

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

PA ADVISORS, LLC,  
Plaintiff,

v.

GOOGLE, INC., et al,  
Defendants

Civil Action No 2:07-cv-480-DF

**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to P.R. 4-5(d), Plaintiff nXn Tech, LLC, f/k/a PA Advisor’s LLC (“nXn”) and Defendants Google Inc. and Yahoo! Inc. (collectively, “Defendants”) hereby submit their Joint Claim Construction Chart.

Attached hereto as Exhibit A is the Joint Claim Construction Chart, which includes the currently disputed claim terms and phrases, the parties’ proposed constructions, and a column for the Court’s construction. Also submitted to the Court is a disk containing the above-referenced document in WordPerfect format.

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
1. A data processing method for enabling a user utilizing a local computer system having a local data storage system to locate desired data from a plurality of <b>data items</b> stored in a remote data storage system in a remote computer system, the remote computer system being linked to the local computer system by a telecommunication link, the method comprising the steps of:	<b>A. Linguistic Pattern</b>	A combination of various parts of speech (nouns, verbs, adjectives, etc.).	A repeating combination of various parts of speech (nouns, verbs, adjectives, etc.) that reflect the author’s cultural, educational, social backgrounds and the author’s psychological profile that occurs in texts composed by the author.	
	<b>B. Segment</b>	A part of a sentence.	One or more predetermined types of parts of speech arranged in a predetermined order.	

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>(a) extracting, by one of the local computer system and the remote computer system, a <b>user profile</b> from <b>user linguistic data</b> previously provided by the user, said <b>user data profile</b> being representative of a first <b>linguistic pattern</b> of the said <b>user linguistic data</b>;</p> <p>(b) constructing, by the remote computer system, a plurality of <b>data item profiles</b>, each plural <b>data item profile</b> corresponding to a different one of each plural <b>data item</b> stored in the remote data storage system, each of said plural <b>data item profiles</b> being representative of a second <b>linguistic pattern</b> of a corresponding plural <b>data item</b>, each said plural second linguistic</p>	<b>C. User Profile/User Data Profile</b>	A collection of information about a user.	A file containing information representative of 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.	
	<b>D. Data Item Profile</b>	A collection of information about a data item.	A file containing a data item’s address, the linguistic patterns of the data item, and the frequencies with which those patterns recur.	
	<b>E. Search Request Profile</b>	A collection of information about a search request.	A file that includes information about the linguistic patterns in search request data.	

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>pattern being substantially unique to each corresponding plural <b>data item</b>;</p> <p>(c) providing, by the user to the local computer system, <b>search request data</b> representative of the user's expressed desire to locate data substantially pertaining to said <b>search request data</b>;</p> <p>(d) extracting, by one of the local computer system and the remote computer system, a <b>search request profile</b> from said <b>search request data</b>, said <b>search request profile</b> being representative of a third <b>linguistic pattern</b> of said <b>search request data</b>;</p> <p>(e) determining, by one of the local computer</p>	<b>F. Psychological Profile</b>	Information regarding the behavioral and/or personality traits of a person.	Indefinite; One or more profiles pertaining to mental processes.	
	<b>G. Data Item</b>	A document, web site or other piece of textual data that may be searched.	Documents, websites, and other textual data that may be subjected to a search by a user.	
	<b>H. User Linguistic Data*</b>	Text, including text either generated or adopted by the user.	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.	
	<b>I. Text Item*</b>	A piece of text.	A series of words that is long enough to be broken into sentences such that linguistic patterns can be extracted.	

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
system and the remote computer system, a first similarity factor representative of a first correlation between said <b>search request profile</b> and said <b>user profile</b> by comparing said <b>search request profile</b> to said <b>user</b>	<b>J. Search Request Data*</b>	A search string entered by a user to the system.	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.	

---

\* The parties were unable to reach agreement as to the inclusion of these claim terms. Plaintiff’s position is that these claim terms were originally proposed for construction by Defendants, but were not addressed in either brief filed by Defendants. Consequently, nXn believes that no construction is necessary for these terms, and they are included in this chart at Defendants’ request. Defendant disagrees. See, e.g., Responsive Brief at pp. 19, 25.

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p><b>profile;</b></p> <p>(f) determining, by one of the local computer system and the remote computer system, a plurality of second similarity factors, each said plural second similarity factor being representative of a second correlation between said <b>search request profile</b> and a different one of said plural <b>data item profiles</b>, by comparing said <b>search request profile</b> to each of said plural <b>data item profiles</b>;</p> <p>(g) calculating, by one of the local computer system and the remote computer system, a final match factor for each of said plural <b>data item profiles</b>, by adding said first similarity factor to at least one of said plural second similarity factors in accordance with at least one intersection between said first correlation and said second correlation;</p>	<p><b>K. User Segment Count</b></p>	<p>[AGREED]</p>	<p>[AGREED]</p>	<p>The number of times that a segment appears in a segment group.</p>

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>3. The method of claim 1, wherein said <b>user linguistic data</b> comprises at least one of: personal textual data generated by the user and favorite textual data generated by a source other than the user and that the user has adopted as being favorite.</p>				
<p>4. The method of claim 1, wherein said <b>user linguistic data</b> comprises at least one <b>text item</b>, each said at least one <b>text item</b> comprising at least one sentence.</p>				
<p>6. The method of claim 1, further comprising the step of:</p> <p>(l) prior to said step (a), determining, by one of the local computer system and the remote computer system, whether an existing <b>user data profile</b> is stored in one of the local data</p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>storage system and the remote data storage system, and:</p> <p>1) when an existing <b>user data profile</b> is stored in one of the local data storage system and the remote data storage system, retrieving said existing <b>user data profile</b> and proceeding to said step (b); and</p> <p>2) when an existing <b>user data profile</b> is not stored in one of the local data storage system and the remote data storage system, proceeding to said step (a).</p>				
<p>43. The method of claim 1, wherein said step (h) comprises the steps of:</p> <p>(vvv) selecting, by one of the local computer system and the remote computer system, a portion of said plural <b>data items</b> corresponding to a</p>				



**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>predetermined number of plural <b>data item profiles</b> having highest final match factors; and</p> <p>wherein said step (i) comprises the step of:</p> <p>(www) retrieving, by one of the local computer system and the remote computer system from the remote data storage system, said selected <b>data items</b> for display to the user, such that the user is presented with a group of <b>data items</b> having linguistic characteristics that substantially correspond to linguistic characteristics of the <b>linguistic data</b> generated by the user, whereby the linguistic characteristics of the <b>data items</b> correspond to the user's social, cultural, educational, economic background as well as to the user's</p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p><b>psychological profile.</b></p> <p>45. A data processing method for generating a <b>user data profile</b> representative of a user's social, cultural, educational, economic background and of the user's <b>psychological profile</b>, the method being implemented in a computer system having a storage system, comprising the steps of:</p> <p>(a) retrieving, by the computer system, <b>user linguistic data</b> previously provided by the user, said <b>user linguistic data</b> comprising at least one <b>text item</b>, each said at least one <b>text item</b> comprising at least one sentence;</p> <p>(b) generating, by the computer system, an empty <b>user data profile</b>;</p> <p>(c) retrieving, by the computer system, a</p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p><b>text item</b> from said <b>user linguistic data</b>;</p> <p>(d) separating, by the computer system, said <b>text item</b> into at least one sentence;</p> <p>(e) extracting, from each of said at least one sentence, by the computer system, at least one <b>segment</b> representative of a <b>linguistic pattern</b> of each sentence of said at least one sentence;</p> <p>(f) adding, by the computer system, at least one <b>segment</b> extracted at said step (e) to said <b>user data profile</b>;</p> <p>(g) repeating, by the computer system, said steps (c) to (f) for each <b>text item</b> of said at least one <b>text item</b> in said <b>user linguistic data</b>;</p> <p>(h) generating at least one user segment</p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>group, by the computer system, by grouping together identical <b>segments</b> of said at least one <b>segment</b>;</p> <p>(i) determining a user segment count, by the computer system, for each user segment group of said at least one user segment group, each said user segment count being representative of a number of identical <b>segments</b> in the corresponding user segment group of said at least one user segment group, and linking each said user segment count to the corresponding user segment group of said at least one user segment group;</p> <p>(j) sorting the user segment groups of said at least one user segment group, by the computer system, in an descending order of user segment counts</p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>starting from a user segment group having a highest user segment count, and recording said user segment groups and corresponding user segment counts in said <b>user data profile</b>; and</p> <p>(k) storing, by the computer system, said <b>user data profile</b>, representative of an overall <b>linguistic pattern</b> of the user, in the data storage system, said overall <b>linguistic pattern</b> substantially corresponding to the user's social, cultural, educational, economic background and to the user's <b>psychological profile</b>.</p>				
<p>47. The method of claim 45, wherein said <b>user linguistic data</b> comprises at least one of: personal textual data generated by the user and favorite textual data generated</p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>by a source other than the user and that the user has adopted as being favorite.</p>				
<p>56. The method of claim 45, wherein said step (k) further comprises the step of:</p> <p>(u) encrypting said <b>user data profile</b> such that said encrypted <b>user data profile</b> may only be utilized when an authorization is received from the user.</p>				
<p>60. A data processing system, comprising a computer system having a data storage system, for enabling a user of the computer system to locate desired data from a plurality of <b>data items</b> stored in the data storage system, the data processing system comprising:</p> <p>first extracting means for extracting a <b>user profile</b> from <b>user</b></p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p><b>linguistic data</b> previously provided by the user, said <b>user data profile</b> being representative of a first <b>linguistic pattern</b> of the said <b>user linguistic data</b>;</p> <p>first control means for constructing a plurality of <b>data item profiles</b>, each plural <b>data item profile</b> corresponding to a different one of each plural <b>data item</b> stored in the data storage system, each of said plural <b>data item profiles</b> being representative of a second <b>linguistic pattern</b> of a corresponding plural <b>data item</b>, each said plural second <b>linguistic pattern</b> being substantially unique to each corresponding plural <b>data item</b>;</p> <p>first input means for acquiring <b>search request data</b> from the</p>				

**EXHIBIT A—PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>user, said <b>search request data</b> being representative of the user's expressed desire to locate data in the storage system substantially pertaining to said <b>search request data</b>;</p> <p>second extracting means, connected to said first input means, for extracting a <b>search request profile</b> from said acquired <b>search request data</b>, said <b>search request profile</b> being representative of a third <b>linguistic pattern</b> of said <b>search request data</b>;</p> <p>second control means, connected to said first extracting means and said second extracting means, for determining a first similarity factor representative of a first correlation between said <b>search request profile</b> and said <b>user profile</b> by comparing said <b>search request</b></p>				



**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p><b>profile</b> to said <b>user profile</b>;</p> <p>third control means, connected to said first control means and said second extracting means, for determining a plurality of second similarity factors, each said plural second similarity factor being representative of a second correlation between said <b>search request profile</b> and a different one of said plural <b>data item profiles</b>, by comparing said <b>search request profile</b> to each of said plural <b>data item profiles</b>;</p> <p>fourth control means, connected to said second an said third control means, for calculating a final match factor for each of said plural <b>data item profiles</b>, by adding said first similarity factor to at least one of said plural</p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>second similarity factors in accordance with at least one intersection between said first correlation and said second correlation;</p> <p>first selection means, connected to said fourth control means, for selecting one of said plural <b>data items</b> corresponding to a plural <b>data item profile</b> having a highest final match factor; and</p> <p>first retrieving means, connected to said first selection means, for retrieving, from the data storage system, said selected <b>data item</b> for display to the user, such that the user is presented with a <b>data item</b> having linguistic characteristics that substantially correspond to linguistic characteristics of the <b>linguistic data</b></p>				

**EXHIBIT A–PARTIES’ JOINT CLAIM CONSTRUCTION CHART**

<b>Claim</b>	<b>Disputed Term/Phrase for Construction</b>	<b>Plaintiff’s Proposed Construction</b>	<b>Defendant’s Proposed Construction</b>	<b>Court’s Construction</b>
<p>generated by the user, whereby the linguistic characteristics of the <b>data item</b> correspond to the user's social, cultural, educational, economic background as well as to the user's <b>psychological profile</b>.</p>				
<p>61. The method of claim 1, wherein the remote computer system comprises a plurality of computer systems connected to the Internet and the World Wide Web.</p>				