EXHIBIT C

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

I/P ENGINE, INC.,	)	
Plaintiff,	)))	
v.	)	Civ. Action No. 2:11-cv-512
AOL, INC. et al.,	)))	
Defendants.	)))	

PLAINTIFF I/P ENGINE, INC.'S
PRELIMINARY PROPOSED CLAIM TERMS
AND PROPOSED CONSTRUCTIONS

Plaintiff I/P Engine, Inc. ("I/P Engine") serves Defendants the following preliminary constructions of claim terms or concepts, along with supporting intrinsic and extrinsic evidence. Defendants have refused to narrow the list of claim terms to be construed, instead insisting that the parties exchange constructions and supporting evidence for virtually every term in every asserted claim, even though the Court has ordered that it will construe no more than ten claim terms. Because I/P Engine believes that Defendants have failed to comply with paragraph 13(c) of the Court's Scheduling Order requiring that the parties collectively agree on the list of claim terms prior to the exchange of actual constructions, simultaneous with the service of this Preliminary Proposed Claim Terms and Proposed Constructions, I/P Engine is filing a Motion to Compel Defendants' Compliance with the Court's Scheduling Order, or Alternatively, Motion for Protective Order. That Motion requests that the Court compel Defendants to comply with paragraph 13(c) of the Scheduling Order by identifying the top ten claim terms to be construed, or alternatively, excuse Plaintiff from Defendants' unreasonable demands that Plaintiff disclose

proposed constructions and supporting intrinsic and extrinsic evidence for virtually every

limitation in the asserted claims.

Subject to that Motion, or further agreements between the parties, I/P Engine

preliminarily identifies and provides constructions for the following claim terms:

Terms proposed by both parties:

Informon

Network[1]

Relevance

Query

Scanning

Key Terms or Issues from Defendants' List:

Demand Search

User

Collaborative Feedback Data

Combining

Whether the asserted claims require one step to precede another based on the claim language

Whether identical claim terms have the same meaning based on antecedent basis

Whether the claimed scanning system, content-based filter system, and feedback system of claim
1 of the '664 patent, or the claimed system for scanning, content-based filter system, and
feedback system of claim 10 of the '420 patent, are required by the claim language to be
different systems, or whether they can be the same system

I/P Engine reserves the right to modify, amend, or supplement its preliminary proposed

constructions and extrinsic evidence for any reason, including the proposed constructions and

extrinsic evidence of Defendants, any developments that arise during the meet and confer

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[1] The term "scanning a network" was originally proposed by Plaintiffs, and has been divided
into the separate terms "scanning" and "network" to correspond with Defendants' proposals.

2

process, or any additional information obtained through discovery or other means. I/P Engine specifically reserves the right to rely on expert testimony to respond to or rebut Defendants' claim constructions and evidence.

I/P Engine preliminarily identifies the following extrinsic evidence that it may rely on in support of its preliminary claim constructions. Citations to specific portions of the following extrinsic evidence are exemplary and are not intended to exclude other portions of this extrinsic evidence. I/P Engine reserves the right to rely on the cited extrinsic evidence for any of its claim constructions. I/P Engine further reserves the right to rely on any of the extrinsic evidence cited to and disclosed by Defendants.

Claim Term/Phrase	Proposed Construction	Support
informon	information entities of potential or actual interest to a user	As used herein, the term "informon" comprehends an information entity of potential or actual interest to a particular user. In general, informons can be heterogeneous in nature and can be all or part of a textual, a visual, or an audio entity. Also, informons can be composed of a combination of the aforementioned entities, thereby being a multimedia entity. Furthermore, an informon can be an entity of patterned data, such as a data file containing a digital representation of signals and can be a combination of any of the previously-mentioned entities. Although some of the data in a data stream, including informons, may be included in an informon, not all data is relevant to a user, and is not within the definition of an informon. '664, col. 3, ll. 38-50; '420, col. 3, ll. 31-43.
relevance	how well an informon satisfies the user's information need	The "relevance" of a particular informon broadly describes how well it satisfies the user's information need. '664, col. 4, ll. 12-13; '420, col. 4, ll. 5-6. relevance – 1: a: relation to the matter at hand; . . . 2: the ability (as of an information retrieval system) to retrieve material that satisfies the needs of the user. Webster's, 10th ed., 1998.
query	request for search results	*See Xerox v. Google et al.*, Case No. 10-cv-136 (D. Del. 2010) by J. Stark (construction rendered on August 1, 2010): a "query" is a "request for search results" A user typically connects to a portal or other web site having a search capability, and thereafter enters a particular query, i.e., a request for informons relevant to a topic, a field of interest, etc. Thereafter, the search site typically employs a "spider" scanning system and a content-based filter in a search engine to search the internet and find informons which match the query. This process is basically a pre-search process in which matching informons are found, at the time of initiating a search for the user's query, by comparing informons in an "informon data base" to the user's query. In essence, the pre-search process is a short term search for quickly finding and quickly identifying information entities which are

Claim Term/Phrase	Proposed Construction	Support
		content matched to the user's query. '664, col. 1, ll. 30-43; '420, col. 1, ll. 21-34. Query – 1: question, inquiry, 2: a question in the mind. Webster's, 10th ed., 1998. Query – The action of searching data for desired information. Dictionary of Communications Technology, 2d ed., 1995. Query – 1. a program instruction that requests information from a database. 2. any request by a user for information from a computer, such as the status of a program, the time, or a list of active users. 3. to ask for information that meets certain conditions, such as the last record entered or all records starting with a certain letter. Academic Press Dictionary of Science and Technology, 1992.
network	two or more connected computers	In general, a data stream is conveyed through network 3, which can be a global internetwork. A skilled artisan would recognize that apparatus 1 can be used with other types of networks, including, for example, an enterprise-wide network, or "intranet." Using network 3, User #1 (5) can communicate with other users, for example, User #2 (7) and User #3 (9), and also with distributed network resources such as resource #1 (11) and resource #2 (13). '664, col. 6, ll. 48-56; '420, col. 6, ll. 41-49. Network – 1) an arrangement of objects that are interconnected, 2) in communications, the transmission channels interconnecting all client and server stations as well as all supporting hardware and software. The Computer Glossary, 8th ed., 1998. Network – a set of computers connected together. Dictionary of Computer and Internet Terms, 6th ed., 1998. Network – 1. A series of points connected by communications channels. . . . 4. In IBMS's SNA, an interconnected group of nodes; a user application network in data processing. 5. A group of computers connected together to facilitate the transfer of information. Dictionary of Communications Technology, 2d ed.,

Claim Term/Phrase	Proposed Construction	Support
		1995. Network – a netlike combination or pattern in which different elements are joined; specific uses include; . . . Computer Technology. a loosely coupled group of functional units, such as computers. The computers, called nodes of the network, exchange messages over communications links. Academic Press Dictionary of Science and Technology, 1992. Network – (1) an arrangement of objects that are interconnected. See LAN and network database. The Computer Desktop Encyclopedia, 2d ed., 1999.
scanning	looking for items	Referring to FIG. 9, spider system 46C scans a network 44C to find informons for a demand search. '664, col. 25, ll. 41-42; '420, col. 25, ll. 39-40. Scan – 1: to read or mark so as to show metrical structure, 2: to examine by point-by-point observation or checking, to investigate thoroughly by checking point by point and often repeatedly, to glance from point to point of often hastily, casually, or in search of a particular item, 3: a: to examine esp. systematically with a sensing device (as a photometer or a beam of radiation) usu. to obtain information, b: to pass an electron beam over and convert (an image) into variations of electrical properties (as voltage) that convey information electronically, c: to pass over in the formation of an image (the electron beam). Webster's, 10th ed., 1998. Scan – . . . *Computer Technology*. 1. to examine sequentially each item in a list, each record in a file, each point of a display, or each input or output channel of a communication link. Academic Press Dictionary of Science and Technology, 1992. Scan – . . . (3) to sequentially search a file. The Computer Desktop Encyclopedia, 2d ed., 1999.
demand search	a one-time search performed upon a user request	The search engine system employs a regular search engine to make one-shot or demand searches for information entities which provide at least threshold

6

DSMDB-3038716

Claim Term/Phrase	Proposed Construction	Support
		matches to user queries. '664 Abstract; '420 Abstract. Demand search results can be returned if no wire exists for an input query. Otherwise, wire search results are returned if a wire does exist, or collaborative ranking data can be applied from the wire filter structure to improve the results of the demand search from the regular search engine. '664, col. 23, ll. 56-60; '420, col. 23, ll. 54-58.
user	an individual in communication with a network	[A]s used herein, the term "user" is an individual in communication with the network. '664, col. 3, ll. 56-57; '420, col. 3, ll. 49-50.
collaborative feedback data	information concerning what informons other users with similar interests or needs found to be relevant	Collaborative filtering, on the other hand, is the process of filtering informons, e.g., documents, by determining what informons other users with similar interests or needs found to be relevant. '664, col. 4, ll. 33-36; '420, col. 4, ll. 26-29. Collaborative filtering employs additional data from other users to improve search results for an individual user for whom a search is being conducted. '664, col. 24, ll. 39-63; '664, col. 1, ll. 50-54; '420, col. 24, ll. 37-39; '420, col. 1, ll. 41-45. Collaborative – 1: to work jointly with others or together esp. in an intellectual endeavor, 2: to cooperate with or willingly assist an enemy of one's country and esp. an occupying force, 3: to cooperate with an agency or instrumentality with which one is not immediately connected. Webster's, 10th ed., 1998.
combining	uniting into a single number or expression	Referring to FIG. 9, search return processor 48C, which includes an informon rating system like that of FIG. 6, receives demand search informons passed through the content-based filter structure 40C. '664, col. 25, ll. 55-63; '420, col. 25, ll. 52-61. The search return processor 48C then, via the informon rating system, combines the content-based filtering data with the collaborative feedback rating data to determine a complete rating predictor. *Id.*; *see also* '664, col. 14, l. 43 – col. 15, l. 3; '664, col. 26, ll. 25-30; '420, col. 14, ll. 40-67; '420, col. 26, ll. 24-28. FIG. 6 illustrates an exemplary informon rating structure for combining the content-based filtering data and the collaborative feedback rating data. The

Claim Term/Phrase	Proposed Construction	Support
		rating structure of FIG. 6 builds a profile, and its associated predictors, by combining a series of combination functions that use content (features of the informon) and collaboration (information from other users) data to determine the relevance of an informon, i.e., a complete rating predictor. '664, col. 14, l. 43 – col. 19, l. 38; '420, col. 14, l. 40 – col. 19, l. 36. In other words, in short, the search return processor 48C receives informons relevant to the user's query, and filters (e.g., ranks in order of the determined complete rating predictor) informons found to be relevant. *See* '664, col. 2, ll. 38-42; '420, col. 2, ll. 30-34. Combine – 1: a: to bring into such close relationship as to obscure individual characters: merge b: to cause to unite into a chemical compound, c. to unite into a single number or expression, 3: to possess in combination, a. to become one, b. to unite to form a chemical bond. Webster's, 10th ed., 1998. Combine – a drawing program command that merges two separate objects into one so that the whole thing can become one object. This is similar to grouping objects, but there is an important distinction. A group of objects can be treated as a single object, but the individual elements retain their separate attributes. A combined object is a single object; it has only one outline (or path) and only one fill. Interestingly, a combined object can have holes in it that you can see through. Dictionary of Computer and Internet Terms, 6th ed., 1998.
Order of steps	No "construction" is necessary; the order is dictated by the claim language or no order is required.	
Antecedent basis	Where it is required under the law to apply the same claim meaning to a claim term based on antecedent basis, I/P Engine agrees that the	I/P Engine agrees to work with defendants to identify instances where this principle is applicable. Each such instance is a separate claim element, and requires separate construction.

Claim Term/Phrase	Proposed Construction	Support
	law requires the parties to do so.	
Different Systems	The claim language does not require the scanning system, content-based filter system, and feedback system of claim 1 of the '664 patent or the claimed system for scanning, content-based filter system, and feedback system of claim 10 of the '420 patent to be the same or different "systems."	An artisan would recognize that one or more of the processors 52-55 could be combined functionally so that the actual number of processors used in the apparatus 50 could be less than, or greater than, that illustrated in FIG. 2. For example, in one embodiment of the present invention, first processor 52 can be in a single microcomputer workstation, with processors 53-55 being implemented in additional respective microcomputer systems. Suitable microcomputer systems can include those based upon the Intel® Pentium-Pro™ microprocessor. In fact, the flexibility of design presented by the invention allows for extensive scalability of apparatus 50, in which the number of users, and the communities supported may be easily expanded by adding suitable processors. As described in the context of FIG. 1, the interrelation of the several adaptive profiles and respective filters allow trends attributable to individual member clients, individual users, and individual communities in one domain of system 51 to be recognized by, and influence, similar entities in other domains, of system 51 to the extent that the respective entities in the different domains share common attributes. '664, col. 10, ll. 8-28; '420, col. 10, ll. 3-23. Generally, basic search engine system structures of the invention are preferably embodied with the use of a programmed computer system. '664, col. 24, ll. 36-38; '420, col. 24, ll. 34-36.

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10

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of March, 2012, the foregoing **PLAINTIFF I/P**

ENGINE, INC.'S PRELIMINARY PROPOSED CLAIM TERMS AND PROPOSED

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11