

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

IP INNOVATION L.L.C. AND
TECHNOLOGY LICENSING CORPORATION,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

§
§
§
§
§
§
§
§
§
§
§
§
§
§
§

CASE NO. 2:07CV-503-LED

JURY TRIAL REQUESTED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to P.R. 4-3, Plaintiffs IP Innovation L.L.C. and Technology Licensing Corporation and Defendant Google Inc. file this Joint Claim Construction and Prehearing Statement.

I. Agreed Claim Constructions [P.R. 4-3(a)]

Pursuant to P.R. 4-3(a), the parties have agreed on proposed constructions of the following claim terms, phrases, or clauses, of the patents-in-suit, U.S. Patent Nos. 5,276,785, entitled “Moving Viewpoint With Respect To A Target In A Three-Dimensional Workspace,” and 5,675,819, entitled “Document Information Retrieval Using Global Word Co-Occurrence Patterns”:

U.S. Patent No. 5,276,785

Term	Agreed Construction
point of interest (claims 52 and 55)	A point indicated by the user and relative to which the viewpoint can move

These constructions are also reflected in the tables attached as Exhibits A (U.S. Patent No. 5,276,785) and B (U.S. Patent No. 5,675,819). If the parties are able to reach further

agreement concerning the constructions of any of the remaining claim terms, phrases, or clauses at issue, they will supplement the present Joint Claim Construction and Prehearing Statement.

II. Disputed Claim Constructions [P.R. 4-3(b)]

Pursuant to P.R. 4-3(b), the parties' proposed constructions of disputed claim terms, phrases, or clauses are also reflected in the tables attached as Exhibits A and B, together with all references from the specification or prosecution history that support the construction and an identification of any extrinsic evidence. The parties expressly reserve the right to rely on any intrinsic and extrinsic evidence identified by the other party, and any evidence obtained, or that may be obtained, through claim construction discovery. The parties expressly reserve the right to amend, correct, or supplement its claim construction positions and supporting evidence in response to any change of position by the other party, in response to information received through claim construction discovery, including inventor depositions and expert depositions concerning claim construction declarations, or for other good cause.

III. Length of Claim Construction Hearing [P.R. 4-3(c)]

The parties anticipate that the claim construction hearing will require a total of four hours. This would allow each party two hours to argue the disputed terms, phrases, and clauses.

IV. Live Witness Testimony at Claim Construction Hearing [P.R. 4-3(d)]

Neither party intends to call witnesses live at the claim construction hearing. However, the parties have agreed that deposition testimony and affidavits of expert and fact witnesses may be used as exhibits to the Claim Construction Briefs required by P.R. 4-5.

V. Identification of Expert Witnesses Expected to Offer Claim Construction Opinions

Pursuant to the Court's May 4, 2009 Order, Google identifies the following expert witnesses who are expected to offer claim construction opinions: Dr. W. Bruce Croft, Department of Computer Science, University of Massachusetts, Amherst, MA; and Dr. Norman

I. Badler, Department of Computer and Information Science, University of Pennsylvania, Philadelphia, PA. Plaintiffs identify the following expert witness who may offer claim construction opinions, either in the opening brief or on reply: Dr. Ophir Frieder, IITRI Professor of Computer Science and Director of the Information Retrieval Lab, Illinois Institute of Technology, Chicago, IL. Google notes that the current schedule does not contemplate claim construction declarations being served in reply, and believes it would be inappropriate for Plaintiffs' expert to do so; however, Google is willing to meet and confer in good faith with Plaintiffs to determine a schedule that would permit both parties to serve reply or rebuttal expert claim construction declarations should Plaintiffs desire to do so.

VI. Other Issues [P.R. 4-3(e)]

According to the Docket Control Order, there is no prehearing conference scheduled before the claim construction hearing. The parties do not at this time have any other issues that might be appropriately taken up at either a prehearing conference before or at the claim construction hearing. Should any party become aware of such issues that it believes necessitates a prehearing conference, it will notify the other party and the Court and propose dates for a prehearing conference.

Dated: July 13, 2009

Respectfully submitted,

By: /s/ Douglas M. Hall

Raymond P. Niro
Joseph N. Hosteny
Arthur A. Gasey
Paul C. Gibbons
Douglas M. Hall
David J. Mahalek
NIRO, SCAVONE, HALLER & NIRO
181 West Madison, Suite 4600
Chicago, Illinois 60602
Telephone: (312) 236-0733
Facsimile: (312) 236-3137

T. John Ward
Ward & Smith
111 W. Tyler St.
Longview, Texas 75601
Telephone: (903) 757-6400
Toll Free (866) 305-6400
Facsimile: (903) 757-2323

Eric M. Albritton
ema@emafirm.com
Attorney at Law
P.O. Box 2649
Longview, TX 75606
Telephone: (903) 757-8449
Facisimile: (903) 758-7397

**ATTORNEYS FOR PLAINTIFFS AND
COUNTER-CLAIM DEFENDANTS IP
INNOVATION L.L.C. AND TECHNOLOGY
LICENSING CORPORATION**

Dated: July 13, 2009

Respectfully submitted,

By: /s/ David J. Beck

David J. Beck
Texas Bar No. 00000070
dbeck@brsfirm.com
Michael E. Richardson
Texas Bar No. 24002838
mrichardson@brsfirm.com
BECK, REDDEN & SECREST, L.L.P.
One Houston Center
1221 McKinney St., Suite 4500
Houston, TX. 77010
(713) 951-3700
(713) 951-3720 (Fax)

Mark G. Matuschak (admitted *pro hac vice*)
WILMER CUTLER PICKERING HALE AND
DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
(617) 526-5000 (Fax)

John M. Hintz (admitted *pro hac vice*)
Victor F. Souto (admitted *pro hac vice*)
Ross E. Firsenbaum (admitted *pro hac vice*)
WILMER CUTLER PICKERING HALE AND
DORR LLP
399 Park Avenue
New York, NY 10022
(212) 230-8800
(212) 230-8888 (Fax)

Elizabeth Rogers Brannen (admitted *pro hac vice*)
Anna T. Lee (admitted *pro hac vice*)
WILMER CUTLER PICKERING HALE AND
DORR LLP
1117 California Avenue
Palo Alto, CA 94304
(650) 858-6042
(650) 858-6100 (Fax)

**ATTORNEYS FOR DEFENDANT AND
COUNTER-CLAIM PLAINTIFF GOOGLE
INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this motion was served on all counsel who have consented to electronic service. Local Rule CV-5(a)(3)(A).

/s/ Michael E. Richardson
Michael E. Richardson