

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

Aloft's
Exhibit 4

| | | |
|-----------------------------|---|------------------------------|
| ALOFT MEDIA, LLC, | § | |
| Plaintiff, | § | Civil Action No. 6:09-CV-304 |
| v. | § | JURY TRIAL DEMANDED |
| ORACLE CORPORATION, ET AL., | § | |
| Defendants. | § | |
| | § | |

DEFENDANTS' PRELIMINARY CLAIM CONSTRUCTIONS
UNDER LOCAL PATENT RULE 4-2

Fair Isaac Corporation, Halliburton Co., and Halliburton Energy Services, Inc. (collectively "Defendants") hereby submit their Preliminary Claim Constructions as required by Local Patent Rule 4-2 for United States Patent Nos. 7,499,898 ("the '898 Patent") and 7,593,910 ("the '910 Patent").

Aloft has accused Fair Isaac Corporation of infringing Claims 110, 111, 113, 114, 115, 118, 119, 120, 121, 122, 128, 129, 135, 138, 139, 140, 141, 209, 326, 335, 346, 363, 365, 366, 367, and 368 from the '910 Patent, and Claims 14, 15, 17, 19, 35, 41, 42, 43, 44, 45, 46, 57, 62, and 63 from the '898 Patent. Aloft has accused Halliburton Co. and Halliburton Energy Services, Inc. of infringing Claims 110, 111, 113, 114, 115, 117, 118, 119, 120, 121, 122, 128, 129, 135, 139, 140, 141, 157, 159, 161, 163, 166, 172, 176, 177, 209, 326, 335, 346, 363, 365, 366, and 368 from the '910 Patent, and Claims 14, 15, 17, 18, 19, 20, 22, 35, 41, 42, 43, 44, 45, 57, and 63 from the '898 Patent. Collectively, these claims are referred to hereafter as the "Asserted Claims."

Defendants submit that the following claim terms from the Asserted Claims are intractably ambiguous and not amenable to construction. As a result, the claims indicated in the chart below are indefinite and invalid under 35 U.S.C. 112(2).

| TERMS | LOCATION IN CLAIMS |
|--|---|
| decision logic | 898 - Cl. 14 |
| capable of performing decision logic | 898 - Cl. 14 |
| decision making | 898 - Cl. 46 910 - Cl. 110 |
| logic related to decision making | 910 - Cl. 110 |
| capable of performing logic related to decision making | 910 - Cl. 110 |
| potential feasible hybrid theme | 898 - Cl. 14, 63 910 - Cl. 110, 209 |
| decision hierarchy display | 898 - Cl. 14, 45, 63 910 - Cl. 110, 157, 159, 209 |
| per the application | 898 - Cl. 14 |
| computer code for processing | 898 - Cl. 14 |
| universal modules | 898 - Cl. 15 910 - Cl. 111, 118, 119, 120, 121 |
| collaborative decision platform | 898 - Cl. 22 910 - Cl. 117 |
| assessing uncertainties | 898 - Cl. 35 910 - Cl. 129 |
| value | 898 - Cl. 42, 43, 44 910 - Cl. 139, 140, 141, 176, 177 |
| sources of value | 898 - Cl. 42, 43, 44 910 - Cl. 140, 141, 177 |

While reserving the right to assert that additional claim terms listed in DEFENDANTS' INVALIDITY CONTENTIONS AND DISCLOSURES UNDER LOCAL PATENT RULES 3-3 AND 3-4 are indefinite, Defendants believe that any term in the Asserted Claims that is amenable to construction has its plain and ordinary meaning and, to the extent there is no disagreement as to the plain and ordinary meaning, does not require construction by the Court.

The Defendants may rely on an expert witness to testify as to plain and ordinary meaning and the level of ordinary skill in the art for the '898 and '910 patents and to assist the Court in determining whether one of skill in the art would understand what is claimed by the Asserted Claims.

November 2, 2010

Respectfully submitted,

Fulbright & Jaworski L.L.P.

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