

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS**

**MARSHALL DIVISION**

**DATE:** October 1, 2009

**JUDGE LEONARD DAVIS**

**COURT REPORTER: Shea Sloan**

Law Clerks: Natalie Alfaro

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| <p><b>IP Innovation, LLC, et al</b><br/><b>Plaintiff</b></p> <p>vs.</p> <p><b>Google, Inc.</b><br/><b>Defendant</b></p> | <p><b>CIVIL ACTION NO: 2:07-CV-503</b></p> <p><b>MARKMAN HEARING</b></p> |
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| <b>ATTORNEYS FOR PLAINTIFF</b>  | <b>ATTORNEYs FOR DEFENDANTS</b>   |
|---|---|
| Johnny Ward (Ward & Smith)<br>David Mahalek (Niro Scavone Haller)<br>Doug Hall (Niro)<br>Ed Treska (Client Rep) | Mark Matuschak (Wilmer Cutler)<br>Elizabeth Brannen (Wilmer)<br>Richard Goldenberg (Wilmer)<br>Brad Coffey (Beck Redden Secrest)<br>John LaBarre (Google) |

On this day, came the parties by their attorneys and the following proceedings were had:

**OPEN:** 9:35 am

**ADJOURN:** 11:45 am

| <b>TIME:</b> | <b>MINUTES:</b>   |
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| 9:35 am      | Case called. Mr. Ward, Mr. Hall, Mr. Mahalek announced ready for plaintiff. Also present, Mr. Ed Treska, Client Representative. Mr. Coffey, Goldenberg, Mr. Matuschak announced ready for Defendant. Also present, Mr. John LaBarre, Client Representative. |
|              | Court addressed the parties on the 2 patents and would like an overview of the procedure. Mr. Mahalek responded.  |
|              | Mr. Mahalek presented a brief overview '819 and '785 patents.   |
|              | Mr. Matuschak presented a brief overview.   |
|              | Court will begin with the claims and terms of the 819 patent.   |
|              | Mr. Hall presented the term " <b>thesaurus.</b> "   |

**DAVID J. MALAND, CLERK**

**FILED: 10.01.2009**

BY: *Rosa L. Ferguson*, Courtroom Deputy

| TIME:    | MINUTES:   |
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|          | Mr. Matuschak responded. Mr. Hall further addressed the Court. Mr. Matuschak further responded. Mr. Hall further responded on Claim 25.  |
|          | Mr. Hall presented the term <b>“Word Vector.”</b> Court addressed the parties on the broadness and limiting. Court proposed a definition for the parties. Mr. Matuschak responded. Mr. Hall responded. Mr. Matuschak further responded. Court and parties continued to discuss. Court proposed “variable value” language. Mr. Matuschak responded.   |
|          | Mr. Hall presented <b>“Lexical co-occurrence”</b> and <b>“co-occurrence of words.”</b> Court asked why two. Mr. Matuschak responded. Mr. Hall responded. Mr. Matuschak further responded as to the claim language. Court and parties discussed Column 22, Line 5. Mr. Matuschak responded.   |
|          | Mr. Hall presented term <b>“corpus of documents.”</b> Mr. Matuschak responded.   |
|          | Mr. Hall presented term <b>“range.”</b> Mr. Matuschak responded. Mr. Hall further responded.   |
|          | Mr. Hall presented term <b>“context vector.”</b> Court proposed definition. Mr. Hall in agreement. Mr. Matuschak addressed the Court on thesaurus vector. Mr. Hall responded. Mr. Matuschak responded. Mr. Hall further responded. Mr. Matuschak further responded. Court proposed substituting the word thesaurus with word. Mr. Matuschak in agreement. Mr. Hall wanted language in specification. |
|          | Court addressed the parties that co-occurrence would be the same as Lexical co-occurrence. Parties concurred.  |
|          | Mr. Hall presented term <b>“correlation coefficient.”</b> Court inquired as to the e.g. the example. Mr. Hall does not need it. Mr. Matuschak responded. Mr. Hall further responded. Mr. Matuschak further responded.  |
| 10:55 am | Court will be in recess for 10 minutes.  |
| 11:10 am | Court will proceed with the 785 patent.  |
|          | Mr. Matuschak presented term <b>“viewpoint coordinate data.”</b> Court inquired of plaintiff as to coordinate data. Mr. Mahalek responded. Mr. Matuschak responded.  |
|          | Mr. Matuschak presented term <b>“user input means for providing signals.”</b>  |
|          | Mr. Hall responded and gave the Court their proposed definition. Mr. Matuschak further responded. Mr. Hall further responded. Mr. Matuschak responded as to structure. Mr. Mahalek responded. Mr. Matuschak further responded. Mr. Mahalek further responded.  |
|          | Mr. Matuschak presented term <b>“the user can request viewpoint motion and point of interest motion independently.”</b>  |
|          | Mr. Mahalek responded. Mr. Matuschak responded. Court proposed a definition. Mr. Mahalek is in agreement. Mr. Matuschak responded. Mr. Mahalek further responded.  |
|          | Mr. Matuschak presented term, <b>“ motion requesting signal set.”</b>  |
|          | Mr. Mahalek responded. Mr. Matuschak responded.  |
|          | Mr. Matuschak presented term, <b>“view point motion.”</b>  |

| TIME:    | MINUTES:  |
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|          | Mr. Mahalek responded. Court proposed definition. Mr. Mahalek responded. Mr. Matuschak responded. |
|          | Mr. Matuschak presented term, <b>“point of interest motion.”</b>                                  |
|          | Mr. Mahalek responded.  |
|          | Mr. Matuschak presented term, <b>“radial motion.”</b>   |
|          | Mr. Mahalek responded.  |
|          | Mr. Matuschak presented term, <b>“ray.”</b>   |
|          | Mr. Mahalek responded. Mr. Matuschak further responded.   |
|          | Court and the parties discussed mediation. Court encouraged parties to keep working on mediation. |
| 11:45 am | There being nothing further, Court adjourned.   |