IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

PA ADVISORS, LLC

v.   No. 2:07-CV-480-DF

GOOGLE, INC., et al.

PARTIES' COMPLIANCE WITH PATENT RULE 4-3

Pursuant to P.R. 4-3, Joint Claim Construction and Prehearing Statement, the Plaintiff,

nXn Tech, LLC (f/k/a PA Advisors, LLC), and Defendants, Google Inc. and Yahoo! Inc., state as

follows:

I.

The asserted claims are: 1, 3, 4, 6, 43, 45, 47, 56 and 61. Claim 60 was previously

asserted, but has been withdrawn.

II.

Pursuant to P.R. 4-3(a), the parties agree to the construction of the following claim terms,

phrases, or clauses of U.S. Patent No. 6,199,067 (the "'067 patent"): none.

III.

Pursuant to P.R. 4-3(b), the parties dispute the construction of the following claim terms,

phrases, or clauses of the '067 patent:

1. DATA ITEM

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more pieces of information	Documents, web sites, and other textual data that may be subjected to a search by a user.
Plaintiff's Intrinsic Evidence Fig. 5; Fig. 6; Fig. 8; Col. 5, lns. 21-35; Col. 5, lns. 59-67; Col. 6, lns. 1-23; Col. 16, ln. 57 - Col. 17, ln. 54; Col. 19, ln. 51 - Col. 20, ln. 65; Col. 24, ln. 9 - Col. 25, ln. 9; Claims 1, 18, 20, 28, 40, 41 and 42	**Defendants' Intrinsic Evidence** '067 patent: 3:67-4:3; 5:21-28; 16:60-67; 17:1-12; 17:46-48; 24:27-33; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence
data: individual facts, statistics, or items of information. Dictionary.com at www.dictionary.com	None.
data: Numerical or other information represented in a form suitable for processing by computer. The American Heritage Dictionary of the English Language at www.bartleby.com	
data: information in a form suitable for storing and processing by a computer. Webster's New World College Dictionary at www.yourdictionary.com	
data: factual information (as measurements or statistics) used as a basis for reasoning, discussion, or calculation ;information in numerical form that can be digitally transmitted or processed. Merriam Webster's Online Dictionary at www.merriam-webster.com	
data: 1. factual information: information, often in the form of facts or figures obtained from experiments or surveys, used as a basis for making calculations or drawing conclusions; 2. information for computer processing: information, e.g. numbers, text, images, and sounds, in a form that is suitable for storage in or processing by a computer. Encarta World English Dictionary at http://encarta.msn.com item: a separate article or particular; a separate piece of information. Dictionary.com at www.dictionary.com	
item: A single article or unit in a collection, enumeration, or series; A bit of information; a detail. The American Heritage Dictionary of the English Language at www.bartleby.com	
item: an article; unit; separate thing; a bit of news or information. Webster's New World College Dictionary at www.yourdictionary.com	

2. DATA ITEM PROFILES

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more profiles relating to at least one piece of information	A file containing information about a specific document, website, or other text that may be subjected to a search by a user, comprising the data item's address, the linguistic patterns of the data item, and the frequencies with which those patterns recur.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Fig. 5; Fig. 6; Fig. 8; Col. 5, lns. 21-35; Col. 5, lns. 59-67; Col. 6, lns. 1-23; Col. 16, ln. 57 - Col. 17, ln. 54; Col. 19, ln. 51 - Col. 20, ln. 65; Col. 24, ln. 9 - Col. 25, ln. 9; Claims 1, 18, 20, 28, 40, 41 and 42	'067 patent: 5:22-35; 6:1-8; 6:12-20; 17:1-4; 17:31-38; 17:49-54; 20:7-42; 24:34-48; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "data" above. See definitions of "item" above. profile: a verbal, arithmetical, or graphic summary or analysis of the history, status, etc., of a process, activity, relationship, or set of characteristics; a set of characteristics or qualities that identify a type or category of person or thing. Dictionary.com at www.dictionary.com profile: represent in profile. Oxford American Dictionary, Heald Colleges Edition (1980) profile: data, often in the form of a graph or table, representing distinctive features or characteristics. The American Heritage Dictionary of the English Language at www.bartleby.com profile: data that describes the significant characteristics of a user, a group of users, or	None.

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more profiles relating to at least one piece of information	A file containing information about a specific document, website, or other text that may be subjected to a search by a user, comprising the data item's address, the linguistic patterns of the data item, and the frequencies with which those patterns recur.
one or more computer resources. IBM Dictionary of Computing, 10th Ed. (1994) profile: a graph, diagram, piece of writing, etc. presenting or summarizing data relevant to a particular person or thing; a set of characteristics developed for use in identifying persons or things as being likely to belong to a certain group. Webster's New World College Dictionary at www.yourdictionary.com profile: a set of data often in graphic form portraying the significant features of something. Merriam Webster's Online Dictionary at www.merriam-webster.com profile: represent in profile. Webster's Third New International Dictionary (1966) profile: to identify by profiling (profiling: to use a set of characteristics to identify those likely to belong to a certain group). Webster's New World Dictionary (2003)	

3. LINGUISTIC CHARACTERISTICS

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Features relating to language	Repeating combinations of various parts of speech in sentences that reflect the user's cultural, educational, social background, and the user's psychological profile.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Col. 3, lns. 17 - 23; Col. 3, ln. 46 - Col. 4, ln. 29; Col. 4, lns. 49 - 57; Claims 1, 43, 59 and 60	'067 patent: 2:65-3:24; 3:30-60; 4:53-58; 5:4-12; 5:17-20; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability Provisional Patent Application No. 60/116,582 "Internet Search Vehicle", PA0001288-0001291

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence
linguistic: Of or relating to language or linguistics. The American Heritage Dictionary of the English Language at www.bartleby.com	PA000952-000976
	GELLER032633-032639
linguistic: of language; of linguistics. Webster's New World College Dictionary linguistic: of or relating to language or	Merriam-Webster's Collegiate Dictionary (10th Ed., 1999) - linguistics - "the study of human speech including the units, nature, structure, and modification of language;"
linguistics. Merriam Webster's Online Dictionary at www.merriam-webster.com linguistic: 1. of language: relating to language or languages; 2. of linguistics: relating to linguistics. Encarta World English Dictionary at http://encarta.msn.com	Merriam-Webster's Collegiate Dictionary (10th Ed., 1995)
linguistic: 1. of or belonging to language: linguistic change. 2. of or pertaining to linguistics. Dictionary.com at www.dictionary.com	
linguistic: of language of linguistics. Webster's New World College Dictionary at www.yourdictionary.com	
characteristic: A feature that helps to identify, tell apart, or describe recognizably; a distinguishing mark or trait characteristic: a distinguishing trait, quality, or property. Merriam Webster's Online Dictionary at http://www.merriam-webster.com	
characteristic: a distinguishing feature or quality. Dictionary.com at www.dictionary.com	
characteristic: of or constituting the special character; typical. Webster's New World College Dictionary at www.yourdictionary.com	

4.   LINGUISTIC DATA

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more pieces of information relating to language	Texts from which linguistic patterns and their frequencies of occurrence are extracted.
Plaintiff's Intrinsic Evidence Abstract; Col. 3, lns. 17 - 23; Col. 3, ln. 46 - Col. 4, ln. 29; Col. 4, lns. 49 - 57; Col. 12, lns. 29 - 61; Claims 1, 43, 59 and 60	**Defendants' Intrinsic Evidence** '067 patent: 3:46-51; 12:48-52; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability; Provisional Patent Application No. 60/116,582 "Internet Search Vehicle", PA0001288-0001291
Plaintiff's Extrinsic Evidence See definitions of "linguistic" above. See definitions of "data" above.	**Defendants' Extrinsic Evidence** PA000952-000976 GELLER032633-032639

5.   LINGUISTIC PATTERN

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Model or guide related to language	A repeating combination of various parts of speech (nouns, verbs, adjectives, etc.) that appears in a sentence and reflects a specific user's cultural, educational, social background, and the user's psychological profile.
Plaintiff's Intrinsic Evidence Abstract; Col. 3, lns. 17 - 23; Col. 3, ln. 46 - Col. 4, ln. 29; Col. 4, lns. 49 - 57; Col. 12, lns. 29 - 61; Claims 1, 20, 30, 33, 44, 45, 51, 59 and 60	**Defendants' Intrinsic Evidence** '067 patent: 2:65-3:24; 3:30-4:11; 4:20-22; 4:53-58; 5:4-12; 5:17-20; 5:44-51; 9:8-23; 9:50-55; 11:11-19; 13:33-45; 14:15-20; 14:57-15:12; 18:54-19:48; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability Provisional Patent Application No. 60/116,582 "Internet Search Vehicle", PA0001288-0001291, in particular PA0001289, ¶ 6.

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence
See definitions of "linguistic" above. pattern: an original or model considered for or deserving of imitation; anything fashioned or designed to serve as a model or guide for something to be made. Dictionary.com at www.dictionary.com	PA000952-000976
pattern: a model or design or instructions according to which something is to be made; to model according to a pattern. Oxford American Dictionary, Heald Colleges Edition (1980)	GELLER032633-032639

Merriam-Webster's Collegiate Dictionary (10th Ed., 1999) - linguistics - "the study of human speech including the units, nature, structure, and modification of language"; see also Merriam-Webster's Collegiate Dictionary (10th Ed., 1995) |
| pattern: A plan, diagram, or model to be followed in making things. American Heritage Dictionary of the English Language at www.bartleby.com | The Oxford American Dictionary and Language Guide (1999) - pattern - "a regular or logical form, order or arrangement of parts"
Encarta World English Dictionary (1999) - pattern - "a regular or repetitive form, order, or arrangement" |
pattern: a plan or model used as a guide for making something; a regular or standard way of moving or behaving. Encarta World English Dictionary at http://encarta.msn.com pattern: a person or thing considered worthy of imitation or copying a model or plan used as a guide in making things. Webster's New World College Dictionary at www.yourdictionary.com	
pattern: a form or model proposed for imitation. Merriam Webster's Online Dictionary at www.merriam-webster.com pattern: something regarded as a normative example to be copied; something designed or used s a model for making things; to use as a pattern or model. Webster's Third New International Dictionary (1966)	
pattern: a person or thing worthy of imitation; a model or plan used in making things; a design; a regular way of acting or doing. Webster's New World Dictionary (2003)	

6.   MATCH FACTOR

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more mathematical determinations of matching	A value that is calculated by adding together the first and second similarity factors for every data item.
Plaintiff's Intrinsic Evidence Col. 6, lns. 1-12; Col. 24, lns. 49-67; Figs. 1-8; Claims 1, 41, 43, 44, 59 and 60	**Defendants' Intrinsic Evidence** '067 patent: 6:1-12; 24:49-67; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence
match: something similar; good complement; something that combines well with something else. Encarta World English Dictionary at http://encarta.msn.com match: one able to cope with another; a pair suitably associated. Merriam Webster's Online Dictionary at www.merriam-webster.com match: any person or thing equal or similar to another in some way; either of two corresponding things or persons; two or more persons or things that go together. Webster's New World College Dictionary at www.yourdictionary.com match: a counterpart; one that is like another in one or more specified qualities; a pair, each one of which resembles or harmonizes with the other. American Heritage Dictionary of the English Language at www.bartleby.com match: a person or thing that equals or resembles another in some respect; a corresponding, suitably associated, or harmonious pair. Dictionary.com at www.dictionary.com	None.

7.   PERSONAL TEXTUAL DATA

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more pieces of information relating to text relating to a person	Texts composed by a specific user that contain certain recurring linguistic patterns that reflect the user's cultural, educational, social background, and the user's psychological profile.
Plaintiff's Intrinsic Evidence Abstract; Figs. 2, 3, 5 and 6; Col. 3, lns. 17 - 23; Col. 4, ln. 49 - col. 5, ln. 26; Col. 10, ln. 27 - Col. 11, ln. 35; Col. 11, ln. 44 - Col. 13, ln. 12; Col. 13, ln. 28 - Col. 14, ln. 13; Col. 15, lns. 42 - 54; Col. 17, ln. 34 - Col. 18, ln. 26; Col. 19, ln. 51 - Col. 20, ln. 6; Claims 2, 3, 4, 5, 7, 18, 19, 20, 21, 45, 47, 48 and 49	**Defendants' Intrinsic Evidence** '067 patent: 10:32-35; 10:46-51; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence See definitions of "data" above.	**Defendants' Extrinsic Evidence** None.

8.   PLURAL DATA ITEM

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Two or more pieces of information	Cannot be construed.
Plaintiff's Intrinsic Evidence Figs. 5, 6 and 8; Col. 5, lns. 21-35; Col. 5, lns. 59-67; Col. 6, lns. 1-23; Col. 16, ln. 57 - Col. 17, ln. 54; Col. 19, ln. 51 - Col. 20, ln. 65; Col. 24, ln. 9 - Col. 25, ln. 9; Claims 1, 18, 20, 28, 40, 41 and 42	**Defendants' Intrinsic Evidence**

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence
See definitions of "data" above. See definition of "item" above. plural: consisting of, containing, or pertaining to more than one. Dictionary.com at www.dictionary.com plural: relating to or composed of more than one member, set, or kind. American Heritage Dictionary of the English Language at www.bartleby.com plural: of or including more than one. Webster's New World College Dictionary at www.yourdictionary.com plural: relating to, consisting of, or containing more than one or more than one kind or class. Merriam Webster's Online Dictionary at www.merriam-webster.com plural: referring to more than one; concerning more than one. Encarta World English	

9.   PLURAL DATA ITEM PROFILE

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Two or more profiles each relating to at least a piece of information	Cannot be construed.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Figs. 5, 6 and 8; Col. 5, lns. 21-35; Col. 5, lns. 59-67; Col. 6, lns. 1-23; Col. 16, ln. 57 - Col. 17, ln. 54; Col. 19, ln. 51 - Col. 20, ln. 65; Col. 24, ln. 9 - Col. 25, ln. 9; Claims 1, 18, 20, 28, 41 and 42	

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence
See definitions of "plural" above. See definitions of "data" above. See definition of "item" above. See definition of "profile" above.	

10. PLURAL SECOND LINGUISTIC PATTERN

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Two or more models or guides related to language	Cannot be construed.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Col. 3, lns. 17 - 23; Col. 3, ln. 46 - Col. 4, ln. 29; Col. 4, lns. 49 - 57; Col. 12, lns. 29 - 61; Claims 1, 20, 30, 33, 44, 45, 51, 59 and 60	
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "linguistic" above. See definitions of "pattern" above.	

11. PLURAL SECOND SIMILARITY FACTOR

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
At least two items of information representative of a correlation	Cannot be construed.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Claims 1, 39, 40, 44, 59 and 60	

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence

12. PSYCHOLOGICAL PROFILE

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more profiles pertaining to mental processes	Cannot be construed.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Col. 4, lns. 3 - 19; Col. 2, ln. 65 - Col. 3, ln. 23; Col. 3, ln. 26 - Col. 4 ln. 19; Col. 5, lns. 36-51; Col. 8, ln. 66 - col. 9, ln. 55; Col. 20, ln. 66 - Col. 21, ln. 15; Col. 24, ln. 27 - Col. 25, ln. 9; Claims 1, 43, 44, 45, 59 and 60	
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "psychological" above. See definitions of "profile" above.	

13. SEARCH REQUEST DATA

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Information relating to a search request	A search string entered by a user to the system that includes at least one linguistic pattern and that is representative of the data or information that the user wishes to locate.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Claims 1, 30, 31, 42, 44, 59 and 60	'067 patent: 5:36-39; 5:41-44; 12:21-29; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Information relating to a search request	A search string entered by a user to the system that includes at least one linguistic pattern and that is representative of the data or information that the user wishes to locate.
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "data" above.	None.

14. SEARCH REQUEST PROFILE

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more profiles relating to a search request	A file that includes information about the linguistic patterns in search request data.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Figs. 7 and 8; Col. 4, lns. 3-19; Col. 5, lns. 36 - Col. 6, ln. 18; Col. 6, lns. 1-18; Col. 9, lns. 27 - 43; Col. 21, lns. 26 - 63; Col. 22, lns 55-61; Col. 24, lns. 27 - 33; Claims 1, 44, 59 and 60	'067 patent: 4:3-11; 5:36-51; 6:1-8; 21:26-29; 23:46-60; 24:41-48; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "profile" above.	None.

15.   SEGMENT

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more portions of something	One or more predetermined types of parts of speech arranged in a predetermined order.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Figs. 3 - 8; Col. 5, lns. 4 - 20; Col. 5, ln. 41 - Col. 6, ln. 22; Col. 14, ln. 57 - Col. 15, ln. 54; Col. 15, ln. 55 - Col. 16, ln. 42; Col. 18, ln. 66 - Col. 20, ln. 65; Col. 22, ln. 35 - Col. 25, ln. 9	'067 patent: 5:4-14; 14:13-67; 22:35-40; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability; Provisional Patent Application No. 60/116,582 "Internet Search Vehicle", PA0001288-0001291
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
segment: component part: any of the parts or sections into which an object or group is divided. Encarta World English Dictionary at http://encarta.msn.com segment: one of the parts into which something naturally separates or is divided; a division, portion, or section. Dictionary.com at www.dictionary.com segment: Any of the parts into which something can be divided. The American Heritage Dictionary of the English Language at www.bartleby.com segment: any of the parts into which a body is separated or separable; division; section. Webster's New World College Dictionary at www.yourdictionary.com segment: a separate piece of something; bit; fragment Merriam Webster's Online Dictionary at www.merriam-webster.com	PA000952-000976 GELLER032633-032639

16.   FIRST SIMILARITY FACTOR

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Information representative of a correlation	A correlation between a user profile and a search request profile that includes the number of segments that appear in both of the profiles and the total number of times that each such segment appears in the two profiles.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Claims 1, 39, 40, 44, 59 and 60	'067 patent: 6:1-12; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
None.	None.

17.   SECOND SIMILARITY FACTOR

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Information representative of a correlation	A correlation between a data item profile and a search request profile that includes the number of segments that appear in both of the profiles and the total number of times that each such segment appears in the two profiles.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Claims 1, 39, 40, 44, 59 and 60	'067 patent: 6:1-12; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
None.	None.

18. TEXT ITEM

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more items relating to text	A series of words that is long enough to be broken into sentences such that linguistic patterns can be extracted.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Figs. 2, 3, 5 and 6; Col. 3, lns. 17 - 23; Col. 4, ln. 49 - col. 5, ln. 26; Col. 10, ln. 27 - Col. 11, ln. 35; Col. 11, ln. 44 - Col. 13, ln. 12; Col. 13, ln. 28 - Col. 14, ln. 13; Col. 15, lns. 42 - 54; Col. 17, ln. 34 - Col. 18, ln. 26; Col. 19, ln. 51 - Col. 20, ln. 6; Claims 2, 3, 4, 5, 7, 18, 19, 20, 21, 45, 47, 48 and 49	'067 patent: 10:46-12:39; 13:38-61; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "item" above.	None.

19. TEXTUAL DATA

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more pieces of information relating to text	Texts composed by either a specific user or someone other than the user that contain certain recurring linguistic patterns that reflect the user's cultural, educational, social background, and the user's psychological profile
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Figs. 2, 3, 5 and 6; Col. 3, lns. 17 - 23; Col. 4, ln. 49 - col. 5, ln. 26; Col. 10, ln. 27 - Col. 11, ln. 35; Col. 11, ln. 44 - Col. 13, ln. 12; Col. 13, ln. 28 - Col. 14, ln. 13; Col. 15, lns. 42 - 54; Col. 17, ln. 34 - Col. 18, ln. 26; Col. 19, ln. 51 - Col. 20, ln. 6; Claims 2, 3, 4, 5, 7, 19, 20, 21, 45, 46, 47, 48 and 49	'067 patent: 4:53-63; 5:24-26, 10:27-41; Figures 1-8; Prosecution history for the '067 patent, including the Notice of Allowability

Plaintiff's Extrinsic Evidence	Defendants' Extrinsic Evidence
See definitions of "data" above.	None.

20.   USER DATA PROFILE

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more profiles comprising data relating to a user	A file containing information about a specific user's linguistic patterns and the frequencies with which these patterns recur in texts that are: (i) submitted by the user or (ii) associated with the user and automatically acquired by the system, without identifying any background or private information about the user.
Plaintiff's Intrinsic Evidence Abstract; Figs. 1, 2, 3, 4 and 8; Col. 1, lns. 14-18; Col. 4, lns. 3-29; Col. 4, ln. 49 - Col. 5, ln. 20; Col. 5, lns. 52 - 67; Col. 6, lns. 35 - 41; Col. 6, lns. 7-10; Col. 9, ln. 44 - Col. 11, ln. 52; Col. 12, ln. 29 - Col. 16, ln. 56; Col. 22, lns. 49-61; Col. 23, ln. 49 - Col. 24, ln. 8; Col. 24, lns. 49 - 57; Claims 1, 44, 59 and 60	**Defendants' Intrinsic Evidence** '067 patent: 3:32-36; 3:60-66; 4:20-29; 4:53-58; 4:67-5:12; 5:17-20; and 9:16-20; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence See definitions of "data" above. See definitions of "profile" above.	**Defendants' Extrinsic Evidence** None.

21.   USER LINGUISTIC DATA

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
Information relating to a user's language	Textual data supplied by the user or adopted by that user as favorite that contain certain recurring linguistic patterns. The user linguistic data is not part of the user profile, but is the text from which the patterns are extracted to create the user profile.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Figs. 1, 2, 3, 4 and 8; Col. 1, lns. 14-18; Col. 3, lns. 45-66; Col. 4, lns. 3-29; Col. 4, ln. 49 - Col. 5, ln. 20; Col. 5, lns. 52 - 67; Col. 6, lns. 35 - 41; Col. 6, lns. 7-10; Col. 9, lns. 8-23; Col. 9, ln. 44 - Col. 11, ln. 52; Col. 12, ln. 29 - Col. 16, ln. 56; Col. 22, lns. 49-61; Col. 23, ln. 49 - Col. 24, ln. 8; Col. 24, lns. 49 - 57; Claims 1, 2, 7, 44, 45, 46, 47, 59 and 60	'067 patent: 3:45-66; 4:56-61; 9:8-23; and 10:29-32; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability Provisional Patent Application No. 60/116,582 "Internet Search Vehicle", PA0001288-0001291
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "data" above.	PA000952-000976 GELLER 32633-39

22.   USER PROFILE

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
One or more profiles relating to a user	A file containing information about a specific user's linguistic patterns and the frequencies with which these patterns recur in texts that are: (i) submitted by the user or (ii) associated with the user and automatically acquired by the system, without identifying any background or private information about the user.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Abstract; Figs. 1, 2, 3, 4 and 8; Col. 1, lns. 14-18; Col. 4, lns. 3-29; Col. 4, ln. 49 - Col. 5, ln. 20; Col. 5, lns. 52 - 67; Col. 6, lns. 35 - 41; Col. 6, lns. 7-10; Col. 9, ln. 44 - Col. 11, ln. 52; Col. 12, ln. 29 - Col. 16, ln. 56; Col. 22, lns. 49-61; Col. 23, ln. 49 - Col. 24, ln. 8; Col. 24, lns. 49 - 57; Claim 1, 44, 59 and 60	'067 patent: 3:32-36; 3:60-66; 4:6-11; 4:20-29; 4:49-5:20; 7:7-10; 9:16-20; 10:4-8; 10:24-11:39; 12:30-61; 13:33-16:56; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "profile" above.	None.

23.   USER SEGMENT COUNT

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
A count relating to a portion of data relating to a user	The number of times that each segment appears in a text item.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Figs. 3 4, 5, 6, 7, 8; Col. 5, lns. 4 - 20; Col. 5, ln. 41 - Col. 6, ln. 22; Col. 14, ln. 57 - Col. 15, ln. 54; Col. 15, ln. 55 - Col. 16, ln. 42; Col. 18, ln. 66 - Col. 20, ln. 65; Col. 22, ln. 35 - Col. 25, ln. 9; Claims 16, 17, 39, 41, 45, 57 and 58	'067 patent: 15:55-60; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
A count relating to a portion of data relating to a user	The number of times that each segment appears in a text item.
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "segment" above.	None.

24.   USER SEGMENT GROUP

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
A set of data relating to one or more users	A collection of identical segments extracted from a text item.
Plaintiff's Intrinsic Evidence	**Defendants' Intrinsic Evidence**
Figs. 3 - 8; Col. 5, lns. 4 - 20; Col. 5, ln. 41 - Col. 6, ln. 22; Col. 14, ln. 57 - Col. 15, ln. 54; Col. 15, ln. 55 - Col. 16, ln. 42; Col. 18, ln. 66 - Col. 20, ln. 65; Col. 22, ln. 35 - Col. 25, ln. 9; Claims 16, 17, 39, 41, 45, 57 and 58	'067 patent: 5:15-18; Figures 1-8 Prosecution history for the '067 patent, including the Notice of Allowability

PLAINTIFF'S CONSTRUCTION	DEFENDANTS' CONSTRUCTION
A set of data relating to one or more users	A collection of identical segments extracted from a text item.
Plaintiff's Extrinsic Evidence	**Defendants' Extrinsic Evidence**
See definitions of "segment" above. group: set of people or things: a number of people or things considered together or regarded as belonging together. Encarta World English Dictionary at http://encarta.msn.com group: a number of individuals assembled together or having some unifying relationship b: an assemblage of objects regarded as a unit. Merriam Webster's Online Dictionary at www.merriam-webster.com group: any collection or assemblage of persons or things; cluster; aggregation; a number of persons or things ranged or considered together as being related in some way. Dictionary.com at www.dictionary.com group: An assemblage of persons or objects gathered or located together; an aggregation; A number of individuals or things considered together because of similarities; A class or collection of related objects or entities, as: The American Heritage Dictionary of the English Language at www.bartleby.com group: a number of persons or things gathered closely together and forming a recognizable unit; cluster; aggregation; a number of persons or things classified together because of common characteristics, community of interests, etc. Webster's New World College Dictionary at www.yourdictionary.com	None.

IV.

Pursuant to P.R. Rule 4-3(c):

Plaintiff anticipates that the length of time necessary for the Claim Construction Hearing is approximately 3 hours.

Defendants anticipate that the length of time necessary for the Claim Construction Hearing is approximately 4 hours.

V.

Pursuant to P.R. 4-3(d):

The parties will not have an expert testifying at the Claim Construction Hearing.

The parties do not believe that a prehearing conference is necessary before the Claim Construction Hearing.

May 22, 2009

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CERTIFICATE OF SERVICE

I hereby certify that the counsel of record who are deemed to have consented to electronic service are being served today with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

May 22, 2009   /s/ John J. Edmonds
                                      John J. Edmonds