

**EXHIBIT B****U.S. PATENT NO. 5,999,084**

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION <sup>1, 2, 3</sup>
pressure-sensitive variable-conductance analog sensor  <i>Claims 5-6</i>	<i>No construction is necessary.</i>	<p>A pressure-sensitive variable-conductance sensor has material to contact conductive elements. This type of sensor has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>A pressure-sensitive variable-conductance sensor does not include a variable conductivity sensor utilizing a micro-protrusion surface area effect. In such a sensor, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic Evidence:</i>            Intrinsic evidence for similar terms or constructions in other related patents in suit.</p> <p>'084 Patent:            Abstract; 1:8-11; 2:13-17; 2:50-57; 3:62-4:3; 4:62-67;</p>

<sup>1</sup> While specific intrinsic evidence is being identified in support of the proposed claim constructions herein, Microsoft reserves the right to rely on the teachings of the specification and prosecution history as a whole in order to construe the disputed terms. Thus, by listing certain intrinsic evidence herein Microsoft is not suggesting that other parts of the specification (such as the entire background and summary of the invention) and prosecution history are not relevant to the proper construction of the disputed terms. Microsoft reserves the right to rely on any other part or all of the specification and prosecution history of the patent at issue or related patents or applications.

<sup>2</sup> For this and the other asserted patents, Microsoft incorporates by reference all intrinsic and extrinsic evidence identified for similar or related terms having similar or related constructions whether in the patent at issue or in another asserted patent.

<sup>3</sup> For this and the other asserted patents, all figures referenced or discussed in the cited portions of the specification or prosecution history are incorporated by reference to the extent they are not expressly identified.

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION <sup>1, 2, 3</sup>
		<p>6:32-37; 6:43-51; 6:52-67; 7:1-39; 8:17-26; 9:7-11; 10:32-33; 10:53-59; 11:4-10; 11:17-24; 11:34-39; 11:44-47; 11:48-53; Figs. 3-13</p> <p>'084 Patent File History:            Paper 3, e.g., pp. 2-3; Paper 4, e.g., pp. 2-4; Paper 5, e.g., pp. 2-3; Paper 6; Paper 7, e.g., pp. 2-3</p> <p>U.S. Pat. 3,806,471 (Mitchell)</p> <p>U.S. Pat. 5,510,812 (O'Mara)</p> <p>U.S. Pat. 5,563,415 (Armstrong)</p> <p><i>Extrinsic Evidence:</i>            Extrinsic and intrinsic evidence for "pressure-sensitive variable-conductance sensor" in the '802 Patent and for similar terms or constructions in other patents in suit.</p> <p>U.S. Pat. 6,102,802 (Armstrong)</p> <p>U.S. Pat. No. 6,343,991 (Armstrong)</p> <p>U.S. Pat. 6,135,886 (Armstrong)</p> <p>U.S. Pat. 6,347,997 (Armstrong)</p> <p>U.S. Pat. 6,208,271 (Armstrong)</p> <p>U.S. Pat. 6,400,303 (Armstrong)</p> <p>'991 Patent File History:            Paper 8, e.g., pp. 3-4, 20-21</p> <p>'802 Patent File History:            Paper 3, e.g., pp. 1-6; Paper 4, e.g., pp. 2-4; Paper 6, e.g., pp. 7-9, 15-20</p>
<p>pressure-sensitive analog variable-conductance sensor</p> <p><i>Claim 11</i></p>	<p><i>No construction is necessary.</i></p>	<p>A pressure-sensitive variable-conductance sensor has material to contact conductive elements. This type of sensor has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION <sup>1, 2, 3</sup>
		<p>material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>A pressure-sensitive variable-conductance sensor does not include a variable conductivity sensor utilizing a micro-protrusion surface area effect. In such a sensor, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic and Extrinsic Evidence:</i> Same as for “pressure-sensitive variable-conductance analog sensor” above.</p>
<p>pressure-sensitive variable-conductance material</p> <p><i>Claims 5-6, 11</i></p>	<p>a conductive element that provides for variable electrical flow dependent upon the applied force</p> <hr/> <p><i>See, e.g., '084 patent at Abstract, 1:5-4:7; 6:32-12:33 and accompanying figures; '084 patent file history, April 30, 1999 Amendment at 3-4, July 29, 1999 Interview Summary; '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21; '886 patent at Abstract, 1:12-5:17, 6:1-8:44, 9:30-10:15 and accompanying figures; '271 patent at Abstract, 3:59-9:13, 10:59-11:48, 12:16-19:32 and accompanying figures (and corresponding disclosure in the '303 patent); '997 patent at Abstract, 7:30-64, 9:65-10:56 and accompanying figures; '525 patent at 6:50-64, 8:35-49, 28:16-30:21, 31:47-32:25 and accompanying figures.</i></p>	<p>Material that has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>This does not include material utilizing a micro-protrusion surface area effect. In such material, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic and Extrinsic Evidence:</i> Same as for “pressure-sensitive variable-conductance analog sensor” above.</p>
<p>snap-through</p>	<p>able to bow downward with a user discernible snap or</p>	<p>As the dome cap is actuated by the user of the device, the dome cap's mechanical resistance to the actuation</p>

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<p>Claims 5-6</p>	<p>click</p> <hr/> <p><i>See, e.g.</i>, '084 patent at Abstract, 1:22-2:7, 5:44-6:67, 9:60-10:12, and accompanying figures; '084 patent file history, April 30, 1999 Amendment at 2-3, June 19, 1999 Office Action.</p>	<p>first increases and then decreases, which provides a change in force to the user of the device.</p> <p><i>Intrinsic Evidence:</i></p> <p>'084 Patent: Abstract; 1:57-67; 5:54-6:2; 6:37-46; 8:51-9:1; 9:44-46; 11:13-17; 11:62-64</p> <p>U.S. Pat. 6,351,205 (Armstrong)</p> <p>U.S. Pat. 6,563,415 (Armstrong)</p> <p><i>Extrinsic Evidence:</i></p> <p>Extrinsic and intrinsic evidence for “break-over threshold tactile feedback” in the '997 Patent and for similar terms or constructions in other patents in suit.</p> <p>U.S. Pat. 6,344,791 (Armstrong)</p> <p><i>Standard Test Method for Determining the Tactile Ratio of a Membrane Switch</i>, ASTM Standard F 1570 – 94, printed in ASTM Standards Related to Membrane Switches (1998)</p> <p>ASTM Standard F 1682 – 96 = <i>Standard Test Method for Determining Travel of a Membrane Switch</i>, ASTM Standard F 1682 – 96, printed in ASTM Standards Related to Membrane Switches (1998).</p> <p>John R. Mason, <i>Switch Engineering Handbook</i> (McGraw Hill 1993): 1.48-1.49; 9.2; 11.1-11.17; 11.29</p>
<p>actuator</p> <p>Claims 5-6, 11</p>	<p>a structure accessible for depression by a human finger or thumb</p> <hr/> <p><i>See, e.g.</i>, '084 patent at Abstract, 1:22-2:7, 2:50-61, 5:18-6:11, 6:32-51, 9:1-24, 10:12-11:3 and accompanying</p>	<p>A device or part that transfers mechanical motion from one object to another.</p> <p><i>Intrinsic Evidence:</i></p> <p>'084 Patent: Abstract; 1:22-34; 1:50-57; 2:3-7; 5:18-22; 5:26-31;</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION <sup>1, 2, 3</sup>
	figures.	5:46-50; 6:9-11; 6:37-47; 8:37-26; 8:51-57; 9:1-7; 9:37-51; 10:13-17; 10:19-31; 10:46-48; 11:13-15; 12:11-16  '415 Patent File History: Paper 8, e.g., pp. 4-10; Paper 1, e.g., pp. 24-28  U.S. Patent No. 6,563,415  <i>Extrinsic Evidence:</i>  IBM Dictionary of Computing 11 (10 <sup>th</sup> ed. 1993)  U.S. Pat. RE 34,095 (Padula)

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## U.S. PATENT NO. 6,102,802

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
<p>pressure-sensitive variable-conductance sensor</p> <p><i>Claims 1-4, 16-18</i></p>	<p>an electricity manipulating device for varying electrical output proportional to varying physical force</p> <p>_____</p> <p><i>See, e.g., '084 patent at Abstract, 1:5-4:7; 6:32-12:33 and accompanying figures; '084 patent file history, April 30, 1999 Amendment at 3-4, July 29, 1999 Interview Summary; '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21; '886 patent at Abstract, 1:12-5:17, 6:1-8:44, 9:30-10:15 and accompanying figures; '271 patent at Abstract, 3:59-9:13, 10:59-11:48, 12:16-19:32 and accompanying figures (and corresponding disclosure in the '303 patent); '997 patent at Abstract, 7:30-64, 9:65-10:56 and accompanying figures; '525 patent at 6:50-64, 8:35-49, 28:16-30:21, 31:47-32:25 and accompanying figures.</i></p>	<p>A pressure-sensitive variable-conductance sensor has material to contact conductive elements. This type of sensor has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>A pressure-sensitive variable-conductance sensor does not include a variable conductivity sensor utilizing a micro-protrusion surface area effect. In such a sensor, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic Evidence:</i></p> <p>'802 Patent: 1:9-14; 2:55-58; 2:64-3:5; Figs. 3, 5, 7, 8, 9; 5:9-14; 5:18-21; 5:24-29; 5:29-30; 5:62-6:5; 6:6-48; 6:49-65; 6:66-7:21; 7:22-36; 7:61-8:32; 8:36-9:12; 9:13-30; 9:31-44; 9:45-10:24; 10:25-11:25; 11:26-39</p> <p>'991 Patent File History: Paper 8, e.g., pp. 3-4, 20-21</p> <p>'802 Patent File History: Paper 3, e.g., pp. 1-6; Paper 4, e.g., pp. 2-4; Paper 6, e.g., pp. 7-9, 15-20</p> <p>U.S. Pat. 3,806,471 (Mitchell) U.S. Pat. 5,510,812 (O'Mara); U.S. Pat. 5,999,084 (Armstrong)</p> <p><i>Extrinsic Evidence:</i> Eventoff, U.S. Pat. No. 4,489,302</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>Eventoff, U.S. Pat. No. 4,315,238                      Yaniger, U.S. Pat. No. 5,296,837                      Furukawa, Japanese Publication H5-87760                      Furukawa, Japanese Publication H05-326217                      Waigand, U.S. Pat. 4,419,653</p>
<p>pressure-sensitive variable-conductance material</p> <p>pressure sensitive variable-conductance material means</p> <p><i>Claims 1, 7, 10</i></p>	<p><i>See '084 patent, "pressure-sensitive variable-conductance material" above.</i></p>	<p>Material that has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>This does not include material utilizing a micro-protrusion surface area effect. In such material, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance sensor"</p>
<p>depressing at least one of said individual buttons with varying degrees of pressure for manipulating imagery in proportion to the degree of depressive pressure</p> <p><i>Claims 12-13</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>depressing at least one of the depressible individual buttons with varying force in order to control or change the imagery in proportion to the force applied</p> <hr/> <p><i>See, e.g., '802 patent at 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures; '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</i></p>	<p>The button that includes a pressure-sensitive variable-conductance sensor.</p> <p><i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance sensor"</p>
<p>depressing said depressible individual</p>	<p><i>No construction is necessary. However, should the</i></p>	<p>The button that includes a pressure-sensitive variable-</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
<p>button with varying degrees of pressure for varying the action intensity of the imagery proportional to the degree of depressive pressure</p> <p><i>Claims 14-15</i></p>	<p><i>Court construe this term:</i></p> <p>depressing at least one of the depressible individual buttons with varying force in order to choose the action intensity of the imagery in proportion to the force applied</p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '802 patent at 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures; '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</i></p>	<p>conductance sensor.</p> <p><i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance sensor"</p>
<p>means for outputting a signal to an image generation machine, said signal at least representational of said analog electrical outputs</p> <p>means for outputting to an image generation machine a signal at least representational of said analog electrical output</p> <p><i>Claims 1, 5, 9, 16</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>outputting a signal to an image generation machine that is at least representational of the analog output</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>active electronics, and equivalents thereof</p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures.</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>outputting a signal to an image generation machine that is at least representational of the analog output</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that:</i></p> <p>The '802 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '802 patent as disclosing any structure for performing this function.</p>
<p>means for creating an analog electrical output proportional to varying applied physical pressure</p> <p>means for creating an analog electrical output proportional to varying physical pressure applied</p> <p><i>Claims 5, 7, 9, 10</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an analog output proportional to varying applied physical pressure</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an analog output proportional to varying applied physical pressure</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that:</i></p>



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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	<p>a dome-cap with a convexed inner surface and conductive material able to contact circuit traces, and equivalents thereof</p> <p>_____</p> <p><i>See, e.g.</i>, '802 patent at 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures; '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</p>	<p>The '802 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '802 patent as disclosing any structure for performing this function.</p>

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### U.S. PATENT NO. 6,135,886

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
<p>analog sensing circuit</p> <p><i>Claim 7</i></p>	<p><i>No construction is necessary.</i></p>	<p>An electrical circuit that includes a variable-conductance sensor and circuitry for reading the sensor.</p> <p><i>Intrinsic Evidence:</i></p> <p>'886 Patent: Abstract; 2:39-48; 5:24-28; 5:36-39; 5:58-62; 6:52-7:23; 7:48-55; 8:45-55; 10:16-12:35; 12:53-14:62; Figures 2, 4, and 7</p> <p><i>Extrinsic Evidence:</i></p> <p>U.S. Pat 5,999,084 (Armstrong)</p> <p>'084 Patent File History: Paper 3, e.g., pp. 2-3; Paper 4, e.g., pp. 2-4; Paper 5, e.g., pp. 2-3; Paper 6; Paper 7, e.g., pp. 2-3</p>
<p>variable-conductance sensor</p> <p><i>Claim 7</i></p>	<p>an electricity manipulating device for producing a varying electrical output</p> <p>_____</p> <p><i>See, e.g., '886 patent at Abstract, 1:12-5:17, 6:1-8:44, 9:30-10:15 and accompanying figures.</i></p>	<p>A pressure-sensitive variable-conductance sensor has material to contact conductive elements. This type of sensor has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>A pressure-sensitive variable-conductance sensor does not include a variable conductivity sensor utilizing a micro-protrusion surface area effect. In such a sensor, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE’S PROPOSED CONSTRUCTION	MICROSOFT’S PROPOSED CONSTRUCTION
		<p><i>Intrinsic Evidence:</i> Intrinsic evidence cited for “pressure-sensitive variable-conductance sensor” in the ‘802 Patent and for similar terms or constructions in other related patents in suit.</p> <p>‘886 Patent: Abstract; 1:35-41; 2:16-62; 3:9-23; 7:31-45; 9:30-10:15; 11:49-56; Figs. 1, 3, 5, &amp; 6</p> <p>‘886 Prosecution History: Paper 3, e.g., p. 2</p> <p>U.S. Pat. 3,806,471 (Mitchell)</p> <p>U.S. Pat. 5,510,812 (O’Mara)</p> <p>U.S. Pat. 5,999,084 (Armstrong)</p> <p>U.S. Pat. 6,102,802 (Armstrong)</p> <p>U.S. Pat. 6,343,991 (Armstrong)</p> <p>U.S. Pat. 6,347,997 (Armstrong)</p> <p><i>Extrinsic Evidence:</i> Extrinsic evidence cited for “pressure-sensitive variable-conductance sensor” in the ‘802 Patent, “pressure-sensitive variable-conductance analog sensor” in the ‘084 Patent, and for similar terms or constructions in other patents in suit.</p> <p>U.S. Pat. 6,208,271 (Armstrong)</p> <p>U.S. Pat. 6,400,303 (Armstrong)</p> <p>‘084 Patent File History: Paper 3, e.g., pp. 2-3; Paper 4, e.g., pp. 2-4; Paper 5, e.g., pp. 2-3; Paper 6; Paper 7, e.g., pp. 2-3</p>
<p>pressure-sensitive variable-conductance material</p> <p><i>Claim 7</i></p>	<p><i>See</i> ‘802 patent, “pressure-sensitive variable-conductance sensor” above.</p>	<p>Material that has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>the material. As a result, the conductivity through the sensor increases.</p> <p>This does not include material utilizing a micro-protrusion surface area effect. In such material, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic Evidence:</i> Same as for “variable-conductance sensor” above.</p> <p><i>Extrinsic Evidence:</i> Same as for “variable-conductance sensor” above.</p>

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## U.S. PATENT NO. 6,208,271

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
<p>hand-holdable remote controller</p> <p><i>Claims 11, 13, 16</i></p>	<p><i>No construction is necessary. However, should the Court construe the term:</i></p> <p>a wired or wireless device for remotely controlling a host device that can be held in a user's hands</p> <hr/> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 10:34-12:15, 19:33-20:15 and accompanying figures.</i></p>	<p>A control device that is not physically connected to the electronic device that it controls. The control device is designed to be used by a single hand. The control device must operate televisions, cable boxes, satellite boxes, VCRs, and DVD players.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent:  Abstract; 1:5-35; 1:47-62; 3:24-58; 5:56; 9:17-20; 10:38-58; 11:6-23; 11:49-62; 19:33-54; 21:4-16, 31-40; 22:10-21, 36-51; 23:11-22, 36-52; Figs. 1-6, 20</p> <p>'271 Patent File History:  Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, e.g., p. 1</p> <p>'303 Patent File History:  Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4  Kramer, U.S. Pat. No. 5,164,697, e.g., col. 1  Shimada, U.S. Pat. No. 4,866,542, e.g., Fig. 1  Armstrong, U.S. Pat. No. 5,565,891, e.g., Fig. 9  Sellers U.S. Pat. No. 5,995,026  Martinelli, U.S. Pat. No. 5,943,044,  Thorne, U.S. Pat. No. 5670955  Tickle, U.S. Pat. No. 5,670,988</p> <p>Sept. 1998, Internet <a href="http://WWW.cdw.com">WWW.cdw.com</a> site advertisement showing descriptions of the "Interlink Electronics"</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>“RemotePoint remote-control mouse”.</p> <p><i>Extrinsic Evidence:</i></p> <p>“Robert Adler, Zenith Physicist, Dies at 93,” New York Times, www.nytimes.com, Feb. 20, 2007.</p> <p>Adler, U.S. Pat. No. 2,817,025</p> <p>Adler, U.S. Pat. No. 2,923,918</p> <p>Bell, U.S. Pat. No. 3,390,228</p> <p>Collins, U.S. Pat. No. 4,377,006</p> <p>McDonald, U.S. Pat. No. 2,920,604</p> <p>Am. Heritage, p. 697</p>
<p>an electrical power source</p> <p><i>Claim 11</i></p>	<p><i>No construction is necessary.</i></p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 10:34-12:15, 13:20-14:2, 19:33-20:15, 23:10-24:5 and accompanying figures.</i></p>	<p>A battery contained within the remote controller housing.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent: 1:15-19; 1:24-26; 11:56-61; 12:2-10; 13:31-32; 19:33-44; 19:45-53; 21:4-10; 21: 31-36; 22:10-16; 22:36-47; 23:11-18; 23:36-44; Figs. 5, block 11, 19, 20, block 68</p> <p>'271 Patent File History: Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, e.g., p. 1</p> <p>'303 Patent File History: Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4</p> <p>Tickle, U.S. Pat. No. 5,670,988</p> <p>Armstrong, U.S. Pat. No. 5,565,891, e.g., Fig. 9. block 134; 12:29-36</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>Sellers U.S. Pat. No. 5,995,026</p> <p>Martinelli, U.S. Pat. No. 5,943,044,</p> <p>Thorne, U.S. Pat. No. 5,670,955</p> <p><i>Extrinsic Evidence:</i></p> <p>Adler, U.S. Pat. No. 2,817,025</p> <p>Adler, U.S. Pat. No. 2,923,918</p> <p>Bell, U.S. Pat. No. 3,390,228</p> <p>Collins, U.S. Pat. No. 4,377,006, 1:10-21; 4:4-11</p> <p>McDonald, U.S. Pat. No. 2,920,604</p>
<p>means for outputting function-control signals from said housing</p> <p><i>Claim 11</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). The parties disagree with respect to the function and structure. Anascape contends that the function is:</i></p> <p>outputting function-control signals from the housing</p> <p><i>Anascape contends that the structure is:</i></p> <p>analog-to-digital conversion circuitry and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 5:32-56 10:21-12:15, 13:20-14:2, 16:6-30; 19:33-20:15, 20:29-24:5 and accompanying figures, '271 patent file history, Dec. 7, 2000 Communication at 2-6, 11-12.</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). The parties disagree with respect to the function and structure. Microsoft contends that the function is:</i></p> <p>outputting function-control signals from the remote controller housing to the controlled device</p> <p><i>Microsoft contends that the structure is:</i></p> <p>An infrared or radio frequency emitter.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent:            Fig. 1-2, 4, 8, 9, 20, 21, block 00; 1:28-35; 3:24-31; 5:45-49; 9:37-41; 9:50-52; 11:6-19; 11:56-12:10; 19:33-44; 19:45-53; 19:66-20:5; 21:4-10; 21:31-36; 21:47-53; 22:10-16; 22:28-35; 22:36-47; 23:11-18; 23:36-44; Claim 1</p> <p>Shimada, U.S. Pat. No. 4,866,542: Abstract; 7:3-16; Fig. 1, block 28; Fig. 13, blocks 24, 26, 27</p> <p>Armstrong, U.S. Pat. No. 5,565,891: Fig. 9, block 138; 12:29-36</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>Sellers U.S. Pat. No. 5,995,026</p> <p>Martinelli, U.S. Pat. No. 5,943,044</p> <p>Thorne, U.S. Pat. No. 5670955</p> <p>Tickle, U.S. Pat. No. 5,670,988</p> <p>'271 Patent File History:</p> <p>Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, p. 1</p> <p>'303 Patent File History:</p> <p>Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4</p> <p><i>Extrinsic Evidence:</i></p> <p>Adler, U.S. Pat. No. 2,817,025</p> <p>Adler, U.S. Pat. No. 2,923,918: (transmitter 30), Fig. 5</p> <p>Bell, U.S. Pat. No. 3,390,228</p> <p>Collins, U.S. Pat. No. 4,377,006, 1:10-21; 4:4-11</p> <p>McDonald, U.S. Pat. No. 2,920,604</p> <p>Sze, S.M., Ed., Semiconductor Sensors, Wiley &amp; Sons, 1994, pp. 153-204</p> <p>Expert testimony explaining that one of ordinary skill in the art would understand that the structure disclosed by the '271 patent for performing this function is an infrared or radio frequency emitter.</p>
<p>pressure sensitive variable-conductance analog sensor</p> <p><i>Claim 11, 13</i></p>	<p><i>See</i> '802 patent, "pressure-sensitive variable-conductance sensor" above.</p>	<p>Same construction as "pressure-sensitive variable-conductance sensor" in the '802 Patent.</p> <p><i>Intrinsic and Extrinsic Evidence:</i></p> <p>'271 Patent:</p> <p>4:64 -5:23; 7:42-58; 14:3 – 15:26; 16:58 - 17:21; Claim 11</p>



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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>'271 Patent File History: Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, e.g., p. 1</p> <p>'303 Patent File History: Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4 Sellers U.S. Pat. No. 5,995,026 Martinelli, U.S. Pat. No. 5,943,044 Thorne, U.S. Pat. No. 5,670,955 Tickle, U.S. Pat. No. 5,670,988</p> <p>See also intrinsic and extrinsic evidence cited for '802 Patent term "pressure-sensitive variable-conductance sensor"</p>
<p>means for reading said at least three readable states and for outputting distinct function-control signals for each of at least two states of said at least three readable-states</p> <p><i>Claim 11</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading at least three readable states, and outputting different function-control signals for each of at least two of those three readable states</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>analog-to-digital conversion circuitry and equivalents thereof</p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 5:32-56 10:21-12:15, 13:20-14:2, 16:6-30; 19:33-20:15, 20:29-24:5 and accompanying figures, '271 patent file history, Dec. 7, 2000 Communication at 2-6, 11-12.</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading at least three readable states, and outputting different function-control signals for each of at least two of those three readable states</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that the structure is:</i></p> <p>ADC (analog-to-digital conversion) circuitry 72, circuitry 70, powered by battery 68, and infrared or radio frequency emitter 00.</p> <p>However, the identifications of ADC (analog-to-digital conversion) circuitry 72 and circuitry 70 are insufficient to satisfy 35 U.S.C. § 112, ¶ 6.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent:</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>Figs. 1-2, 4, 8, 9, 20, 21, block 00; 1:28-35; 1:47-62; 3:24-31; 5:45-49; 9:37-41; 9:50-52; 11:6-19; 11:56-12:10; 19:33-44; 19:45-53; 19:66-20:5; 21:4-10; 21:31-36; 21:47-53; 22:10-16; 22:28-35; 22:36-47; 23:11-18; 23:36-44; Claim 1</p> <p>Shimada, U.S. Pat. No. 4,866,542: Abstract; Fig. 13, blocks 24, 26, 27; Fig. 1, block 28; 7:3-16</p> <p>Tickle, U.S. Pat. No. 5,670,988</p> <p>Armstrong, U.S. Pat. No. 5,565,891: Fig. 9, block 138; 12:29-36</p> <p>Sellers U.S. Pat. No. 5,995,026</p> <p>Martinelli, U.S. Pat. No. 5,943,044</p> <p>Thorne, U.S. Pat. No. 5,670,955</p> <p>'271 Patent File History:</p> <p>Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, p. 1</p> <p>'303 Patent File History:</p> <p>Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4</p> <p><i>Extrinsic Evidence:</i></p> <p>Adler, U.S. Pat. No. 2,817,025</p> <p>Adler, U.S. Pat. No. 2,923,918: (transmitter 30), Fig. 5</p> <p>Bell, U.S. Pat. No. 3,390,228</p> <p>Collins, U.S. Pat. No. 4,377,006, 1:10-21; 4:4-11</p> <p>McDonald, U.S. Pat. No. 2,920,604</p> <p>Sze, S.M., Ed., Semiconductor Sensors, Wiley &amp; Sons, 1994, pp. 153-204</p> <p>Expert testimony explaining that one of ordinary skill in</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		the art would understand that the structures disclosed by the '271 patent for performing these functions are ADC (analog-to-digital conversion) circuitry 72, circuitry 70, powered by battery 68, and infrared or radio frequency emitter 00, but that the identifications of ADC (analog-to-digital conversion) circuitry 72 and circuitry 70 are insufficient to satisfy 35 U.S.C. § 112, ¶ 6.
<p>the user selects any of the selectable pressure levels, of a plurality of selectable pressure levels</p> <p><i>Claim 11</i></p>	<p>the user can press the button surface with different amounts of force and thereby select various function-control signals</p> <p>_____</p> <p><i>See, e.g., '271 patent at Abstract, 3:59-9:13, 10:59-11:48, 12:16-19:32 and accompanying figures; '271 patent file history, '271 patent file history, Dec. 7, 2000 Communication at 2-6, 11-12.</i></p>	<p>A person uses the remote controller by applying one of several selectable pressure levels.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent: 2:56-62; 22:36-51; claim 22</p> <p>'271 Patent File History: Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, e.g., p. 1</p> <p>'303 Patent File History: Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4</p> <p>Tickle, U.S. Pat. No. 5,670,988</p>
<p>pressure-sensitive variable-conductance material</p> <p><i>Claim 13</i></p>	<p><i>See '084 patent, "pressure-sensitive variable-conductance material" above.</i></p>	<p>Same construction as "pressure-sensitive variable-conductance material" in the '802 Patent.</p> <p><i>Intrinsic and Extrinsic Evidence:</i></p> <p>See intrinsic and extrinsic evidence cited above for "pressure sensitive variable-conductance analog sensor"</p> <p>See also intrinsic and extrinsic evidence cited for '802 Patent term "pressure-sensitive variable-conductance sensor"</p>
<p>means for reading said at least nine</p>	<p><i>Anascape and Microsoft agree that this term is governed</i></p>	<p><i>Anascape and Microsoft agree that this term is governed</i></p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
<p>readable states</p> <p><i>Claim 16</i></p>	<p><i>by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading at least nine readable states</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>analog-to-digital conversion circuitry and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 5:32-56 10:21-12:15, 13:20-14:2, 16:6-30; 19:33-20:15, 20:29-24:5 and accompanying figures, '271 patent file history, Dec. 7, 2000 Communication at 2-6, 11-12.</i></p>	<p><i>by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading at least nine readable states</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that the structure is:</i></p> <p>ADC (analog-to-digital conversion) circuitry 72.</p> <p>However, the identification of ADC (analog-to-digital conversion) circuitry 72 is insufficient to satisfy 35 U.S.C. § 112, ¶ 6.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent: Figs. 1-2, 4, 8, 9, 20, 21, block 00; 1:28-35; 1:47-62; 3:24-31; 5:45-49; 9:37-41; 9:50-52; 11:6-19; 11:56-12:10; 19:33-44; 19:45-53; 19:66-20:5; 21:4-10; 21:31-36; 21:47-53; 22:10-16; 22:28-35; 22:36-47; 23:11-18; 23:36-44; Claim 1</p> <p>Shimada, U.S. Pat. No. 4,866,542: Abstract; Fig. 13, blocks 24, 26, 27; Fig. 1, block 28; 7:3-16</p> <p>Tickle, U.S. Pat. No. 5,670,988</p> <p>Armstrong, U.S. Pat. No. 5,565,891: Fig. 9, block 138; 12:29-36</p> <p>Sellers U.S. Pat. No. 5,995,026</p> <p>Martinelli, U.S. Pat. No. 5,943,044</p> <p>Thorne, U.S. Pat. No. 5,670,955</p> <p>'271 Patent File History: Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, p. 1</p> <p>'303 Patent File History:</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4</p> <p><i>Extrinsic Evidence:</i></p> <p>Adler, U.S. Pat. No. 2,817,025</p> <p>Adler, U.S. Pat. No. 2,923,918: (transmitter 30), Fig. 5</p> <p>Expert testimony explaining that one of ordinary skill in the art would understand that the structures disclosed by the '271 patent for performing these functions are ADC (analog-to-digital conversion) circuitry 72, but that the identifications of ADC (analog-to-digital conversion) circuitry 72 are insufficient to satisfy 35 U.S.C. § 112, ¶ 6.</p>

## EXHIBIT B

### U.S. PATENT NO. 6,343,991

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
pressure-sensitive buttons <i>Claims 1, 6</i>	a depressible surface associated with an electricity manipulating device for varying electrical output proportional to varying physical force  _____ '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.	A pressure-sensitive button includes a pressure-sensitive variable-conductance sensor.  <i>Intrinsic and Extrinsic Evidence:</i> see evidence cited below for term "pressure-sensitive variable-conductance sensor"
pressure-sensitive variable-conductance of one of said buttons <i>Claims 11</i>	variable electrical flow produced by a button associated with an electricity manipulating device for varying electrical output proportional to varying physical force  _____ '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.	The conductivity of a pressure-sensitive variable-conductance sensor.  <i>Intrinsic and Extrinsic Evidence:</i> see evidence cited below for term "pressure-sensitive variable-conductance sensor"
pressure-sensitive variable depression <i>Claims 12</i>	variable depressive force of a button associated with an electricity manipulating device for varying electrical output proportional to varying physical force  _____ '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.	Pressure applied by a finger to a pressure-sensitive variable-conductance sensor.  <i>Intrinsic and Extrinsic Evidence:</i> see evidence cited below for term "pressure-sensitive variable-conductance sensor"
pressure-sensitive variable-conductance	<i>See</i> '084 patent, "pressure-sensitive variable-	Material that has a conductivity that changes due to a

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
<p>material</p> <p><i>Claims 12, 29, 31, 50</i></p>	<p>conductance material” above.</p>	<p>volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>This does not include material utilizing a micro-protrusion surface area effect. In such material, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic and Extrinsic Evidence:</i> see evidence cited below for term “pressure-sensitive variable-conductance sensor”</p>
<p>pressure-sensitive variable-conductance sensor</p> <p>pressure-sensitive analog sensor</p> <p>pressure-sensitive variable-conductance analog sensors</p> <p><i>Claims 23, 29, 32, 33, 35, 40, 41, 42, 43, 44, 66, 67, 68, 69, 70, 71, 72</i></p>	<p><i>See</i> '802 patent, “pressure-sensitive variable-conductance sensor” above.</p>	<p>A pressure-sensitive variable-conductance sensor has material to contact conductive elements. This type of sensor has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>A pressure-sensitive variable-conductance sensor does not include a variable conductivity sensor utilizing a micro-protrusion surface area effect. In such a sensor, as pressure on the material increases the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic Evidence:</i></p> <p>'991 Patent: Abstract; Figs. 3, 5, 7, 8, 9; 1:15-18; 2:59-62; 2:66-3:13; 3:15-25; 4:28-30; 4:39-53; 5:13-17; 5:22-25;</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>5:28-32; 5:33-34; 5:66-6:9; 6:10-20; 6:53-7:2; 7: 9-25; 7:26-39; 7:65-8:36; 8:40-9:15; 9:16-33; 9:34-47; 9:48-10:27; 10:28-11:28; 11:29-42; 11:42-12:2;</p> <p>'991 Patent File History: Paper 8, e.g., pp. 3-4, 20-21</p> <p>'802 Patent File History: Paper 3, e.g., pp. 1-6; Paper 4, e.g., pp. 2-4; Paper 6, e.g., pp. 7-9, 15-20</p> <p>U.S. Pat. 3,806,471 (Mitchell) U.S. Pat. 5,510,812 (O'Mara); U.S. Pat. 5,999,084 (Armstrong)</p> <p><i>Extrinsic Evidence:</i></p> <p>Eventoff, U.S. Pat. No. 4,489,302 Eventoff, U.S. Pat. No. 4,315,238 Yaniger, U.S. Pat. No. 5,296,837 Furukawa, Japanese Publication H5-87760 Furukawa, Japanese Publication H05-326217 Waigand, U.S. Pat. 4,419,653</p>
<p>means for creating an analog signal representing varying applied physical pressure</p> <p><i>Claim 23</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an analog signal representing varying applied physical pressure</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>a dome-cap with a convexed inner surface and conductive material able to contact circuit traces and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an analog signal representing varying applied physical pressure</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that:</i></p> <p>The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function.</p>



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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.	
means for creating an on/off signal <i>Claim 23, 24</i>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an on/off signal</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>on/off switch and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '991 patent at Abstract, 1:12-4:62, 5:50-6:9, 9:15-48, 10:27-11:28 and accompanying figures.</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an on/off signal</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that:</i></p> <p>The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function.</p>
electronics means for at least reading the signals of said electricity manipulating devices <i>Claim 23</i>	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and no construction is necessary. However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>active electronics and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent).</i></p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: at least reading the signals of said electricity manipulating devices</p> <p>Structure: The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function, and that "active electronics" is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.</p>
electronics means further for reading said at least one of said electricity manipulating devices including means for creating an On/Off signal, exclusively as an On/Off switch	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and should be construed as:</i></p> <p>At least one of the electricity manipulating device includes means for creating an on/off signal. The electronics also reads this electricity manipulating device</p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: reading said at least one of said electricity manipulating devices including means for creating an On/Off signal, exclusively as an On/Off switch</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE’S PROPOSED CONSTRUCTION	MICROSOFT’S PROPOSED CONSTRUCTION
<p><i>Claim 24</i></p>	<p>exclusively as an on/off switch</p> <p><i>However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>active electronics and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., ’802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the ’991 patent).</i></p>	<p>Structure: The ‘991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the ‘991 patent as disclosing any structure for performing this function, and that “active electronics” is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.</p>
<p>electronics means is further for reading at least one of said electricity manipulating devices exclusively as an On/Off switch</p> <p><i>Claim 28</i></p>	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and no construction is necessary. However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>active electronics and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., ’802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the ’991 patent).</i></p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: reading at least one of said electricity manipulating devices exclusively as an On/Off switch</p> <p>Structure: The ‘991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the ‘991 patent as disclosing any structure for performing this function, and that “active electronics” is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.</p>
<p>electronics means also is for outputting to a game console information representing the signals</p> <p><i>Claim 30</i></p>	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and no construction is necessary. However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>active electronics and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., ’802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the ’991 patent).</i></p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: outputting to a game console information representing the signals</p> <p>Structure: The ‘991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the ‘991 patent as disclosing any structure for performing this function, and that “active electronics” is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.</p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
<p>conductive material</p> <p><i>Claim 34, 35, 47, 48, 50</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>material that conducts electricity</p> <p>_____</p> <p>'802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</p>	<p>Pressure-sensitive variable-conductance material</p> <p><i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance sensor"</p>
<p>active electronic means for interpreting the analog output of said pressure-sensitive variable-conductance sensor</p> <p><i>Claim 35</i></p>	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and no construction is necessary. However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>active electronics and equivalents thereof</p> <p>_____</p> <p><i>See, e.g.,</i> '802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent).</p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: interpreting the analog output of said pressure-sensitive variable-conductance sensor</p> <p>Structure: The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function, and that "active electronics" is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.</p>
<p>means for creating an On/Off output, and with varied pressure creating an analog output</p> <p><i>Claim 40</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an On/Off output, and with varied pressure creating an analog output</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>a dome-cap with a convexed inner surface and conductive material able to contact circuit traces and equivalents thereof</p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>creating an On/Off output, and with varied pressure creating an analog output</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that:</i></p> <p>The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that</p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	<p>_____</p> <p><i>See, e.g., '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</i></p>	<p>one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function.</p>
<p>active electronics means for at least interpreting the outputs of said pressure-sensitive variable-conductance sensor</p> <p><i>Claim 40</i></p>	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and no construction is necessary. However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>active electronics and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent).</i></p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: at least interpreting the outputs of said pressure-sensitive variable-conductance sensor</p> <p>Structure: The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function, and that "active electronics" is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.</p>
<p>flexible material</p> <p><i>Claim 41</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>material that deforms when pressure is applied</p> <p>_____</p> <p><i>See, e.g., '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</i></p>	<p>Pressure-sensitive variable-conductance material</p> <p><i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance sensor"</p>
<p>sheet</p> <p><i>Claim 44, 46, 47</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>thin flat piece of material</p> <p>_____</p>	<p>Limited to circular disks of material adhered to a single dome cap or on top of a single circuit trace.</p> <p><i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance</p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	<p><i>See, e.g., '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</i></p>	<p>sensor”</p>
<p>means for reading a signal from said analog sensor</p> <p><i>Claim 44</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading a signal from the analog sensor</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>active electronics and equivalents thereof</p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent).</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading a signal from the analog sensor</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that the structure is:</i></p> <p>The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function, and that “active electronics” is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.</p>
<p>means for outputting information representing said signal</p> <p><i>Claim 44, 51</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>outputting information representing the signal</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>active electronics and equivalents thereof</p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '802 patent at 2:45-4:58, 10:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent).</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>outputting information representing the signal</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that the structure is:</i></p> <p>The '991 patent discloses no structure for performing this function.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991 patent as disclosing any structure for performing this function, and that “active electronics” is not sufficient to</p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		satisfy the requirements of 35 U.S.C. § 112, ¶ 6.
depressible for creating analog output proportional to varying physical pressure <i>Claim 66</i>	<i>No construction is necessary. However, should the Court construe this term:</i>  can be depressed to create an analog electrical output dependent on the applied force  _____  <i>See, e.g., '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</i>	Applying pressure onto pressure-sensitive variable-conductance material  <i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance sensor"
said surface with an apex is flexible, deforming with additional physical pressure to flatten and cause additional surface area contact to provide changes in electrical conductivity in said sensor <i>Claim 66</i>	<i>No construction is necessary. However, should the Court construe this term:</i>  the surface has an apex that flattens with additional force to increase the amount of surface area contact and, thereby, vary the electrical flow in the sensor  _____  <i>See, e.g., '802 patent at Abstract, 1:16-4:58, 5:47-10:24, 11:25-12:18 and accompanying figures (and corresponding disclosure in the '991 patent); '802 file history, October 7, 1998 Interview Summary, Nov. 17, 1999 Amendment at 14-21.</i>	The surface with an apex is formed of pressure-sensitive variable-conductance material.  <i>Intrinsic and Extrinsic Evidence:</i> see evidence cited above for term "pressure-sensitive variable-conductance sensor"
active electronics means for interpreting the electrical conductivity of said sensor <i>Claim 66</i>	<i>This claim term is not governed by 35 U.S.C. §112(6) and no construction is necessary. However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i>  active electronics and equivalents thereof  _____  <i>See, e.g., '802 patent at 2:45-4:58, 10:25-12:18 and</i>	This claim term is governed by 35 U.S.C. § 112, ¶ 6.  Function: interpreting the electrical conductivity of said sensor  Structure: The '991 patent discloses no structure for performing this function.  <i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would not view the '991

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	accompanying figures (and corresponding disclosure in the '991 patent).	patent as disclosing any structure for performing this function, and that "active electronics" is not sufficient to satisfy the requirements of 35 U.S.C. § 112, ¶ 6.

## EXHIBIT B

### U.S. PATENT NO. 6,347,997

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
device for controlling imagery <i>Claims 32</i>	<i>No construction is necessary.</i>	A device having an electronic visual display in or on the housing. The device controls images shown on the display.  <i>Intrinsic Evidence:</i>  '997 Patent: Title; Figs. 1-5, 8-18; 1:34-39; 1:54-60; 1:61-2:3; 2:4-33; 2:34-46; 2:48-3:44; 5:24-28; 5:49-52; 6:10-15, 33-36; 6:37-39, 59-65; 6:66-67; 7:2-4; 7:14-16, 18-20; 7:65-67; 8:12-16, 26-34; 8:35-41; 8:51-63; 9:11-13, 16-23; 9:31-32, 34-37; 9:41-42, 44-52; 9:60-65; 9:66-10:4; 10:17-21; 10:29-40; 10:41-56; 10:57-62; 10:63-65; 11:7-8; 11:45-54  '997 Patent File History: Paper 1, e.g., pp. 22-24, 25; Paper 2, e.g., p. 2; Paper 9, e.g., pp. 4, 11-12
pressure-sensitive variable-conductance analog sensor <i>Claims 32</i>	<i>See '802 patent, "pressure-sensitive variable-conductance sensor" above.</i>	Same construction as "pressure-sensitive variable-conductance sensor" in the '802 Patent.  <i>Intrinsic and Extrinsic Evidence:</i>  '997 Patent: 3:53-65; 4:14-29; 5:31-43; 7:31-64; 11:21-61  See also intrinsic and extrinsic evidence cited for '802 patent term "pressure-sensitive variable-conductance sensor"
tactile feedback <i>Claims 32, 34, 35, 36</i>	a snap, click, or vibration perceptible by the user  <hr style="width: 10%; margin-left: 0;"/> <i>See, e.g., '084 patent at Abstract, 1:22-2:7, 5:44-6:67, 9:60-10:12, and accompanying figures; '084 patent file</i>	A force provided to the user by the device.  <i>Intrinsic Evidence:</i>  '997 Patent:



## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	<p>history, April 30, 1999 Amendment at 2-3, June 19, 1999 Office Action; '997 patent at Abstract, 4:14-29; '886 patent at 1:58-2:62, 4:62-5:13 and accompanying figures; '525 patent at Fig. 21, 14:2-13, 20:18-61, 22:35-23:6, 23:39-49, 27:58-29:26,30:22-40, and accompanying figures.</p>	<p>Abstract; Figs. 6, 7, 15; 4:14-29</p> <p>'997 Patent File History: Paper 9, e.g., pp. 20-21</p> <p><i>Extrinsic Evidence:</i></p> <p>'700 Patent: E.g., Abstract; 2:1-6; 5:12-29; 10:65-11:9; 17:16-39; 19:58-20:5; 20:45-47; 21:35-44; 25:10-15; 25:32-36; 26:4-25; 27:31-38</p> <p>'700 Patent File History: Paper 13, e.g., p. 9; Paper 18</p> <p>ASTM Standard F 1570 – 94 ASTM Standard F 1682 – 96 Mason, 11.6-11.7</p>
<p>causing representative varying of imagery</p> <p><i>Claims 32</i></p>	<p>causing imagery to vary according to the applied force</p> <p>_____</p> <p><i>See, e.g., '997 patent at Abstract, 12:1-16:11.</i></p>	<p>Based on the varied output of the analog sensor, images are varied on the display that is located in or on the device.</p> <p>Intrinsic and Extrinsic Evidence: See intrinsic and extrinsic evidence cited above for term "device for controlling imagery"</p>
<p>means for active tactile feedback</p> <p><i>Claim 34</i></p>	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and should be construed as:</i></p> <p>a motor and offset weight</p> <p><i>However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>a motor and offset weight and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '997 patent at Abstract, 4:14-29; '525 patent at Fig. 21, 23:39-49 and accompanying figures, '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and</i></p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: Providing electro-mechanically created vibration to the user.</p> <p>Structure: The '997 patent discloses no structure for performing this function.</p> <p><i>Intrinsic Evidence:</i></p> <p>'997 Patent File History: Paper 9, e.g., pp. 20-21</p> <p><i>Extrinsic Evidence:</i></p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	<p>accompanying figures.</p>	<p>'700 Patent: E.g., Abstract; 2:1-6; 5:12-29; 20:45-47; 1:35-44</p> <p>'700 Patent File History: Paper 13, e.g., p. 9; Paper 18</p> <p>Expert testimony explaining that one of ordinary skill in the art would not view the '997 patent as disclosing any structure for performing this function, and that "active tactile feedback" does not have a well-known meaning to those of skill in the art connotative of structure but instead merely describes a function that might be performed by different types of structures.</p>
<p>wherein said means for providing tactile feedback also comprises active tactile feedback</p> <p><i>Claim 36</i></p>	<p><i>This claim term is not governed by 35 U.S.C. §112(6) and should be construed as:</i></p> <p>wherein the means for providing tactile feedback also comprises a motor and offset weight</p> <p><i>However, should the Court decide that this term is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>a dome-cap and a motor and offset weight and equivalents thereof</p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '997 patent at Abstract, 4:14-29; '525 patent at Fig. 21, 23:39-49 and accompanying figures, '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures.</i></p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p>Function: Providing electro-mechanically created vibration to the user.</p> <p>Structure: The '997 patent discloses no structure for performing this function.</p> <p><i>Intrinsic Evidence:</i></p> <p>'997 Patent File History: Paper 9, e.g., pp. 20-21</p> <p><i>Extrinsic Evidence:</i></p> <p>'700 Patent: E.g., Abstract; 2:1-6; 5:12-29; 20:45-47; 1:35-44</p> <p>'700 Patent File History: Paper 13, e.g., p. 9; Paper 18</p> <p>Expert testimony explaining that one of ordinary skill in the art would not view the '997 patent as disclosing any structure for performing this function, and that "active tactile feedback" does not have a well-known meaning to those of skill in the art connotative of structure but instead merely describes a function that might be</p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		performed by different types of structures.
break-over threshold tactile feedback <i>Claim 35</i>	<p>a user discernible snap or click created when the dome-cap bows downward</p> <p>_____</p> <p><i>See, e.g.</i>, '084 patent at Abstract, 1:22-2:7, 5:44-6:67, 9:60-10:12, and accompanying figures; '084 patent file history, April 30, 1999 Amendment at 2-3, June 19, 1999 Office Action; '997 patent at Abstract, 4:14-29; '886 patent at 1:58-2:62, 4:62-5:13 and accompanying figures; '525 patent at 29:5-26 and accompanying figures.</p>	<p>As the dome cap is actuated by the user of the device, the dome cap's mechanical resistance to the actuation first increases and then decreases, which provides a change in force to the user.</p> <p><i>Intrinsic Evidence:</i></p> <p>'997 Patent: 3:45-4:29</p> <p>'997 Patent File History: Paper 9, e.g., p. 21</p> <p><i>Extrinsic Evidence:</i></p> <p>'700 Patent: e.g., 17:16-39</p> <p>ASTM Standard F 1570 – 94</p> <p>ASTM Standard F 1682 – 96</p> <p>Mason, 11.6-11.7</p>

## EXHIBIT B

### U.S. PATENT NO. 6,400,303

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
hand-holdable remote controller hand-held controller <i>Claims 5, 6, 18, 19</i>	<p><i>No construction is necessary. However, should the Court construe the term:</i></p> <p>a wired or wireless device for remotely controlling a host device that can be held in a user's hands</p> <hr/> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 10:34-12:15, 19:33-20:15 and accompanying figures (and corresponding disclosure in the '303 patent).</i></p>	<p>A control device that is not physically connected to the electronic device that it controls. The control device is designed to be used by a single hand. The control device must operate televisions, cable boxes, satellite boxes, VCRs, and DVD players.</p> <p><i>Intrinsic &amp; Extrinsic Evidence:</i></p> <p>Same as the evidence listed for "hand-holdable remote controller" in the '271 Patent</p>
operatively associated with an electronic remote device positioned remotely <i>Claims 5, 6</i>	<p><i>No construction is necessary. However, should the Court construe the term:</i></p> <p>able to control a host device located apart from remote controller</p> <hr/> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 10:34-12:15, 19:33-20:15 and accompanying figures (and corresponding disclosure in the '303 patent).</i></p>	<p>Having no physical connection between the remote controller and the electronic device it controls.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent:<sup>4</sup></p> <p>Abstract; 1:5-35; 1:47-62; 3:24-58; 5:56; 9:17-20; 10:38-58; 11:6-23; 11:49-62; 19:33-54; 21:4-16, 31-40; 22:10-21, 36-51; 23:11-22, 36-52; Figs. 1-6, 20</p> <p>'271 Patent File History:</p> <p>Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, e.g., p. 1</p> <p>'303 Patent File History:</p> <p>Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4</p>

<sup>4</sup> Because the specification text for the '271 and '303 patents is essentially identical (with the exception that the Abstracts are different), Microsoft will cite to the '271 patent for intrinsic evidence for both the '271 and '303 patents.

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>Kramer, U.S. Pat. No. 5,164,697, e.g., col. 1</p> <p>Shimada, U.S. Pat. No. 4,866,542, e.g., Fig. 1</p> <p>Armstrong, U.S. Pat. No. 5,565,891, e.g., Fig. 9</p> <p>Sellers U.S. Pat. No. 5,995,026</p> <p>Martinelli, U.S. Pat. No. 5,943,044,</p> <p>Thorne, U.S. Pat. No. 5670955</p> <p>IBM Dict., p. 570</p> <p>See also any additional evidence listed for “hand-holdable remote controller” in the ‘271 Patent</p>
<p>a pressure-sensitive variable-conductance structural arrangement</p> <p>pressure-sensitive variable-conductance structure</p> <p><i>Claim 5, 18</i></p>	<p><i>See ’802 patent, “pressure-sensitive variable-conductance sensor” above.</i></p>	<p>Same construction as “pressure-sensitive variable-conductance sensor” in the ‘802 Patent.</p> <p><i>Intrinsic and Extrinsic Evidence:</i></p> <p>Same as the evidence listed for “pressure sensitive variable-conductance analog sensor” in the ‘271 patent.</p> <p>See also intrinsic and extrinsic evidence cited for ‘802 Patent term “pressure-sensitive variable-conductance sensor”</p>
<p>means for differentiating between said at least three readable states of said pressure-sensitive variable-conductance structural arrangement and for communicating to said remote device distinct function-control signals for each of said at least two of said states</p> <p><i>Claim 5</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>differentiating between at least three readable states provided by the pressure-sensitive variable-conductance structural arrangement, and communicating to the remote device different function-control signals for each of at least two of those readable states</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>analog-to-digital conversion circuitry and equivalents</p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>differentiating between at least three readable states provided by the pressure-sensitive variable-conductance structural arrangement, and communicating to the remote device different function-control signals for each of at least two of those readable states</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that the structure is:</i></p> <p>ADC (analog-to-digital conversion) circuitry 72,</p>

## EXHIBIT B

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	<p>thereof</p> <hr/> <p><i>See, e.g.</i>, '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 5:32-56 10:21-12:15, 13:20-14:2, 16:6-30; 19:33-20:15, 20:29-24:5 and accompanying figures (and corresponding disclosure in the '303 patent); '271 patent file history, Dec. 7, 2000 Communication at 2-6, 11-12.</p>	<p>circuitry 70, powered by battery 68, and infrared or radio frequency emitter 00.</p> <p>However, the identifications of ADC (analog-to-digital conversion) circuitry 72 and circuitry 70 are insufficient to satisfy 35 U.S.C. § 112, ¶ 6.</p> <p><i>Intrinsic Evidence:</i></p> <p>'271 Patent:            Figs. 1-2, 4, 8, 9, 20, 21, block 00; 1:28-35; 1:47-62; 3:24-31; 5:45-49; 9:37-41; 9:50-52; 11:6-19; 11:56-12:10; 19:33-44; 19:45-53; 19:66-20:5; 21:4-10; 21:31-36; 21:47-53; 22:10-16; 22:28-35; 22:36-47; 23:11-18; 23:36-44; Claim 1</p> <p>Shimada, U.S. Pat. No. 4,866,542: Abstract; Fig. 13, blocks 24, 26, 27; Fig. 1, block 28; 7:3-16</p> <p>Tickle, U.S. Pat. No. 5,670,988</p> <p>Armstrong, U.S. Pat. No. 5,565,891: Fig. 9, block 138; 12:29-36</p> <p>Sellers U.S. Pat. No. 5,995,026</p> <p>Martinelli, U.S. Pat. No. 5,943,044</p> <p>Thorne, U.S. Pat. No. 5,670,955</p> <p>'271 Patent File History:            Paper 1, e.g., pp. 48-51; Paper 4, e.g., pp. 4-11; Paper 6, e.g., p. 6; Paper 7, e.g., pp. 2-4, 8; Paper 8; Paper 11, p. 1</p> <p>'303 Patent File History:            Paper 3, e.g., pp. 1-2; Paper 5, e.g., pp. 2-4</p> <p><i>Extrinsic Evidence:</i></p> <p>Adler, U.S. Pat. No. 2,817,025</p> <p>Adler, U.S. Pat. No. 2,923,918: (transmitter 30), Fig. 5</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
		<p>Bell, U.S. Pat. No. 3,390,228</p> <p>Collins, U.S. Pat. No. 4,377,006, 1:10-21; 4:4-11</p> <p>McDonald, U.S. Pat. No. 2,920,604</p> <p>Sze, S.M., Ed., <i>Semiconductor Sensors</i>, Wiley &amp; Sons, 1994, pp. 153-204</p> <p>Expert testimony explaining that one of ordinary skill in the art would understand that the structures disclosed by the '303 patent for performing these functions are ADC (analog-to-digital conversion) circuitry 72, circuitry 70, powered by battery 68, and infrared or radio frequency emitter 00, but that the identifications of ADC (analog-to-digital conversion) circuitry 72 and circuitry 70 are insufficient to satisfy 35 U.S.C. § 112, ¶ 6.</p>
<p>means for reading an immediate value of said at least three readable analog values of said pressure-sensitive variable-conductance structure, and for outputting from said controller, data representative of the immediate value as a signal useful for effecting an associated television</p> <p><i>Claim 18</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading an immediate value of at least three readable analog values of the pressure-sensitive variable-conductance structure, and outputting from the handheld controller a function control signal that is useful for effecting an associated television</p> <p><i>The parties disagree with respect to the structure. Anascape contends that the structure is:</i></p> <p>analog-to-digital conversion circuitry and equivalents thereof</p> <hr style="width: 10%; margin-left: 0;"/> <p><i>See, e.g., '271 patent at Abstract, 1:7-2:20, 3:59-4:12, 5:32-56 10:21-12:15, 13:20-14:2, 16:6-30; 19:33-20:15, 20:29-24:5 and accompanying figures (and corresponding disclosure in the '303 patent); '271 patent</i></p>	<p><i>Anascape and Microsoft agree that this term is governed by 35 U.S.C. § 112(6). Anascape and Microsoft also agree that the function is:</i></p> <p>reading an immediate value of at least three readable analog values of the pressure-sensitive variable-conductance structure, and outputting from the handheld controller a function control signal that is useful for effecting an associated television</p> <p><i>The parties disagree with respect to the structure. Microsoft contends that the structure is:</i></p> <p>ADC (analog-to-digital conversion) circuitry 72, circuitry 70, powered by battery 68, and infrared or radio frequency emitter 00.</p> <p>However, the identifications of ADC (analog-to-digital conversion) circuitry 72 and circuitry 70 are insufficient to satisfy 35 U.S.C. § 112, ¶ 6.</p> <p><i>Intrinsic and Extrinsic Evidence:</i></p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S PROPOSED CONSTRUCTION
	file history, Dec. 7, 2000 Communication at 2-6, 11-12.	<p>Same a evidence listed above for term “means for differentiating between said at least three readable states of said pressure-sensitive variable-conductance structural arrangement and for communicating to said remote device distinct function-control signals for each of said at least two of said states.”</p> <p>Expert testimony explaining that one of ordinary skill in the art would understand that the structures disclosed by the ‘303 patent for performing these functions are ADC (analog-to-digital conversion) circuitry 72, circuitry 70, powered by battery 68, and infrared or radio frequency emitter 00, but that the identifications of ADC (analog-to-digital conversion) circuitry 72 and circuitry 70 are insufficient to satisfy 35 U.S.C. § 112, ¶ 6.</p>
<p>user discernable tactile feedback</p> <p><i>Claim 19</i></p>	<p>a snap, click, or vibration perceptible by the user</p> <p>_____</p> <p><i>See, e.g.,</i> ‘303 patent at Abstract, 4:46-5:3, 9:5-17, 17:65-18:67 and accompanying figures.</p>	<p>This claim term is indefinite under 35 U.S.C. § 112, ¶ 1.</p>



# EXHIBIT B

## U.S. PATENT NO. 6,222,525

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
image controller <i>Claims 1, 5-6, 12-20</i>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>an input device interfacing between human hands and a graphic image display such as a computer, television, or television based electronic game</p> <hr/> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 17:25-18:25 and accompanying figures.</i></p>	<p>A controller having a hand operable, single input member that is movable along and rotatable about three mutually perpendicular axes in six degrees of freedom ("6 DOF") relative to a reference member of the controller.</p> <p><i>Intrinsic Evidence:</i>                      '525 Patent:                      Figs. 1-50.</p> <p>Additional Set of Figures 1-58 submitted in '525 Patent File History reduction to practice ("RTP") figures and photographs contained in '525 Patent File History</p>	<p>An input device for controlling image generation which includes a hand operable, single input member that is movable along and/or rotatable about three mutually perpendicular axes in six degrees of freedom ("6DOF") relative to a reference member of the controller.</p> <hr/> <p>Abstract, lines 1-4</p> <p>Figures 1-50; additional set of Figures 1-58 submitted contained in '525 file history; reduction to practice ("RTP") figures and photographs contained in '525 file history;</p>

<sup>5</sup> While specific intrinsic evidence is being identified in support of the proposed claim constructions herein, Microsoft reserves the right to rely on the teachings of the specification and prosecution history as a whole in order to construe the disputed terms. Thus, by listing certain intrinsic evidence herein Microsoft is not suggesting that other parts of the specification (such as the entire background and summary of the invention) and prosecution history are not relevant to the proper construction of the disputed terms. Microsoft reserves the right to rely on any other part or all of the specification and prosecution history of the patent at issue or related patents or applications. Microsoft also incorporates by reference all evidence identified by Nintendo for similar or related terms.

<sup>6</sup> Microsoft incorporates by reference all intrinsic and extrinsic evidence identified for similar or related terms having similar or related constructions whether in the patent at issue or in another asserted patent.

<sup>7</sup> For any claim terms that are to be construed, Microsoft reserves the right to utilize the language of the claims as a whole to assist in providing meaning to the claim term.

<sup>8</sup> For file histories cited throughout this disclosure, Microsoft reserves the right to rely on the entire paper cited, regardless of any specific exemplary pages listed.

<sup>9</sup> While specific intrinsic evidence is being identified in support of the proposed claim constructions herein, NOA reserves the right to rely on the teachings of the specification and prosecution history as a whole in order to construe the disputed terms. Thus, by listing certain intrinsic evidence herein NOA is not suggesting that other parts of the specification (such as the entire background and summary of the invention) and prosecution history are not relevant to the proper construction of the disputed terms. NOA reserves the right to rely on any other part or all of the specification and prosecution history. In addition, bolded text herein is provided for convenience, and is not meant to limit the identified intrinsic evidence in any way. NOA also incorporates by reference all intrinsic evidence identified by Microsoft for similar or related terms.

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
		<p>claims as originally filed in '525 Patent application</p> <p>Abstract ; 1: 14-21; 1:23-27; 1:36-46; 1:61-2:2; 2:3-11; 3:16-21; 3:25-50; 3:50-55; 3:63-4:7; 4:24-34; 4:55-67; 5:1-14; 5:56-6:3; 7:4-22; 7:23-31; 7:47-63; 8:3-6; 8:11-13; 8:18-21; 8:49-59; 9:14-19; 11:19-25; 13:27-30; 18:45-57; 19:1-7; 21:56-22:34; 26:39-42; 32:35-45.</p> <p>'828 Patent File History Paper 22, e.g. pp. 5, 32-33, 41, 47</p> <p>'891 Patent File History Paper 1, e.g. pp. 2-4; Paper 8, e.g. p. 5</p> <p>'525 Patent File History "Disclosure of Inventions," by Brad Armstrong, dated November 22, 1995.</p>	<p>and claims as originally filed in '525 application;</p> <p>525 Patent, Field of the Invention: Col. 1, lines 14-21; Col. 1, lines 23-27; Col. 1, lines 36-40; Col. 1, lines 41-46; Col. 1, line 61 – Col. 2, line 2; Col. 2, lines 3-11; Col. 3, lines 16-21; Col. 3, lines 25-50; Col. 3, line 63 – Col. 4, line 7; Col. 4, lines 24-30; Col. 4, lines 31-34; Col. 3, lines 50-55; Col. 4, lines 55-67; Col. 5, lines 1-14; Col. 5, line 56 – Col. 6, line 3; Col. 7, lines 4-22; Col. 7, lines 23-31; Col. 7, lines 47-49; Col. 7, lines 50-58; Col. 7, lines 59-62; Col. 8, lines 3-6; Col. 8, lines 11-13; Col. 8, lines 18-21; Col. 8, lines 49-59; Col. 9, lines 14-19; Col. 11, lines 19-25; Col. 13, lines 27-30; Col. 18, lines 45-57; Col. 19, lines 1-7; Col. 21, line 56 to Col. 22, line 34; Col. 26, lines 39-42; Col. 32, lines 35-45.</p> <p>'619 Application File History, Applicant's January 11, 1996 Response to Final Office Action, pg. 5; Applicant's January 11, 1996 Response to Final Office Action, pgs. 32-33; Applicant's January 11, 1996 Response to Final Office Action, pg. 41; Applicant's January 11, 1996 Response to Final Office Action, pg. 47.</p> <p>'459 Application File History, Original Application, pg. 2; Original Application, pgs. 3-4; Applicant's March 5, 1996 Request for Reconsideration, pg. 5.</p> <p>"Disclosure of Inventions" by Brad Armstrong, dated 11/22/95 ('525</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
			Application file history)
<p>input member moveable on at least two axes</p> <p><i>Claims 1, 5, 12</i></p>	<p>a trackball or a joystick moveable on at least two axes</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 9:14-20, 11:13-28, 12:59-13:46, 17:20-24, 18:45-20:17, 23:38-26:59 and accompanying figures.</i></p>	<p><b>input member:</b> A six degree of freedom ("6 DOF") hand operable, single input member.</p> <p><i>Intrinsic Evidence:</i> See "image controller," above.</p> <p><b>mov[e]able on at least two axes:</b> Capable of linear (as opposed to rotational) movement along at least two axes relative to a reference member of the controller.</p> <p><i>Intrinsic Evidence:</i> See "image controller," above.</p> <p>'525 Patent: Figs. 1-4, 7, 10, 21; Abstract; 4:24-27; 4:50-67; 5:1-14; 6:58-64; 7:4-30; 8:49-59; 11:19-34; 11:49-63; 11:29-34; 12:44-58; 13:8-46; 14:14-15:21; 24:9-36.</p> <p>'828 Patent File History Paper 1, e.g. pp. 14-15, 19-21; Paper 6, e.g., pp. 3-4, 12, 14-15; Paper 22, e.g. pp. 36, 43-44.</p> <p>'891 Patent File History Paper 1, e.g. pp. 3-6, 11-12, 14, 27 (Claim 9); Paper 8, e.g. p. 3.</p>	<p><b>input member:</b> a hand operable, single trackball or handle fit to be manipulated by a human hand in 6DOF</p> <p><b>movable on at least two axes:</b> capable of linear movement along at least two axes relative to a reference member of the controller</p> <p>_____</p> <p>See all intrinsic evidence for "image controller" above.</p> <p>'525 Patent, Abstract; Col. 4, lines 24-27; Col. 4, lines 50-67; Col. 5, lines 1-14; Col. 11, lines 19-28; Col. 11, lines 49-63; Col. 12, lines 44-58; Col. 13, lines 8-46; Col. 11, lines 29-34; Col. 7, lines 4-14; Col. 7, lines 15-22; Col. 7, lines 23-30; Col. 8, lines 49-59; Col. 6, lines 58-64; Col. 14, line 14 – Col. 15, line 21; Col. 24, lines 9-19; Col. 24, lines 20-36.</p> <p>'619 Application File History, Original Application, pgs. 14-15; Original Application, pg. 15; Original Application, pgs. 19-20; Original Application, pgs. 20-21; Applicant's June 3, 1994 Amendment, pg. 3; Applicant's June 3, 1994 Amendment, pg. 4; Applicant's June 3, 1994 Amendment, pg. 12; Applicant's June 3, 1994 Amendment, pgs. 14-15; Applicant's January 11, 1996 Response to Final Office Action, pg. 36; Applicant's January 11, 1996 Response to Final Office Action, pg. 43; Applicant's</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
			<p>January 11, 1996 Response to Final Office Action, pg. 44.</p> <p>'459 Application File History, Original Application, pgs. 3-4; Original Application, pgs. 5-6; Original Application, pg. 6; Original Application, pgs. 11-12; Original Application, pg. 14, Original Application, Claim 9, pg. 27; March 5, 1996 Request for Reconsideration, pg. 3.</p>
<p>at least one sheet <i>Claims 1, 5, 12, 19</i></p>	<p>one or more circuit boards, flexible membrane sheets, or rigid membrane support structures connected together</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 12:5-58, 19:19-20:17, 21:33-27:52, 28:38-32:45 and accompanying figures (and corresponding disclosure in the '700 patent); '525 patent file history, July 7, 1998 Response at 8; '700 patent at Abstract, 1:22-5:58.</i></p>	<p>The at least one sheet is the flexible membrane sheet (see "flexible membrane sheet," below). The electrically conductive circuit traces on the flexible membrane sheet contact the sensors of both the six degree of freedom ("6 DOF") hand operable, single input member and the buttons.</p> <p><i>Intrinsic Evidence:</i> See "flexible membrane sheet," below.</p> <p>'525 Patent: Figs. 1-50; 19:11-18.</p> <p>'525 Patent File History Paper 14, e.g., Continuation Sheet; Paper 20, e.g., p. 6; Paper 21.</p>	<p>at least one flexible membrane sheet</p> <p>_____</p> <p>See all other intrinsic evidence identified herein.</p> <p>'525 Patent, Col. 19, lines 11-18.</p> <p>'378 Application File History, July 31, 2000 Interview Summary, Continuation Sheet; All Remarks in August 4, 2000 "CPA in Response to Outstanding Office Action of 3/13/00; August 29, 2000 Office Action, pg. 6; Amendment dated 9/7/00.</p>
<p>flexible membrane sheet <i>Claims 1, 5, 12, 19</i></p>	<p>a flexible sheet that includes sensors and/or circuitry</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 12:5-58, 19:19-20:17, 21:33-27:52, 28:38-32:45 and accompanying figures (and corresponding disclosure in the '700</i></p>	<p>A flexible sheet which includes sensors and conductive traces.</p> <p><i>Intrinsic Evidence:</i> See all other intrinsic evidence identified herein.</p> <p>'525 Patent: Title of invention; Abstract; Figures 1-</p>	<p>a flexible sheet which includes sensors and conductive traces</p> <p>_____</p> <p>see all other intrinsic evidence identified herein</p> <p>'525 Patent, Title of Invention; Abstract;</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
	<p>patent); '700 patent at Abstract, 1:22-5:58.</p>	<p>50; 2:16-41; 2:61-3:7; 3:26-29; 5:34-39; 5:44-55; 5:56-6:3; 6:20-49; 7:50-8:24; 8:44-48; 12:12-14; 20:8-17; 22:35-23:10; 24:46-56; 25:11-26; 26:11-29; 26:43-59; 28:38-57.</p> <p>'700 Patent File History Paper 13, e.g., pp. 3, 6-7.</p>	<p>Figures 1-50; Col. 2, lines 16-41; Col. 2, lines 61-66 – Col. 3, line 7; Col. 3, lines 26-29; Col. 5, lines 34-39; Col. 5, lines 44-55; Col. 5, line 56 – Col. 6, line 3; Col. 6, lines 20-49; Col. 7, lines 50-58; Col. 7, line 59-Col. 8, line 17; Col. 8, lines 18-24; Col. 8, lines 44-48; Col. 12, lines 12-14; Col. 20, lines 8-17; Col. 22, line 35 – Col. 23, line 10; Col. 24, lines 46-56; Col. 25, lines 11-26; Col. 26, lines 11-29; Col. 26, lines 43-59; Col. 28, lines 38-57.</p> <p>'532 Application File History, Applicant's December 4, 2003 Information Disclosure Statement, pg. 3; Applicant's December 4, 2003 Information Disclosure Statement, pgs. 6-7.</p>
<p>[electrically conductive traces located on said at least one sheet]; [said at least one sheet includes electrically conductive traces, said traces engaging the sensors]</p> <p><i>Claims 1, 5</i></p>	<p><i>electrically conductive traces:</i> fixed-place electrical conductors on or within a circuit board or flexible membrane</p> <p><i>See construction of "at least one sheet."</i> <i>No further construction is necessary.</i></p> <hr/> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 12:5-58, 21:33-55, 28:38-32:45 and accompanying figures.</i></p>	<p>Electrically conductive circuit traces on the at least one sheet (see "at least one sheet," above) contact the sensors of both the six degree of freedom ("6 DOF") hand operable, single input member and the finger depressible buttons.</p> <p><i>Intrinsic Evidence:</i> See "at least one sheet," above.</p> <p>See all other intrinsic evidence identified herein.</p> <p>'525 Patent Figs. 18 and 29; 2:16-42; 2:48-60; 2:61-3:7; 5:14-24; 5:26-42; 5:62-6:8; 6:9-49.</p> <p>'525 Patent File History Paper 14, e.g., Continuation Sheet; Paper 20, e.g., p. 6; Paper 21.</p>	<p><b>electrically conductive traces, said traces engaging the sensors:</b> conductive ink, said conductive ink contacting the sensors on the sheet</p> <hr/> <p>See above.</p> <p>'525 Patent, Figs. 18 and 29; Col. 2, lines 16-42; Col. 2, lines 48-60; Col. 2 line 61 to Col. 3, line 7; Col. 5, lines 14-24; Col. 5, lines 26-42; Col. 5, line 62 to Col. 6, line 8; Col. 6, lines 9-49.</p>

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
<p>a pressure-sensitive variable sensor</p> <p><i>Claims 1, 6, 18</i></p>	<p><i>See '802 patent, "pressure-sensitive variable-conductance sensor" above.</i></p>	<p>A pressure-sensitive variable sensor has material which remains in electrical contact with conductive traces at all times.</p> <p>This type of sensor has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>A pressure-sensitive variable sensor does not include a variable conductivity sensor utilizing a micro-protrusion surface area effect.</p> <p>In such a sensor, the micro-protrusion material is initially not in contact with the sensor's conductive traces. As pressure on the material increases, the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic Evidence:</i></p> <p>'525 Patent: 28:58 -29:1.</p> <p>'802 Patent: 1:9-14; 2:55-58; 2:64-3:5; Figs. 3, 5, 7, 8, 9; 5:9-14; 5:18-21; 5:24-29; 5:29-30; 5:62-6:5; 6:6-48; 6:49-65; 6:66-7:21; 7:22-36; 7:61-8:32; 8:36-9:12; 9:13-30; 9:31-44; 9:45-10:24; 10:25-11:25;</p>	

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
		<p>11:26-39.</p> <p>'991 Patent File History: Paper 8, e.g., pp. 3-4, 20-21.</p> <p>'802 Patent File History: Paper 3, e.g., pp. 1-6; Paper 4, e.g., pp. 2-4; Paper 6, e.g., pp. 7-9, 15-20.</p> <p>U.S. Pat. 3,806,471 (Mitchell) U.S. Pat. 5,510,812 (O'Mara); U.S. Pat. 5,999,084 (Armstrong)</p> <p><i>Extrinsic Evidence:</i> Eventoff, U.S. Pat. No. 4,489,302 Eventoff, U.S. Pat. No. 4,315,238 Yaniger, U.S. Pat. No. 5,296,837 Furukawa, Japanese Publication H5-87760 Furukawa, Japanese Publication H05-326217 Waigand, U.S. Pat. 4,419,653</p>	
<p>said at least one sheet comprises a flexible membrane sheet connected to a [rigid circuit board] [second sheet]</p> <p><i>Claims 1, 5, 19</i></p>	<p><i>See construction of "flexible membrane sheet" and "at least one sheet." No further construction is necessary.</i></p>	<p>The flexible membrane sheet (see "flexible membrane sheet," above) is attached to a [rigid circuit board][rigid circuit board or flexible membrane sheet] by electrically conductive traces (e.g., a membrane "tail") which structurally and electrically connect the flexible membrane sheet to the [rigid circuit board][rigid circuit board or flexible membrane sheet].</p> <p><i>Intrinsic Evidence:</i> See "flexible membrane sheet," above.  See all other intrinsic evidence identified herein.</p>	

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CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>5</sup> PROPOSED CONSTRUCTION <sup>678</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>9</sup>
		'525 Patent: 26:43-50.	



# EXHIBIT B

## U.S. PATENT NO. 6,906,700

CLAIM TERM, PHRASE, OR CLAUSE	ANASCAPE'S PROPOSED CONSTRUCTION	MICROSOFT'S <sup>10</sup> PROPOSED CONSTRUCTION <sup>111213</sup>	NINTENDO'S PROPOSED CONSTRUCTION <sup>14</sup>
3-D graphics controller <i>Claims 1-15, 32-33</i>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>a controller for controlling 3-D graphics</p> <p><u>controller</u>: an input device interfacing between human hands and a host device such as a computer, television, or television based game</p> <p><u>3-D graphics</u>: imagery with apparent depth</p>	<p>A controller having a hand operable, single input member that is movable along and rotatable about three mutually perpendicular axes in six degrees of freedom (“6DOF”) relative to a reference member of the controller.</p> <p><i>Intrinsic Evidence:</i></p> <p>In addition to the specific references below, see all references in ‘525 chart for “image controller,” as well as all corresponding sections in ‘700 Patent</p>	<p>An input device for controlling image generation which includes a hand operable, single input member that is movable along and/or rotatable about three mutually perpendicular axes in six degrees of freedom (“6DOF”) relative to a reference member of the controller.</p> <p>_____</p> <p>See all references in '525 chart for "image controller," which are incorporated herein by reference, as well</p>

<sup>10</sup> While specific intrinsic evidence is being identified in support of the proposed claim constructions herein, Microsoft reserves the right to rely on the teachings of the specification and prosecution history as a whole in order to construe the disputed terms. Thus, by listing certain intrinsic evidence herein Microsoft is not suggesting that other parts of the specification (such as the entire background and summary of the invention) and prosecution history are not relevant to the proper construction of the disputed terms. Microsoft reserves the right to rely on any other part or all of the specification and prosecution history of the patent at issue or related patents or applications. Microsoft also incorporates by reference all evidence identified by Nintendo for similar or related terms.

<sup>11</sup> Microsoft incorporates by reference all intrinsic and extrinsic evidence identified for similar or related terms having similar or related constructions whether in the patent at issue or in another asserted patent.

<sup>12</sup> For any claim terms that are to be construed, Microsoft reserves the right to utilize the language of the claims as a whole to assist in providing meaning to the claim term.

<sup>13</sup> For file histories cited throughout this disclosure, Microsoft reserves the right to rely on the entire paper cited, regardless of any specific exemplary pages listed.

<sup>14</sup> While specific intrinsic evidence is being identified in support of the proposed claim constructions herein, NOA reserves the right to rely on the teachings of the specification and prosecution history as a whole in order to construe the disputed terms. Thus, by listing certain intrinsic evidence herein NOA is not suggesting that other parts of the specification (such as the entire background and summary of the invention) and prosecution history are not relevant to the proper construction of the disputed terms. NOA reserves the right to rely on any other part or all of the specification and prosecution history. In addition, bolded text herein is provided for convenience, and is not meant to limit the identified intrinsic evidence in any way. NOA also incorporates by reference all intrinsic evidence identified by Microsoft for similar or related terms.

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	<p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 17:25-18:25 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24; Oct. 25, 2002 Amendment at 10-11.</i></p>	<p>specification;</p> <p>'525 Patent: Figs. 1-10; 13-36; 1:61-2:2; 3:25-36; 3:63-4:7; 4:24-30; 4:55-67; 5:1-14; 5:56-6:3; 7:4-9; 7:31-49; 8:49-59; 11:19-25; 18:45-57; 19:1-7.</p> <p>'700 Patent: Figs. 1-50; Descriptions relating to Figs. 20-28; 1:6-8; 1:53-54; 2:17-37; 2:38-51; 3:26-40; 5:11-22; 5:44-54; 6:10-15; 6:43-44; 6:54-58; 7:9-12; 7:17-20; 8:15-21; 8:25-39; 14:14-20; 15:38-58; 15:58-16:5; 16:9-16; 17:40-49; 18:53-19:33; 20:16-25; 24:40-51; 25:33-36; 27:23-31; 28:9-18; 29:33-42.</p> <p>'700 Patent File History: Paper 1, e.g., p. 1; Paper 5; Paper 7; Paper 8, e.g. p. 4; Paper 9 ½; Paper 16; Paper 18.</p> <p>'828 Patent File History Paper 21, e.g., pp. 5, 32-33, 41.</p> <p>'891 Patent File History: Paper 1, e.g., pp. 2-4; Paper 8, e.g., p. 5</p>	<p>as all corresponding sections in '700 specification;</p> <p>'700 patent, Title of the Invention, Col. 1, line 1; Figures 1-50; Col. 1, lines 6-8; Col. 1, lines 17-19; Col. 1, lines 53-54; Col. 2, lines 17-37;</p> <p>'525 Patent, Col. 1, line 61 – Col. 2, line 2; Col. 3, lines 25-36; Col. 4, lines 24-30; Col. 4, lines 55-67.</p> <p>'700 Patent, Col. 2, lines 24-37</p> <p>525 Patent, Col. 5, lines 1-14.</p> <p>'700 Patent, Col. 2, lines 38-51.</p> <p>'525 Patent, Col. 5, line56 – Col. 6, line 3.</p> <p>'700 Patent, Col. 3, lines 26-40.</p> <p>525 Patent, Col. 7, lines 4-9.</p> <p>'700 Patent, Col. 5, lines 11-22</p> <p>525 Patent, Col. 8. lines 49-59.</p> <p>'700 Patent, Col. 5, lines 44-54; Col. 6, lines 10-15; Col. 6, lines 43-44; Col. 6, lines 54-58; Col. 7, lines 9-12; Col. 7, lines 17-20;</p> <p>'525 Patent, Col. 11, lines 19-25.</p> <p>'700 Patent, Col. 8, lines 15-21; Col. 8, lines 25-39; Col. 14, lines 14-20; Col. 15, lines 38-41.</p> <p>'525 Patent, Col. 18, lines 45-57.</p> <p>'700 Patent, Col. 15, lines 43-55; Col. 15,</p>

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			<p>lines 58-65.</p> <p>'525 Patent, Col. 19, lines 1-7.</p> <p>'700 Patent, Col. 15, line 66 – Col. 16, line 5; Col. 16, lines 9-16; Col. 17, lines 40-49; Col. 18, line 53 to Col. 19, line 33; Col. 20, lines 16 – 25; All descriptions relating to Figures 20-28; Col. 24, lines 40-51; Col. 25, lines 33-36; Col. 27, lines 23-31; Col. 28, lines 9-18; Col. 29, lines 33-42;</p> <p>Page 1 of '532 application as originally filed; Preliminary Amendment filed July 15, 2002 (entire paper); Preliminary Amendment filed 10/25/02 (entire paper); Notice of allowability dated 12/16/02 (entire paper); Amendment dated 3/11/03 (entire paper); Office Action mailed 5/4/04 (entire paper); Amendment dated 6/14/04 (entire paper); '532 Application File History, Examiner's December 17, 2002 Notice of Allowability, pg. 4.</p> <p>'619 Application File History, Applicant's January 11, 1996 Response to Final Office Action, pg. 5; Applicant's January 11, 1996 Response to Final Office Action, pgs. 32-33; Applicant's January 11, 1996 Response to Final Office Action, pg. 41.</p> <p>'459 Application File History, Original Application, pg. 2.</p> <p>'525 Patent, Col. 3, line 63 – Col. 4, line 7.</p>

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			'459 Application File History, Original Application, pgs. 3-4; Applicant's March 5, 1996 Request for Reconsideration, pg. 5.
flexible membrane sheet <i>Claims 1, 3, 5, 6, 9, 26</i>	<i>See '525 patent, "flexible membrane sheet," above.</i>	<p>A flexible sheet which includes sensors and conductive traces.</p> <p><i>Intrinsic Evidence:</i> In addition to the specific references below, see all references in '525 chart for "flexible membrane sheet" and all corresponding sections in '700 Patent specification.</p> <p>'525 Patent: Fig. 13; 2:16-21; 2:61-66; 5:34-39; 5:62-6:3; 6:20-49; 7:50-58; 8:18-24; 19:11-18.</p> <p>'700 Patent: 3:4-9; 3:32-40; 3:61-4:19; 4:34-54; 16:9-16.</p> <p>'700 Patent File History: Paper 8, e.g., p. 2; Paper 13, e.g., pp. 3, 6-8.</p>	<p>a flexible sheet which includes sensors and conductive traces</p> <hr/> <p>see "flexible membrane sheet" in '525 chart and all corresponding sections in '700 specification.</p> <p>'525 Patent, Col. 2, lines 16-21; Col. 2, lines 61-66; Col. 5, lines 34-39.</p> <p>'700 Patent, Col. 3, lines 4-9.</p> <p>'525 Patent, Col. 5, line 62 – Col. 6, line 3.</p> <p>'700 Patent, Col. 3, lines 32-40.</p> <p>'525 Patent, Col. 6, lines 20-49.</p> <p>'700 Patent, Col. 3, line 61 – Col. 4, line 19.</p> <p>'525 Patent, Col. 7, lines 50-58.</p> <p>'700 Patent Col. 4, lines 34-43.</p> <p>'525 Patent, Col. 8, lines 18-24.</p> <p>'700 Patent, Col. 4, lines 44-54.</p> <p>525 Patent, Col. 19, lines 11-18.</p> <p>'700 Patent, Col. 16, lines 9-16.</p> <p>'532 Application File History, Examiner's December 17, 2002 Notice of Allowability, pg. 2; Applicant's</p>

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			December 4, 2003 Information Disclosure Statement, pg. 3; Applicant's December 4, 2003 Information Disclosure Statement, pgs. 6-7.
a circuit board sheet connected to a flexible membrane sheet  <i>Claims 1, 3, 5, 6, 9, 26</i>	<i>See '525 patent, "flexible membrane sheet," above. No further construction is necessary.</i>	The flexible membrane sheet (see "flexible membrane sheet," above) is attached to a [rigid circuit board][rigid circuit board or flexible membrane sheet] by electrically conductive traces (e.g., a membrane "tail") which structurally and electrically connect the flexible membrane sheet to the [rigid circuit board][rigid circuit board or flexible membrane sheet].  <i>Intrinsic Evidence:</i> See "flexible membrane sheet," above.  '700 Patent: Figs. 20-31; 23:42-49.	
a first [second] [third] element  <i>Claims 1, 3, 5, 6, 9, 12-13, 15, 32</i>	<i>No construction is necessary. However, should the Court construe this term:</i>  a first [second] [third] structure, member, part, component or combination of the same  _____ <i>See, e.g., '525 patent at Abstract, 1:14-8:62, 23:38-26:59 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24.</i>	The first, second and third elements are controlled by a six degree of freedom ("6DOF") hand operated single input member.  <i>Intrinsic Evidence:</i> See "3-D graphics controller," above.	The first, second and third elements are controlled by a hand operable, single input member movable in 6DOF  _____ See "3-D graphics controller," above.

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pivotal . . . button buttons pivot <i>Claims 1, 3, 5, 12, 13, 15, 28</i>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>a finger-depressible actuator that rotates about a fulcrum and is associated with a sensor</p> <p>[claim 28] the finger-depressible actuator rotates about a fulcrum</p> <p>_____</p> <p><i>See, e.g., '525 patent at 22:35-23:6, 26:11-28, 32:46-64 and accompanying figures (and corresponding disclosure in the '700 patent); '828 patent at 13:34-14:15 and accompanying figures.</i></p>	<p>A button that, upon depression by a user's finger(s), rotates about a fulcrum, causing an internal sensor actuating part to press against a resilient dome cap to activate sensor(s).</p> <p><i>Intrinsic Evidence:</i>                      '700 Patent:                      Figures 13-15, 17, 28, 48-50; 17:34-18:5; 23:11-28; 29:43-61.</p>	
[electromechanical tactile feedback structure providing vibration]; [active tactile feedback structure] <i>Claims 26, 32, 33</i>	<p>a motor and offset weight providing mechanical vibration</p> <p>_____</p> <p><i>See, e.g., '525 patent at Fig. 21, 23:39-49 and accompanying figures (and corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</i></p>	<p>Electro-mechanical structure that provides vibration to the user.</p> <p><i>Intrinsic Evidence:</i>                      '700 Patent:                      Abstract; 2:1-6; 5:12-29; 20:45-47; 10:65-11:9; 17:16-39; 19:58-20:5; 21:35-44; 25:10-15; 25:32-36; 26:4-25; 27:31-38; 37:55-38:13.                      '700 Patent File History:                      Paper 12, e.g., pp. 5-22; Paper 13, e.g., p. 9.</p>	
active tactile feedback vibration <i>Claims 1, 2, 12</i>	<p>a motor and offset weight providing mechanical vibration</p> <p>_____</p> <p><i>See, e.g., '525 patent at Fig. 21, 23:39-49 and accompanying figures (and</i></p>	<p>Vibration created by an electro-mechanical structure.</p> <p><i>Intrinsic Evidence:</i>                      See "electromechanical tactile feedback structure providing vibration," above.</p>	

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	<p>corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</p>		
<p>tactile feedback means for providing vibration</p> <p><i>Claim 3, 4, 19, 25</i></p>	<p><i>This term is not governed by 35 U.S.C. §112(6) and should be construed as:</i></p> <p>a motor and offset weight or a dome-cap providing mechanical vibration</p> <p><i>However, should the Court decide that the term "tactile feedback means for providing vibration" is governed by 35 U.S.C. § 112(6), the structure is:</i></p> <p>a motor and offset weight or a dome-cap and equivalents thereof</p> <p>_____</p> <p><i>See, e.g., '525 patent at Fig. 21, 14:2-13, 20:18-61, 22:35-23:6, 23:39-49, 27:58-29:26,30:22-40, and accompanying figures (and corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</i></p>	<p>This claim term is governed by 35 U.S.C. § 112, ¶ 6.</p> <p><b>Function:</b> Providing electro-mechanically created vibration to the user.</p> <p><b>Structure:</b> Motor having a shaft with an offset weight.</p> <p><i>Intrinsic Evidence:</i> See "electromechanical tactile feedback structure providing vibration," above.</p> <p><i>Extrinsic Evidence:</i> Expert testimony explaining that one of ordinary skill in the art would understand that the structure disclosed by the '700 patent for performing the function of providing electro-mechanically created vibration to the user is a motor having a shaft with an offset weight.</p>	
<p>tactile feedback vibration in the controller</p> <p><i>Claim 6, 7, 9, 11</i></p>	<p>a motor and offset weight or a dome-cap providing mechanical vibration</p> <p>_____</p>	<p>Vibration created by an electro-mechanical structure.</p> <p><i>Intrinsic Evidence:</i> See "electromechanical tactile feedback</p>	

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	<p><i>See, e.g., '525 patent at Fig. 21, 14:2-13, 20:18-61, 22:35-23:6, 23:39-49, 27:58-29:26,30:22-40, and accompanying figures (and corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</i></p>	<p>structure providing vibration," above.</p>	
<p>detectable by the user <i>Claims 1, 3, 6, 9, 12, 15, 19, 26</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>transmitted to the user's hand</p> <hr/> <p><i>See, e.g., '525 patent at Fig. 21, 14:2-13, 20:18-61, 22:35-23:6, 23:39-49, 27:58-29:26, 30:22-40, and accompanying figures (and corresponding disclosure in the '700 patent), '828 patent at Abstract, 1:63-3:34, 9:22-40, 12:4-45 and accompanying figures; '700 patent at Abstract, 1:22-5:58; '700 patent file history, June 14, 2004 Amendment, Dec. 17, 2002 Notice of Allowability.</i></p>	<p>Indefinite.</p>	
<p>a pressure-sensitive . . . button sensor <i>Claims 6, 9</i></p>	<p>a depressible surface associated with an electricity manipulating device for varying electrical output proportional to varying physical force</p> <hr/> <p><i>See, e.g., '525 patent at 6:50-64, 8:35-49, 28:16-30:21, 31:47-32:25 and accompanying figures; '700 patent at</i></p>	<p>A pressure-sensitive . . . button sensor has material which remains in electrical contact with conductive traces at all times.</p> <p>This type of sensor has a conductivity that changes due to a volume effect. As pressure on the material increases the material volume decreases. This decrease in volume of the material</p>	



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	Abstract, 1:22-5:58.	<p>increases the internal conductivity through the material. As a result, the conductivity through the sensor increases.</p> <p>A pressure-sensitive . . . button sensor does not include a variable conductivity sensor utilizing a micro-protrusion surface area effect.</p> <p>In such a sensor, the micro-protrusion material is initially not in contact with the sensor's conductive traces. As pressure on the material increases, the surface area of contact between the micro-protrusions and the conductive elements increases. As a result, the conductivity through the sensor increases.</p> <p><i>Intrinsic Evidence:</i></p> <p>'802 Patent: 1:9-14; 2:55-58; 2:64-3:5; Figs. 3, 5, 7, 8, 9; 5:9-14; 5:18-21; 5:24-29; 5:29-30; 5:62-6:5; 6:6-48; 6:49-65; 6:66-7:21; 7:22-36; 7:61-8:32; 8:36-9:12; 9:13-30; 9:31-44; 9:45-10:24; 10:25-11:25; 11:26-39.</p> <p>'525 Patent: 28:58-29:1.</p> <p>'700 Patent: 25:57-26:3.</p> <p>'991 Patent File History: Paper 8, e.g., pp. 3-4, 20-21.</p> <p>'802 Patent File History: Paper 3, e.g., pp. 1-6; Paper 4, e.g., pp.</p>	

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		<p>2-4; Paper 6, e.g., pp. 7-9, 15-20.</p> <p>U.S. Pat. 3,806,471 (Mitchell)            U.S. Pat. 5,510,812 (O'Mara);            U.S. Pat. 5,999,084 (Armstrong)</p> <p><i>Extrinsic Evidence:</i>            Eventoff, U.S. Pat. No. 4,489,302            Eventoff, U.S. Pat. No. 4,315,238            Yaniger, U.S. Pat. No. 5,296,837            Furukawa, Japanese Publication H5-87760            Furukawa, Japanese Publication H05-326217            Waigand, U.S. Pat. 4,419,653</p>	
<p>a [first, second, third, fourth] rotary potentiometer</p> <p><i>Claim 9</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>a [first, second, third, fourth] resistive element with a rotating element that varies electrical flow due to positional changes</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 23:38-26:59, 31:27-43 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, Other References (at p. 5), 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24; New IEEE Standard Dictionary of Electrical and Electronics Terms (5th Ed.).</i></p>	<p>The first element, and the first, second, third and fourth rotary potentiometers are controlled or activated by a six degree of freedom ("6DOF") hand operable, single input member.</p> <p><i>Intrinsic Evidence:</i>            See "3-D graphics controller," above.</p>	
<p>a first element movable on two axes</p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p>	<p><b>first element:</b> The first element and the first, second, third and fourth</p>	<p><b>first element:</b> the first element and the first, second, third and fourth bi-</p>

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<p><i>Claim 14</i></p>	<p>a structure, member, part, component or combination of the same moveable on two axes</p> <hr/> <p><i>See, e.g.,</i> '525 patent at Abstract, 1:14-8:62, 9:14-20, 11:13-28, 12:59-13:46, 17:20-24, 18:45-20:17, 23:38-26:59, 23:38-26:59 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24.</p>	<p>bidirectional proportional sensors are controlled or activated by a six degree of freedom ("6DOF") hand operable, single input member (see "3-D graphics controller," above).</p> <p><i>Intrinsic Evidence:</i> See "3-D graphics controller," above.</p> <p><b>movable on two axes:</b> Capable of linear (as opposed to rotational) movement along two axes relative to a reference member of the controller</p> <p><i>Intrinsic Evidence:</i> In addition to the specific references below, see all references in '525 chart for "movable on at least two axes," as well as all corresponding sections in '700 Patent specification, as well as "3-D image controller," above.</p> <p>'525 Patent: Figs. 1-4, 7, 10, 21; Abstract; 4:50-67; 6:58-64; 7:4-30; 8:49-59; 11:19-34; 11:49-63; 12:44-58; 13:8-46; 14:14-15: 21.</p> <p>'700 Patent: Figs. 1-4, 7, 10, 21; 2:18-36; 4:29-34; 5:44-54; 8:15-30; 8:45-67; 9:40-54; 10:4-42; 11:10-12:17; 21:7-34.</p> <p>'828 Patent File History: Figs. 1-2, 9; Paper 1, e.g., pp. 14-15, 19-21; Paper 6, e.g., pp. 3-4, 12, 14-15; Paper 22, e.g. pp. 36, 43-44.</p> <p>'891 Patent File History Figs. 2-3, 7; Paper 1, e.g., pp. 3-6, 11-</p>	<p>directional proportional sensors are controlled or activated by a hand operable, single input member movable in 6DOF</p> <p><b>movable on two axes:</b> capable of linear movement along two axes relative to a reference member of the controller</p> <hr/> <p>For "[first element]" see "3-D graphics controller," above.</p> <p>For "[movable on two axes]" see "[movable on at least two axes]" in '525 chart and "3-D image controller" above</p> <p>'525 Patent, Abstract.</p> <p>'525 Patent, Col. 4, lines 50-67.</p> <p>'700 Patent, Col. 2, lines 18-36.</p> <p>'525 Patent, Col. 11, lines 19-28.</p> <p>'700 Patent, Col. 8, lines 15-24</p> <p>'525 Patent, Col. 11, lines 29-34.</p> <p>'700 Patent, Col. 8, lines 25-30.</p> <p>'525 Patent, Col. 11, lines 49-63.</p> <p>'700 Patent, Col. 8, lines 45-67.</p> <p>'525 Patent, Col. 12, lines 44-58.</p> <p>'700 Patent, Col. 9, lines 40-54.</p> <p>'525 Patent, Col. 13, lines 8-46.</p> <p>'700 Patent, Col. 10, line 4-42.</p> <p>'525 Patent, Col. 7, lines 4-14; Col. 7,</p>

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		12, 14, 27.	<p>lines 15-22; '525 Patent, Col. 7, lines 23-30; Col. 8, lines 49-59.</p> <p>'700 Patent, Col. 5, lines 44-54.</p> <p>'525 Patent, Col. 6, lines 58-64.</p> <p>'700 Patent, Col. 4, lines 29-34.</p> <p>'525 Patent, Col. 14, line 14 – Col. 15, line 21.</p> <p>'700 Patent, Col. 11, line 10 – Col. 12, line 17; Col. 21, lines 7-17; Col. 21, lines 18-34.</p> <p>'619 Application File History, Original Application, pgs. 14-15; Original Application, pg. 15; Original Application, pgs. 19-20; Original Application, pgs. 20-21.; Applicant's June 3, 1994 Amendment, pg. 3; Applicant's June 3, 1994 Amendment, pg. 4; Applicant's June 3, 1994 Amendment, pg. 12; Applicant's June 3, 1994 Amendment, pgs. 14-15; Applicant's January 11, 1996 Response to Final Office Action, pg. 36; Applicant's January 11, 1996 Response to Final Office Action, pg. 43; Applicant's January 11, 1996 Response to Final Office Action, pg. 44.</p> <p>'459 Application File History, Original Application, pgs. 3-4; Original Application, pgs. 5-6; Original Application, pg. 6; Original Application, pgs. 11-12; Original Application, pg. 14; Original Application, Claim 9, pg. 27.</p>

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<p>a [first, second, third, fourth] bi-directional proportional sensor</p> <p><i>Claim 14</i></p>	<p>a [first, second, third, fourth] sensor that produces signals representative of change in two directions of the same axis (<i>e.g.</i> left and right)</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 19:1-10, 23:38-26:59, 30:22-31:43 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, Other References (at p. 5), 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24.</i></p>	<p>See "first element," above.</p> <p><i>Intrinsic Evidence:</i></p> <p>See "first element," above.</p>	<p><i>see</i> "first element" above</p>
<p>hand operated controller</p> <p><i>Claims 19-20, 22-23, 26-29, 31</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>an input device interfacing between human hands and a host device such as a computer or television or television based game</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 17:25-18:25 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24; Oct. 25, 2002 Amendment at 10-11.</i></p>	<p>A controller having a hand operable, single input member that is movable along and rotatable about three mutually perpendicular axes in six degrees of freedom ("6DOF") relative to a reference member of the controller.</p> <p><i>Intrinsic Evidence:</i></p> <p>See "3-D graphics controller," above</p>	<p>An input device for controlling image generation which includes a hand operable, single input member that is movable along and/or rotatable about three mutually perpendicular axes in six degrees of freedom ("6DOF") relative to a reference member of the controller.</p> <p>_____</p> <p>See "3-D graphics controller" above.</p>
<p>navigating a viewpoint</p> <p><i>Claims 19, 26</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>controlling the user's point of view in 3-</p>	<p>Positioning and orienting a user's view, as opposed to controlling an object.</p> <p><i>Intrinsic Evidence:</i></p> <p>'700 Patent:</p>	<p><b>navigating a viewpoint:</b> positioning and orienting a user's view, as opposed to controlling an object</p>

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	<p>D graphics</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; March 11, 2003 Amendment at 23-24; Oct. 25, 2002 Amendment at 10-11.</i></p>	<p>1:61-67; 2:11-19; 37:15-36 (Claim 19); 37:55-38:13 (Claim 26).</p>	<p>_____</p> <p>'700 Patent, Col. 1, lines 61-67; Col. 2, lines 11-19; Claim 19, Col. 37, lines 15-36; Claim 26, Col. 37, line 55 – Col. 38, line 13.</p>
<p>[structure]; [second] [third] element movable on two mutually perpendicular axes</p> <p><i>Claims 19, 26</i></p>	<p><i>No construction is necessary. However, should the Court construe this term:</i></p> <p>a [second] [third] structure, member, part, component or combination of the same moveable on two axes that are perpendicular to one another</p> <p>_____</p> <p><i>See, e.g., '525 patent at Abstract, 1:14-8:62, 9:14-20, 11:13-28, 12:59-13:46, 17:20-24, 18:45-20:17, 23:38-26:59, 23:38-26:59 and accompanying figures (and corresponding disclosure in the '700 patent); '700 patent at Abstract, 1:22-5:58; '700 patent file history, March 11, 2003 Amendment at 23-24.</i></p>	<p><b>[structure] [second] [third] element:</b> The structure allowing hand inputs rotating a platform, the second element and third element are all controlled by a six degree of freedom ("6DOF") hand operated single input member.</p> <p><i>Intrinsic Evidence"</i></p> <p><i>See "3-D graphics controller", above.</i></p> <p>'700 Patent: Figs. 1-4, 12-21; 2:19-37; 3:26-36; 5:44-54; 8:15-21; 15:45-55; 15:66-16:5.</p> <p><b>movable on two mutually perpendicular axes:</b> Capable of linear (as opposed to rotational) movement along two mutually perpendicular axes relative to a reference member of the controller.</p> <p><i>Intrinsic Evidence"</i></p> <p><i>See "movable on two axes," above.</i></p>	<p><b>structure, second element, third element:</b> the structure, and the second and third elements are controlled by a hand operable, single input member movable in 6DOF</p> <p><b>movable on two mutually perpendicular axes:</b> capable of linear movement along two mutually perpendicular axes relative to a reference</p> <p>_____</p> <p>For "[structure], [second] [third] element" see "3-D image controller" above</p> <p>For "movable on two mutually perpendicular axes," see "[first element] movable on two axes," above.</p>
<p>at least one sheet</p>	<p><i>See '525 patent, "at least one sheet," above.</i></p>	<p>At least one flexible membrane sheet (see "flexible membrane sheet," above).</p> <p><i>Intrinsic Evidence:</i></p>	

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		<p><i>See "flexible membrane sheet," above.</i></p> <p>'525 Patent File History: Fig. 18; Paper 14, e.g., Continuation Sheet; Paper 20, e.g. p. 6.</p>	
<p>[the sensors are] connected [to] [by] at least one sheet...</p> <p><i>Claims 20, 26</i></p>	<p><i>See '525 patent, "at least one sheet," above. No further construction is necessary.</i></p>	<p>The at least one sheet is the flexible membrane sheet (see "at least one sheet," "flexible membrane sheet," above). The electrically conductive circuit traces on the flexible membrane sheet contact the sensors of both the six degree of freedom ("6DOF") hand operated single input member (see "3-D graphics controller," above) and the buttons.</p> <p><i>Intrinsic Evidence:</i></p> <p>See "at least one sheet," above.</p> <p>See "flexible membrane sheet," above.</p> <p>See "3-D graphics controller," above.</p> <p>'525 Patent: 19:11-18.</p> <p>'525 Patent File History: Fig. 18; Paper 14, e.g., Continuation Sheet; Paper 20, e.g. p. 6.</p> <p>'700 Patent File History Paper 8, e.g., pp. 5-6</p>	
<p>economical combination of elements</p> <p><i>Claim 32</i></p>	<p><i>No construction is necessary.</i></p>	<p>Indefinite</p>	