantially all Wi-Fi access points," "target area," "Wi-Fi access points," and "reference symmetry."</p> <p>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</p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			Action of Nov. 30, 2007, p. 8; 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.		
4	"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"	'988/1	<p>Multiple scans of a Wi-Fi access point are recorded. The scans are taken at different locations around the Wi-Fi access point.</p> <p>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.</p> <p><i>See</i> "Wi-Fi access points," "reference symmetry," "avoids arterial bias," and "calculated position information."</p> <p>Support: Ex. 3 ('988</p>	<p>Indefinite under 35 U.S.C. § 112, ¶ 2.</p> <p>Systematically driving each road in the target area using a predesigned Chinese Postman scanning route so as to collect 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.</p> <p>Storing Wi-Fi access point signals received while scanning along a shortest</p>	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			Patent) <i>see, e.g.</i> , Abstract, Figs. 3-6, 11, 2:55-56, 4:4-9, 4:31-40, 4:66-5:8, 5:17-20, 5:33-37, 8:28-59, 9:2-21, 9:51-10:4; Ex. 13 ('988 patent prosecution history) Reply to Non-Final Office Action of Nov. 30, 2007, p. 8; Ex. 10 (<i>The Cassell Dictionary and Thesaurus</i> (1999)) at 510-11; Ex. 14 (Kotz Decl.) at ¶¶ 95-118, 130-33; Ex. 15 (Acampora Dep. Tr.) at 110:2-11, 170:15-171:5, 168:11-18, 167:14-21; 173:2-179:11, 181:21-182:13, 191:11-192:3, 224:24-225:19; Ex. 22 (Acampora Dep. Ex. 1) at Figs. 3,4.	planned route along each drivable road throughout each target area, e.g., Chinese Postman, and not using random scanning or collection methods.	
11	"logic to recalculate position information for Wi-Fi access points previously stored in the database to utilize position information for the newly-discovered readings of previously stored Wi-Fi access	'988/1	Software and/or hardware to recalculate position information for Wi-Fi access points previously stored in the database. This recalculation utilizes new position information for such Wi-Fi access points calculated using scans taken after the previously stored Wi-Fi access points were	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
	points"		<p>stored.</p> <p><i>See "Wi-Fi access points."</i></p> <p>Support: Ex. 3 ('88 Patent) <i>see, e.g.</i>, Figs. 8, 9, 4:40-46, 5:11-13, 5:37-41, 11:47-13:31, 14:14; Ex. 7 (<i>The American Heritage College Dictionary</i> (3rd ed. 1997)) at 797; Ex. 8 (<i>Wiley Electrical and Electronics Engineering Dictionary</i> (2004)) at 432; Ex. 9 (<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (4th ed. 1989)) at 1101; Ex. 14 (Kotz Decl.) at ¶¶ 32, 58-60, 66-68; Ex. 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 Introduction to 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</p>		

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			12:51-54.		
12	"computer-implemented logic to add records to the database for newly-discovered Wi-Fi access points"	'988/1	<p>Computer-implemented software and/or hardware to add data records to the database for newly-discovered Wi-Fi access points.</p> <p><i>See</i> "Wi-Fi access points" and "database records."</p> <p>Support: Ex. 3 ('988 Patent) <i>see, e.g.</i>, Figs. 8, 9, 4:40-46, 5:11-13, 5:37-41, 11:47-13:31, 14:14; Ex. 7 (<i>The American Heritage College Dictionary</i> (3rd ed. 1997)) at 797; Ex. 8 (<i>Wiley Electrical and Electronics Engineering Dictionary</i> (2004)) at 432; Ex. 9 (<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (4th ed. 1989)) at 1101; Ex. 14 (Kotz Decl.) at ¶¶ 32, 58-60, 63; Ex. 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 Introduction to Broadband Networks</i> (1994)) at 1; Ex. 17</p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's 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.		
13	"computer-implemented clustering logic to identify position information based on error prone GPS information"	'988/2	<p>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.</p> <p>Support: Ex. 3 ('988 Patent) <i>see, e.g.</i>, Figs. 8, 9, 4:47-49, 5:11-13, 11:47-13:31, 14:14; Ex. 7 (<i>The American Heritage College Dictionary</i> (3rd ed. 1997)) at 797; Ex. 8 (<i>Wiley Electrical and Electronics</i></p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			<p><i>Engineering Dictionary</i> (2004)) at 432; Ex. 9 (<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (4th ed. 1989)) at 1101; Ex. 14 (Kotz Decl.) at ¶¶ 32, 58-60, 70-71; Ex. 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 Introduction to 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.</p>		
14	"logic to determine a weighted centroid position for all position information reported for an access point"	'988/3	<p>Software and/or hardware to determine a weighted centroid position for a Wi-Fi access point. The weighted centroid position is determined using all position information reported for that Wi-Fi access point.</p> <p><i>See</i> "weighted centroid position"</p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			<p>and "Wi-Fi access points."</p> <p>Support: Ex. 3 ('988 Patent) <i>see, e.g.</i>, Figs. 8, 9, 4:50-57, 5:11-13, 11:47-13:31, 14:14; Ex. 7 (<i>The American Heritage College Dictionary</i> (3rd ed. 1997)) at 797; Ex. 8 (<i>Wiley Electrical and Electronics Engineering Dictionary</i> (2004)) at 432; Ex. 9 (<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (4th ed. 1989)) at 1101; Ex. 14 (Kotz Decl.) at ¶¶ 32, 58-60, 74-75; Ex. 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 Introduction to 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.</p>		

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
15	"logic to identify position information that exceeds a statistically-based deviation threshold amount away from the centroid position"	'988/3	<p>Software and/or hardware to identify position information whose distance from the centroid position exceeds a certain threshold distance. This threshold distance is based on the distribution of the position information used to calculate the centroid position.</p> <p><i>See "weighted centroid position."</i></p> <p>Support: Ex. 3 ('988 Patent) <i>see, e.g.</i>, Figs. 8, 9, 4:50-57, 5:11-13, 11:47-13:31, 14:14; Ex. 7 (<i>The American Heritage College Dictionary</i> (3rd ed. 1997)) at 797; Ex. 8 (<i>Wiley Electrical and Electronics Engineering Dictionary</i> (2004)) at 432; Ex. 9 (<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (4th 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, 208:21-25, 219:14-220:19; Ex. 16 (Anthony S. Acampora, <i>An Introduction to</i></p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			<p><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.</p>		
7	"calculated positions of the Wi-Fi access points"	'988/3	<p>Estimated physical positions of the observed Wi-Fi access points calculated using characteristics of their transmitted signals.</p> <p><i>See</i> "Wi-Fi access points."</p> <p>Support: Ex. 3 ('988 Patent) <i>see, e.g.</i>, Abstract, Figs. 4, 9, 4:50-57, 5:1-3, 5:14-15, 5:66-6:1, 7:39-52, 8:28-34, 8:41-44, 8:63-9:4, 11:64-12:20, 12:29-13:31; Ex. 14 (Kotz Decl.) at ¶¶ 130-33; Ex. 15 (Acampora Dep. Tr.) 110:2-11, 191:11-192:3, 224:24-225:19.</p>	<p>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 information" cannot be based on randomly, or non-systematically, collected readings of Wi-Fi access points.</p>	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
16	"the clustering logic . . . excludes such deviating position information from the database and from influencing the calculated positions of the Wi-Fi access points"	'988/3	<p>The software and/or hardware excludes such deviating position information from being stored in the database of WiFi access points. Such deviating position information is not used to determine the calculated positions of the Wi-Fi access points.</p> <p><i>See</i> "computer-implemented clustering logic . . ." and "Wi-Fi access points."</p> <p>Support: Ex. 3 ('988 Patent) <i>see, e.g.</i>, Figs. 8, 9, 4:50-57, 5:11-15, 5:37-41, 11:47-13:31, 14:14; Ex. 7 (<i>The American Heritage College Dictionary</i> (3rd ed. 1997)) at 797; Ex. 8 (<i>Wiley Electrical and Electronics Engineering Dictionary</i> (2004)) at 432; Ex. 9 (<i>McGraw-Hill Dictionary of Scientific and Technical Terms</i> (4th ed. 1989)) at 1101; Ex. 14 (Kotz Decl.) at ¶¶ 32, 58-60, 74, 82-84; Ex. 15 (Acampora Dep. Tr.) 69:2-6, 204:16-19, 208:2-17, 208:21-25,</p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			219:14-220:19; Ex. 16 (Anthony S. Acampora, <i>An Introduction to 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.		
17	"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	<p>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 (e.g., a MAC address) for observed Wi-Fi access points.</p> <p><i>See</i> "WiFi access points."</p> <p>Support: Ex. 4 ('897 Patent) <i>see, 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 Dictionary of Electrical and</i></p>	<p>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.</p>	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			<i>Electronics Terms</i> (6th ed. 1996)) at 182		
23	"using the recorded location information for each of the observed WiFi access points in conjunction with predefined rules to determine whether an observed WiFi access point should be included or excluded from a set of WiFi access points"	'897/1	<p>Does not need to be construed.</p> <p>But if construed:</p> <p>Predefined rules are used to determine whether each observed WiFi access point should be 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.</p> <p>See "recorded location information" and "WiFi access points."</p> <p>Support: Ex. 4 ('897 Patent) <i>see, 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 New International Dictionary Unabridged</i> 1785 (2002)) at 1785; Ex. 7 (<i>The American Heritage College Dictionary</i> (3rd ed.</p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
			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.		
8	"recorded location information"	'897/1,3	<p>Estimated physical location of Wi-Fi access points calculated using characteristics of signals transmitted by such Wi-Fi access points.</p> <p>Support: Ex. 4 ('897 Patent) <i>see, 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.</p>	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 information" cannot be based on randomly, or non-systematically, collected readings of Wi-Fi access points.	
24	"rules to determine a reference point and to compare the recorded location information for each of the	'897/3	<p>Does not need to be construed.</p> <p>But if construed:</p> <p>Rules that (1) first determine a reference point and (2) then compare the recorded</p>	Indefinite under 35 U.S.C. § 112, ¶ 2.	

	Term	Claims	Patentee's Construction	Accused Infringer's Construction	Court's Construction
	observed WiFi access points to the reference point"		<p>location information for each of the observed WiFi access points to the reference point.</p> <p><i>See "recorded location information" and "WiFi access points."</i></p> <p>Support: Ex. 4 ('897 Patent) <i>see, 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 Third New International Dictionary Unabridged</i> (2002)) at 1785; Ex. 7 (<i>The American Heritage 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.</p>		

IV. 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's tutorial will be in the form of a power point presentation by one of the named inventors. Google's tutorial will be in the form of [REDACTED].

V. Anticipated Length Of Time For Claim Construction Hearing

Skyhook anticipates that the claim construction hearing will last approximately 3 hours.

Google anticipates that the claim construction hearing will last approximately [REDACTED] hours.

VI. Witnesses

Skyhook will not be calling any witnesses to testify at the claim construction hearing.

Skyhook reserves the right to call witnesses if Google decides to call witnesses. Google [REDACTED].

VII. Proposed Order Of Arguments

Skyhook proposes that the arguments proceed on a term-by-term basis. Google proposes [REDACTED].

Respectfully submitted,

SKYHOOK WIRELESS, INC.,

By their attorneys

/s/ Samuel K. Lu

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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 10, 2011.

/s/ Samuel K. Lu

Samuel K. Lu