

# Appendix A

**APPENDIX A**

**I. Terms That Google Claims Are Indefinite**

<b>Claim Term (Claim(s))</b>	<b>Rockstar’s Proposed Construction</b>	<b>Google’s Proposed Construction</b>
“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	Indefinite  In the alternative, “browser application”
“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	Indefinite
“determining whether the advertisement was successful” ’969 (22)	determining whether a user clicked on (selected) a particular advertisement when presented	Indefinite
“distinct differing databases” ’883 (10, 28)	Plain and ordinary meaning.  In the alternative, “different databases”	Indefinite
“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)	Plain and ordinary meaning.  In the alternative, “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”	Indefinite
“used to create user preference data by the advertising machine” ’245 (18)	Plain and ordinary meaning.	Indefinite

## II. Google’s Antecedent Basis Terms

Claim Term (Claim(s))	Rockstar’s Proposed Construction	Google’s Proposed Construction
“the associate search engine” as recited in claim 26 of the ’883 patent	a search engine that selects an advertisement relevant to the need of the end user	Indefinite
“the communication interface” as recited in claim 12 of the ’183 patent	software operable to allow interaction between the advertising machine and another computer or computers	Indefinite
“the desired information”, as recited in claim 22 of the ’969 patent	information sought for by the user	Indefinite
“the search term” as recited in claims 7 and 20 of the ’183 patent	Plain and ordinary meaning.	Indefinite
“the user” as recited in claim 45 of the ’970 patent	a person or individual operating a data processing device	Indefinite

## III. Terms Requiring Construction

Claim Term (Claim(s))	Rockstar’s Proposed Construction	Google’s Proposed Construction
“advertisement database” / “database having advertisement information” ’969 (1, 7, 8, 17, 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	a database [as defined] of products or services with corresponding advertisements
“advertisement”/ “particular 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, 11-15, 17, 19-24, 26, 27-31, 33, 34, 36-39, 41, 42, 44-47)	a relevant advertisement from a plurality of possible advertisements	advertisement that is closest to the need of the user

<b>Claim Term (Claim(s))</b>	<b>Rockstar's Proposed Construction</b>	<b>Google's Proposed Construction</b>
'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)		
"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	computer configured to provide advertisements
"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	a search engine that selects the product or service that is closest to the need of the end user
"client/client computer" '969 (8, 14, 16, 17, 22)	a computer that sends and receives information from a server	end user computer
"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 client programs on end user's computers
"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	Indefinite  In the alternative, "browser application"
"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	the physical network connection between the data processing device and the advertising machine

<b>Claim Term (Claim(s))</b>	<b>Rockstar's Proposed Construction</b>	<b>Google's Proposed Construction</b>
“[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	matching  See constructions of constituent components
“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	an organized collection of data stored on a computer storage medium
“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	Indefinite
“data processing device [of a/the user]” '969 (6, 13) '245 (1, 5, 8, 9, 14, 17, 18) '970 (1, 3, 10, 11, 14, 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)	a device [of a/the user] supporting functionality for communications over the Internet	a desktop computer, such as a PC or a Macintosh, executing a browser
“determining whether the advertisement was successful” '969 (22)	determining whether a user clicked on (selected) a particular advertisement when presented	Indefinite
“extract a toll based upon the fee record” '970 (2, 35)	determine an amount to be paid based on the fee record	obtain payment of a fee recited in a fee record
“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)	(generate) a record of a toll for bringing a buyer and seller together
“prior searching history / prior search history” '245 (7, 16, 24) '883 (5, 14, 24)	a user's previous search arguments	the user's previous search arguments

Claim Term (Claim(s))	Rockstar’s Proposed Construction	Google’s Proposed Construction
<p>“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)</p>	<p>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</p>	<p>receiv[e/ing] a response from the data processing device via the communications link that shows non-selection of the at least one advertisement</p>
<p>“refining the search results”/  “[refining/refine] the search results based upon the search refinement input”/ “refined search results”/  ’245 (8, 17, 25)</p>	<p>modifying search results based on search refinement input from the user /  search results produced after receiving search refinement input from the user</p>	<p>narrowing the previous set of search results  a set of search results created by narrowing the previous set of search results</p>
<p>“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, 47)  ’178 (1, 5, 12, 14)  ’183 (1, 9, 14)  ’883 (1, 7, 10, 11, 16, 20, 26)</p>	<p>the text or strings received from the data processing device</p>	<p>the text entered by the user and submitted to the search engine</p>
<p>“search refinement input”  ’245 (8, 17, 25)  ’178 (1, 5, 6, 12, 14, 15)</p>	<p>input from the user refining a search request</p>	<p>information regarding a search query entered after receiving the initial set of search results</p>
<p>“select[ing] at least one differing advertisement based upon the non-selection of the at least one advertisement”  ’970 (11, 27)</p>	<p>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</p>	<p>selecting at least one replacement advertisement based upon the nonselection of the at least one advertisement</p>
<p>“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)</p>	<p>a person or individual operating a data processing device</p>	<p>a person using or operating a computer</p>

<b>Claim Term (Claim(s))</b>	<b>Rockstar's Proposed Construction</b>	<b>Google's Proposed Construction</b>
"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	[creating] information about the user's preferences, not the user's search arguments
"[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	data in the profile about the user
"web page data format" '183 (1, 14)	format compatible for use on a web page	HTML format

#### **IV. User Preference Input Terms**

<b>Claim Term (Claim(s))</b>	<b>Rockstar's Proposed Construction</b>	<b>Google's Proposed Construction</b>
"user preference input" '245 (1, 4, 9, 13, 18, 22, 23)	input from user regarding his or her preferences	input about the user's preferences, not the user's search arguments
"user preference edit input" '245 (5, 14, 22)	input from a user to edit his or her preferences	additional input about the user's preferences, not the user's search arguments
"user preference re-prioritization input" '245 (6, 15, 23)	input from a user to re-prioritize preferences	additional input about the priority of the user's preferences, not the user's search arguments
"user specified preferences" '969 (5, 12, 21)	data regarding a user's preferences specified by the user	preferences specified by the user, not the user's search arguments

**V. Terms That Do Not Require Construction**

<b>Claim Term (Claim(s))</b>	<b>Rockstar’s Proposed Construction</b>	<b>Google’s Proposed Construction</b>
<p>“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)</p>	<p>Plain and ordinary meaning.</p>	<p>a page of WWW site locations matching the search argument</p>
<p>“modified search results”            ’245 (22, 23)            ’178 (1, 12)</p>	<p>Plain and ordinary meaning.</p>	<p>a set of search results created by modifying previous search results; not a new set of results</p>
<p>“sort[ing] the search results / the search results have been sorted”            ’883 (9, 18)</p>	<p>Plain and ordinary meaning.</p>	<p>separate the search results into groups search results that have been separated into groups</p>
<p>“included in a web page”            ’970 (7, 14, 23, 30, 38, 46)            ’183 (5, 11, 18)</p>	<p>Plain and ordinary meaning.</p> <p>In the alternative, “included in a page, file or document for display on the data processing device”</p>	<p>included in a file or document on the World Wide Web</p>
<p>“direct[ing] the data processing device to a website corresponding to the selection of the advertisement”            ’970 (3, 19, 36, 44)</p>	<p>Plain and ordinary meaning.</p> <p>In the alternative, “directing the data processing device to a website related to the advertiser or seller”</p>	<p>connect[ing] the data processing device to the website of the advertiser or seller</p>
<p>“display[ing] in the [first/second] display portion of a display of the data processing device”            ’183 (1, 9, 14)</p>	<p>Plain and ordinary meaning.</p>	<p>display [as defined] in a first second window of a display of the data processing device</p>
<p>“data network related information”            ’969 (1, 8, 17, 22)            ’883 (1, 10, 11, 20, 28)</p>	<p>Plain and ordinary meaning.</p> <p>In the alternative, “information derived from a data network used to generate search results”</p>	<p>information from the data network being searched</p>



Claim Term (Claim(s))	Rockstar's Proposed Construction	Google's Proposed Construction
"subsequent advertisement selection operations" '183 (8, 13)	Plain and ordinary meaning.	selection of replacement ads within a search session
"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"	the data processing device and advertising machine acting upon each other via the communications link to provide information used to create user profile data for the user
"update[e]ing] the advertisement database based upon the [non-] selection of the advertisement" '970 (5, 13, 21, 29)	Plain and ordinary meaning.  In the alternative, "modify[ing] the advertisement database based upon the [non-] selection of the advertisement"	change[ing] the advertisement database to indicate that an advertisement has [not] been selected
"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)	Plain and ordinary meaning.  In the alternative, "modifying the advertisements provided to the data processing device based upon a determination that the user does not select the at least one advertisement"	change[ing] the advertisement database to indicate that an advertisement has [not] been selected
"distinct differing databases" '883 (10, 28)	Plain and ordinary meaning.  In the alternative, "different databases"	Indefinite
"used to create user preference data by the advertising machine" '245 (18)	Plain and ordinary meaning.	Indefinite
"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)	Plain and ordinary meaning.  In the alternative, "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"	indefinite

**VI. Ordering Disputes**

<b>Claim Term (Claim(s))</b>	<b>Rockstar's Proposed Construction</b>	<b>Google's Proposed Construction</b>
Order of steps of claim 17 of the '970 patent	Steps 17[b] and 17[c] need not occur in order	Steps 17[b] and 17[c] must occur in order
Order of steps of claim 26 of the '970 patent	Steps 26[b] and 26[c] need not occur in order	Steps 26[b] and 26[c] must occur in order
Order of steps of claim 41 of the '970 patent	Steps 41[b] and 41[c] need not occur in order	Steps 41[b] and 41[c] must occur in order
Order of steps of claim 1 of the '178 patent	Steps 1[b] and 1[c] need not occur in order. Steps 1[f] and 1[g] need not occur in order	Steps 1[b] and 1[c] must occur in order. Steps 1[f] and 1[g] must occur in order
Order of steps of claim 12 of the '178 patent	Steps 12[d], 12[e], and 12[f] need not occur in order	Steps 12[d], 12[e], and 12[f] must occur in order.
Order of steps of claim 1 of the '183 patent	Steps 1[b] and 1[c] need not occur in order	Steps 1[b] and 1[c] must occur in order