

Exhibit A: Plaintiffs' Proposed Constructions

Term	Patent (claims)	Plaintiffs' Proposed Construction	Support
"advertisement database" / "database having advertisement information"	'969 (22) '245 (1, 9, 18) '970 (1, 5, 8, 10, 13, 15, 17, 21, 24, 26, 29, 31) '178 (1) '183 (1, 14) '883 (1, 10, 11, 20, 28)	"database of advertisements or advertisement-related information"	2:65-67 ¹ 4:29-35 4:51-55 4:59-5:5 5:18-21
"advertising machine"	'969 (17-21, 22-23) '245 (1, 9, 12-18, 22-23, 25) '970 (1, 2-6, 8, 10, 11-15, 17, 18-22, 24, 26, 27-29, 31) '178 (1, 12, 17-18) '183 (1, 9, 11-12, 14, 15, 17-20) '883 (1, 3, 11, 17, 20, 21-26, 28)	"one or more computers configured to provide advertisements"	Abstract 1:66 – 2:1 4:5-8 '969 claim 1 Figs 1 and 2
"associative search engine" / "associate search engine"	'969 (16, 17, 18, 22, 23) '245 (9, 14-15) '970 (1, 8, 10, 11, 15, 33, 41, 47) '183 (14) '883 (20, 22-23, 26)	"a search engine that selects an advertisement relevant to the need of the end user"	1:37-39 4:24 – 5:15 5:16-26 5:39-48 6:7-14 6:18-22 6:37-44 '969 File History, June 2,

¹ All citations are to the specification of the '969 Patent. Plaintiffs also reserve the right to rely on for their benefit any and all intrinsic and extrinsic evidence cited by Defendant.

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			<p>2005 Corrected Reply Brief at 6-8</p> <p>'970 File History, June 25, 2009 Response to Office Action at 16-17</p>
<p>"client/client computer"</p>	<p>'969 (8, 14, 16, 17, 22)</p>	<p>"a computer that sends and receives information from a server"</p>	<p>"a computer that receives services from another computer, or (on multitasking operating systems) a process that receives services from another process. The machine or process that is supplying the services is called the server."²</p> <p>"1. In an Internet service, a program that can communicate with a server located on the Internet to exchange data of a certain type, such as a Web document or an e-mail message. A web browser is a client for accessing information available on Web servers. 2. In a client/server network, a program that is designed to</p>

² Barron's Dictionary of Computer and Internet Terms (1996).

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			request information from a server." ³
"communications interface"	'245 (9) '970 (1, 10, 33, 34, 41, 42) '183 (12, 14) '883 (20, 23)	"software operable to allow interaction between the advertising machine and another computer or computers"	3:63-65 4:1-5 "computer hardware or software designed to communicate information between hardware devices, between software programs, between devices and programs, or between a computer and a user." ⁴
"communications link"	'245 (1, 5, 8, 9, 14, 17, 18, 22, 23, 25) '970 (1, 10, 11, 14, 17, 23, 26, 27, 30, 33, 34) '178 (1, 12, 17, 18) '183 (1, 5, 9, 11, 14, 18) '883 (1, 11, 20)	"the network connection between the data processing device and the advertising machine"	3:63-65
"[correlating/correlates] the received search argument to a particular advertisement"	'969 (1, 8, 14, 17, 22)	"identifying a relevant advertisement from a plurality of possible advertisements based on the received search argument"	1:37-39 4:24 – 5:15 5:16-26 5:39-48 6:7-14 6:18-22 6:37-44

³ Webster's New World Dictionary of Computer Terms (2000).

⁴ Random House Webster's College Dictionary (1999).

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			'969 File History, June 2, 2005 Corrected Reply Brief at 10-11
"data network related information"	'969 (1, 8, 17, 22) '883 (1, 10, 11, 20, 28)	"information derived from a data network used to generate search results"	Abstract 1:52-53 2:5-6
"database"	'969 (1, 8, 14-16, 17, 22) '245 (1, 9, 17, 18) '970 (1, 5, 8, 10, 13, 15, 17, 21, 24, 26, 29, 31, 33, 39, 41) '178 (1) '183 (1, 14) '883 (1, 3, 10, 11, 19, 20, 22, 28)	"an organized collection of data stored on one or more computers"	"a collection of organized, related data, esp. one in electronic form that can be accessed and manipulated by specialized computer software" ⁵
"database search engine"	'969 (16, 17, 22) '245 (9, 17) '970 (1, 10, 33, 39, 41) '183 (14) '883 (20)	"one or more interconnected computers that receive a search argument and search a first database to generate search results"	4:12-24 4:39-40 4:59-65
"data processing device [of a/the user]"	'969 (6, 13) '245 (1, 5, 8, 9, 14, 17, 18) '970 (1, 3, 10, 11, 14,	"a device [of a/the user] supporting functionality for communications over the Internet"	3:65 – 4:5 6:1-6

⁵ Random House Webster's College Dictionary (1999)

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	17, 19, 23, 26, 27, 30, 33, 34, 36, 41, 42, 44) '178 (1, 8, 12) '183 (1, 5, 8, 9, 13, 14, 18) '883 (1, 4, 8, 11, 13, 20, 23)		
“desired information”	'969 (22)	“information sought for by the user”	1:37-39 '969 File History, June 2, 2005 Corrected Reply Brief at 2
“direct[ing] the data processing device to a website corresponding to the selection of the advertisement”	'970 (3, 19, 36, 44)	Plain and ordinary meaning. In the alternative, “directing the data processing device to a website related to the advertiser or seller”	6:48-53
“determining whether the advertisement was successful”	'969 (22)	“determining whether a user clicked on (selected) a particular advertisement when presented”	4:59 – 5:15 6:31-36 6:48-53
“display[ing] in the [first/second] display portion of a display of the data processing device”	'183 (1, 9, 14)	Plain and ordinary meaning.	6:38-44
“distinct differing databases”	'883 (10, 28)	“different databases”	Claims 10 and 28 of '883

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“extract a toll based upon the fee record”	'970 (2, 35)	“determine an amount to be paid based on the fee record”	5:6-15 6:48-53
“generate a fee record” / “the fee record”	'970 (1, 2, 18, 34, 35, 43)	“[generate] a record reflecting that an advertisement has been clicked on (selected)”	5:6-15 6:48-53
“included in a web page”	'970 (7, 14, 23, 30, 38, 46) '183 (5, 11, 18)	“included in a page, file or document for display on the data processing device”	4:15-20
“interacting with the advertising machine via the communications link to provide information used to create user profile data for the user”	'883 (11)	Plain and ordinary meaning. In the alternative, “communicating with the advertising machine via the communications link to provide information used to create user profile data for the user”	1:60-63 2:42-48 2:53-61 2:62-67
“modified search results”	'245 (22, 23) '178 (1, 12)	Plain and ordinary meaning.	Claims 22 and 23 of '245 Claims 1 and 12 of '178 '178 File History, Sept. 23, 2009 Response to Office Action at 12
“particular advertisement”/ “advertisement”/ “the at least one advertisement”	'969 (1, 2, 6, 8, 9, 13, 14, 17, 18, 22, 23) '245 (1, 9, 18, 22, 23) '970 (1, 3-6, 8, 10, 11-	“a relevant advertisement from a plurality of possible advertisements”	1:37-39 4:24 – 5:15 5:16-26 5:39-48

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	15, 17, 19-24, 26, 27-31, 33, 34, 36-39, 41, 42, 44-47) '178 (1, 7-9, 12, 16-18) '183 (1, 2, 4-5, 8, 9, 10- 11, 13, 14, 15, 17-18) '883 (1, 10, 11, 19, 20, 28)		6:7-14 6:18-22 6:37-44 '970 File History, June 25, 2009 Response to Office Action at 16-17 '178 File History, Sept. 23, 2009 Response to Office Action at 10-11
“prior searching history / prior search history”	'245 (7, 16, 24) '883 (5, 14, 24)	“a user’s previous search arguments”	5:16-20
“receiv[e/ing] a response from the data processing device via the communications link that indicates non-selection of the at least one advertisement”	'970 (10, 26)	“receiving a response from the user’s data processing device via the communications link that indicates that the user did not click on (or select) a particular advertisement when presented”	4:59 – 5:15 6:31-36
“refining the search results”/ “[refining/refine] the search results based upon the search refinement input”/ “refined search results”/	'245 (8, 17, 25)	“modifying search results based on search refinement input from the user” / “search results produced after receiving search refinement input from the user”	4:56-58 4:61 – 5:5 6:28-30
“search argument” / “the received search argument”	'969 (1, 2, 8, 9, 14, 17, 18, 22, 23) '245 (1, 9, 18, 22, 23) '970 (1, 8, 10, 15, 17, 24, 26, 31, 33, 39, 41,	“the text or strings received from the data processing device”	4:12-15 4:39-40 5:16-21 5:59-66 6:4-6

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	47) '178 (1, 5, 12, 14) '183 (1, 9, 14) '883 (1, 7, 10, 11, 16, 20, 26)		6:19-22 '969 File History, June 2, 2005 Corrected Reply Brief at 9-10 '178 File History, Sept. 23, 2009 Response to Office Action at 10-11
“search refinement input”	'245 (8, 17, 25) '178 (1, 5, 6, 12, 14, 15)	“input from the user refining a search request”	4:56-58 4:61 – 5:5 6:28-30 '178 File History, Sept. 23, 2009 Response to Office Action at 12, 15-16 '178 File History, Sept. 29, 2010 Response to Office Action at 12-13
“search result[s]”	'969 (1, 4, 6, 8, 11, 13, 17, 20, 22) '245 (1, 3, 8, 9, 17, 18, 20, 22, 23, 25) '970 (1, 10, 14, 17, 23, 26, 30, 33, 38, 41, 46) '178 (1, 10, 12) '183 (1, 5, 9, 11, 14, 18) '883 (1, 9, 10, 11, 18, 19, 20)	Plain and ordinary meaning.	4:41-50 6:7-11

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“select[ing] at least one differing advertisement based upon the non-selection of the at least one advertisement”	'970 (11, 27)	“selecting at least one different advertisement based on a response from the user's data processing device that indicates that the user did not click on (or select) a particular advertisement or advertisements when presented”	4:59 – 5:15 6:31-36
“server/[the] server computer”	'969 (8, 16, 17, 22) '970 (33, 34-39, 41, 42-45, 47)	“a computer that provides services to a client computer”	“a computer that provides services to another computer (called the client)” ⁶
“sort[ing] the search results / the search results have been sorted”	'883 (9, 18)	Plain and ordinary meaning.	2:42-52 '969 File History, Mar. 28, 2007 Comments on Statement of Reasons for Allowance
“subsequent advertisement selection operations”	'183 (8, 13)	Plain and ordinary meaning.	
“the at least one advertisement obtained from at least one database having advertisement information based upon the search argument and the user preference data”	'245 (18)	“at least one advertisement selected from a plurality of possible advertisements to be provided to the user based upon the search argument and user preference data”	4:39 – 5:5 6:4-36
“update[e]ing] the advertisement database based upon the [non-] selection of the advertisement”	'970 (5, 13, 21, 29)	“modify[ing] the advertisement database based upon the [non-] selection of the advertisement”	4:65 – 5:5 6:37-44

⁶ Barron's Dictionary of Computer and Internet Terms (1996).

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“updating advertisements provided to the data processing device based upon a determination that the user does not select the at least one advertisement”	'178 (8)	“modifying the advertisements provided to the data processing device based upon a determination that the user does not select the at least one advertisement”	4:65 – 5:5 6:37-44
“used to create user preference data by the advertising machine”	'245 (18)	Plain and ordinary meaning.	5:16-27
“user”	'969 (1-6, 8-13, 17-23) '245 (1, 3-9, 12-18, 20-24) '970 (1, 4, 10, 12, 17, 20, 26, 28, 33, 37, 45) '178 (1, 8-10, 12, 17, 18) '183 (1, 7, 8, 9, 12, 13, 14, 20) '883 (1-18, 20-26)	“a person or individual operating a data processing device”	4:16 4:20 4:36-40 5:3-5 6:1-6
“user preference data”/ “preference data for the user” / [creating] user preference data”	'245 (1, 3-7, 9, 12-16, 18, 20, 21, 24) '970 (4, 12, 20, 28, 37, 45) '178 (9, 10) '183 (12)	“[creating] data regarding a user's preferences”	2:47-67 '245 File History, June 26, 2008 Response to Office Action at 11, 13
“user preference edit input”	'245 (5, 14, 22)	“input from a user to edit his or her preferences”	2:47-67
“user preference input”	'245 (1, 4, 9, 13, 18, 22,	“input from user regarding his or her	2:47-67

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	23)	preferences”	'245 File History, June 26, 2008 Response to Office Action at 11, 13
“user preference re-prioritization input”	'245 (6, 15, 23)	“input from a user to re-prioritize preferences”	2:47-67
“[the] user profile data”	'969 (2-5, 9-12, 18-21, 23) '178 (9, 10) '183 (7, 20) '883 (1-18, 20-26, 28)	“data in a profile about the user”	5:18-26 5:63-66 6:14-22
“user specified preferences”	'969 (5, 12, 21)	“data regarding a user’s preferences specified by the user”	2:47-67
“web page data format”	'183 (1, 14)	“format compatible for use on a web page”	2:15-23 5:55-59