

APPENDIX A

APPENDIX A^{1,2,3}

Claim Term	Court's Construction	Claims
executable application	any computer program code, that is not the operating system or a utility, that is launched to enable an end user to directly interact with data	'906 Patent Claims 1, 6; '985 Patent Claims 1, 16, 20, 36, and 40

¹Defendants oppose the inclusion of the claims column in Plaintiffs' proposed Appendix A as confusing and unnecessary; in addition, the chart is incorrect to the extent that Plaintiffs do not list terms as appearing in dependent claims where the claims from which those claims depend include particular terms.

²While this Court held that the terms "located at a first location" and "corresponding to a first location" do not require additional construction, it emphasized that "the embed text format location in the document is where the displayed object will appear." D.I. 914 at 16. Defendants respectfully request that this Court include that construction in its charge to the jury and Appendix B.

³Plaintiffs disagree that the substance Defendants' footnote 2 should be included in the jury charge. The Court has already considered the claim terms "located at a first location" from the '906 patent claims and "corresponding to a first location" from the '985 patent claims and has held that those terms do not require construction. [DI 914, Appendix A]. Thus, Defendants' proposed footnote would inject confusion by clouding an issue that the Court has clearly decided. Worse yet, Defendants' proposed footnote would point the jury in the wrong direction, by suggesting that the jury should understand that "located at a first location" means the same thing as "corresponding to a first location." Such an understanding is incorrect as a matter of ordinary English usage—the plain meaning of the '906 claim language is that the "embed text format" is located at a "first location," but the plain meaning of the '985 claim language supports no such limitation. The statement from the Court's Order [D.I. 914 at 16] that Defendants reference in their proposed footnote is not to the contrary, as the Court's statement specifically references the '906 claim language.

Claim Term	Court's Construction	Claims
<p>automatically [invoking/invoke] [the/said] executable application</p> <p>and</p> <p>executable application is automatically invoked by the browser</p>	<p>the executable application is launched without user activation</p>	<p>'906 Patent Claims 1, 6; '985 Patent Claims 1, 16, 20, 36 and 40</p>
<p>text format</p>	<p>coded information that describes how the content of a hypermedia document is to be displayed by a browser application</p>	<p>'906 Patent Claims 1, 6; '985 Patent Claims 1, 3, 16, 18, 20, 22, 36, 38, 40, and 42</p>
<p>embed text format</p>	<p>coded information that specifies to a browser application that an object is to be embedded in a displayed hypermedia document</p>	<p>'906 Patent claims 1, 6; '985 Patent Claims 1, 10, 16, 20, 36, 39 and 43</p>
<p>object</p>	<p>text, images, sound files, video data, documents, and/or other types of information that is presentable to a user of a computer system</p>	<p>'906 Patent Claims 1, 6; '985 Patent Claims 1, 16, 20, 36 and 40</p>
<p>[First] hypermedia document</p> <p>and</p> <p>distributed hypermedia document</p>	<p>a document that allows a user to click on images, sound icons, video icons, etc. that link to other objects of various media types, such as additional graphics, sound video, text or hypermedia or hypertext documents</p>	<p>'906 Patent Claims 1, 6; '985 Patent Claims 1, 16, 20, 36 and 40</p>
<p>distributed application</p>	<p>an application that is capable of being broken up and performed among two or more computers</p>	<p>'985 Patent Claims 36 and 40</p>

Claim Term	Court's Construction	Claims
client workstation	as a computer system connected to a network that serves the role of an information requester	'906 Patent Claims 1, 6; '985 Patent Claims 1, 16, 20, 36 and 40
network server	a computer system that serves the role of an information provider	'907 Patent Claims 2, 6; '985 Patent Claims 1, 16, 20, 36 and 40
type information . . . utilized by [said/the] browser to identify and locate [an/said] executable application	the identify and locate functions are performed by the browser	'906 Patent Claims 1 and 6
with the browser application: . . . utilizing the type information to identify and locate an executable application	the identify and locate functions are performed by the browser	'985 Patent Claims 1 and 20
utilize the browser to: . . . utilize the type information to identify and locate an executable application external to the file	the identify and locate functions are performed by the browser	'985 Patent Claim 16
with the browser application: . . . identifying and locating an executable application	the identify and locate functions are performed by the browser	'985 Patent Claims 36 and 40
[enable/enabling] an end-user to directly interact with [said/the/an] object	allowing a user to directly interact with the object	'906 Patent Claims 1 and 6; '985 Patent Claims 1, 16, 20, 36 and 40