Exhibit 1

Parties' Joint Claim Chart for U.S. Patent No. 6,263,507

I. AGREED UPON TERMS

Claim Language (Disputed Terms in Bold)	**Agreed Construction**
1. **Instruction** Found in Claim Numbers: 63-67, 70, 71, 74, 77, 80-83, 86	**Instruction** Agreed construction: A statement that specifies a function to be performed by a system and that identifies data involved in performing the function
2. **determining the degree of similarity between the subject matter content of the uncategorized segment and the subject matter content of each of the previously categorized segments** Found in Claim Numbers: 39, 40, 43, 82, 83, 86	**determining the degree of similarity between the subject matter content of the uncategorized segment and the subject matter content of each of the previously categorized segments** Agreed construction: determining how similar the subject matter content of the uncategorized segment is to the subject matter content of each of the previously categorized segments
3. one or more segments having previously been categorized by identifying each of the one or more segments with one or more **subject matter categories**, comprising . . . selecting one or more **subject matter categories** with which to identify the uncategorized segment based upon the subject matter categories used to identify the relevant previously categorized segments. Found in Claim Numbers: 39; 82	**subject matter categories** Agreed construction: topics (e.g., international, national, regional, business, sports, or human interest) describing the subject matter content of a segment

Claim Language (Disputed Terms in Bold)	**Agreed Construction**
4. A method for acquiring and reviewing **a body of information**, wherein the **body of information** includes a plurality of segments, each segment representing a defined set of information in the body of information, the method comprising the steps of: **body of information** Found in Claim Numbers: 20; 22; 24; 27; 34; 39; 63; 65; 67; 70; 77; 82	**body of information** Agreed construction: collection of acquired information

II. DISPUTED TERMS

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
1. the display of the portion or representation of the second segment is **generated in response to the display of a first segment** to which the second segment is related Found in claim numbers:	**generated in response to the display of a first segment** Proposed construction: originated or produced as a consequence of the display of a first segment Intrinsic: 3:43-45 "A portion or a representation of the related	**generated in response to the display of a first segment** Proposed construction: rendered after and in reaction to the display of a first segment Intrinsic: 2:48-52 ("[Prior art] systems do not enable the real-time

[1] In addition to the intrinsic and extrinsic evidence cited herein, the parties reserve the right to identify (1) all claims in which any term appears as support for their constructions and (2) all intrinsic and extrinsic evidence for each claim term cited by the other side.

[2] Defendants identify herein evidence that may support its proposed constructions. By identifying portions of the specification in this document, defendants do not concede that any claim satisfies the enablement or written description requirements of 35 U.S.C. § 112 and expressly reserve the right to challenge any claim on those bases

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
20; 63[3]	information can be displayed in response to (e.g., simultaneous with) the original information display." 5:10-17 ("The second display mechanism displays a portion or representation of the second segment in response to the display by the first display mechanism of a first segment to which the second segment is related The second display mechanism can display a portion or representation of the second segment substantially coextensive in time with the display of the related first segment by the first display mechanism.") 17:26-31 ("Identification of the relatedness of primary information segments can be accomplished by determining the degree of similarity between the primary information segment being displayed and each other primary information segment. The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback.") No Extrinsic	display of some or all of a body of information while also displaying related information in response to the real-time display.") 3:43-52 ("A portion or a representation of the related information can be displayed in response to (e.g., simultaneous with) the original information display. For instance, in a news browser . . . one or more text news stories . . . that are related . . . to a television news story that is being displayed can be automatically identified and a portion of the related text news story or stories displayed . . . .") 4:34-40 ("The invention also enables the realtime display of some or all of a body of information while also displaying related information in response to the real-time display. For example, in a news browser according to the invention, television news programs can be acquired and displayed as they occur. Related news stories, either from previously acquired television news programs or text news sources can be displayed as each television news story is displayed in real time.") 5:10-17 ("The second display mechanism displays a portion or representation of the second segment in response to the display by the first display mechanism of a first segment to which the second segment is related. The second display mechanism can display a portion or representation of the second segment substantially coextensive in time with the display of the related first segment by the first display mechanism.") 17:9-11 ("To enable display of thumbnails, primary information segments that are related to the primary

[3] The parties include by reference any claims that depend from the claims listed in this chart

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		information segment that is being displayed must be determined.") 17:26-31 ("Identification of the relatedness of primary information segments can be accomplished by determining the degree of similarity between the primary information segment being displayed and each other primary information segment. The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback.") 19:2-7 ("As the segment of primary information being displayed changes, the secondary information displays . . . typically change as well. As indicated above, segments of secondary information that are related to the primary information that is being displayed can be identified . . . .") 1st Office Action at p. 5-6 ("The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, with respect to claims 1-17, 35, 59, 63, and 64, fails to teach or fairly suggest a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed. As for the most relevant art of record, the Cobbley et al (5,614,940) reference discloses a system in which broadcast information is stored in a cache and indexed for retrieval by requesting end users. The system fails to disclose or suggest to comparison of segments for the subsequent display of related segments by respective 'display means'. The Hidary et al (5,774,664) reference discloses a system in

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		which video programming and retrieved Internet information segments are displayed in synchronization. The reference likewise fails to disclose or suggest the comparison of acquired segments of information. Rather, the retrieval of web page information occurs automatically in response to their receipt via a particular television program, or in response to a particular time. As to claims 47-58 and 62, the prior art, alone or in combination, does no teach or fairly suggest the identification of boundaries of segments in a body of information, each segment comprising a contiguous related set of information in the body of information, wherein the body of information is represented by text data and video data, particularly through course and fine partitioning as set forth in the claims, and subsequently the selection of best occurring breaks.") See also Final Office Action, Dec. 19, 2000, at p. 4 (same). Order Granting Request for Ex Parte Reexamination, May 6, 2011 at p. 4 - "On May 18, 2000, Examiner issued an Office Action and in that, the Examiner indicated that application claims 35 and 59 (among others), which issued as claims 20 and 63, respectively were allowable. There was no further examination of what ultimately issued as claims 20 and 63 . . . . Regarding 'the most relevant art of record' with respect to claims 35 and 59, the Examiner stated reasons for allowance as follows: The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, with respect to claims . . . 35 and 59, and . . . fails to teach or fairly suggest a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which <u>data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined</u>

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		criteria following the display of a first segment, such that if segments are related then a second segment is displayed. As for the most relevant art of record, the Cobbley et al (5,614,940) reference discloses a system in which broadcast information is stored in a cache and indexed for retrieval by requesting end users. The system fails to disclose or suggest to comparison of segments for the subsequent display of related segments by respective 'display means'. The Hidary et al (5,774,664) reference discloses a system in which video programming and retrieved Internet information segments are displayed in synchronization. The reference likewise fails to disclose or suggest the comparison of acquired segments of information. Rather, the retrieval of web page information occurs automatically in response to their receipt via a particular television program, or in response to a particular time." (emphasis in original). Order Granting Request for Ex Parte Reexamination, May 6, 2011 at p. 7 ("Subsequently, Examiner issued a Notice of Allowance on Mar. 4, 2011 in response to the Patentee's response to the final Office Action. The Notice of Allowance referred back to the statement of reasons for allowance set forth previously in the final Office Action. Based on the foregoing, a particularly relevant characteristic upon which the Patentee relied in distinguishing issued claims 20 and 63 from the prior art of record and the Examiner indicated in his reasons for allowance was a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed.") (emphasis in

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		original) Extrinsic: response: "something constituting a reply or a reaction" (Merriam-Webster's Collegiate Dictionary (1993)).
2. **generating a display of** … [a first segment/a portion of, or a representation of, a second segment] Found in claim numbers: 20; 22; 24; 63; 65; 67	**generating a display of** Proposed construction: originating or producing a visual representation of … [a first segment/a portion of, or a representation of, a second segment] Intrinsic: Claims 20, 36, 63, and 79. "[T]he primary display device 102 displays the primary information . . . ." 12:52. 2:60-62.The invention enables a body of information to be displayed by electronic devices (e.g., a television, a computer display monitor) . . ." 11:3-15 ("In particular, the devices 101, 102, 103, and 104 can be integrated into a system in which the devices do not require wire communication over network communication lines to communicate with each other (one or more of devices 101, 102, 103, and 104 is 'untethered' with respect to one or more of the other devices 101, 102, 103, and 104). Thus, once the primary and secondary information have	**generating a display of** Proposed construction: rendering a visual representation of the recited segment, portion or representation from data stored local to the display Intrinsic: Figure 1 10:30-38 ("FIG. 1 is a block diagram illustrating a system 100 according to the invention for acquiring and reviewing a body of information. A user 109 interacts with a control device 101 to cause information to be displayed on a primary display device 102. The control device 101 includes an appropriate user interface (e.g., a graphical user interface, as discussed in more detail below) that allows the user 109 to specify control instructions for effecting control of the system 100."). 2:60-63 ("The invention enables a body of information to be displayed by electronic devices (e.g., a television, a computer display monitor) in a manner that allows the body of information to be reviewed quickly and in a

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	been acquired by the system 100, the primary and secondary information can be accessed and displayed at a relatively fast speed, thus providing quick response to control instructions from the user and enabling generation of displays with acceptable fidelity.")12:29-32 ("the system 100 according to the invention makes use of two devices for display and control: a primary display device 102 for displaying the primary information") 12:50-54 ("a system according to the invention (including system 100) can be implemented so that the primary display device 102 displays the primary information while a separate device (e.g., the control device 101) displays the secondary information.") 13:4-14 ("However, while a television is good for displaying audiovisual information, the television doesn't do as good a job with the display of text, particularly at typical viewing distances. A computer display monitor, on the other hand, does a good job of displaying text. Thus a computer display monitor can be used to display the secondary information. . . . In particular, a portable computer (e.g., a notebook or subnotebook computer) can advantageously be used to implement such display.") 14:31-35. "[W]hen a GUI according to the invention is displayed on a display monitor of a digital computer, the GUI can be implemented by appropriately tailoring conventional computer display software, as known to those skilled in the art in view of the discussion below." 13:62-14:4. "The Thinkpad [control device 101] can be configured (as known by those skilled in such art) to act as an X/windows terminal (client) that communicates with an X-windows host (server) using standard X-windows protocols (as also known by those skilled in such art), to	flexible manner.") 4:7-11 ("The invention can be implemented in a system that is convenient to use, that presents the body of information in a readily accessible way, and that presents the information via one or more display devices that are tailored for use with the particular type of data that is used to generate the display.") 4:47-56 ("For example, in a news browser according to the invention, the user can cause a summary of one or more television news stories to be displayed (rather than the entire news story or stories), the user can speed up (or slow down) the display of a television news story, and the user can pause and resume the display of a television news story such that the display resumes at an accelerated rate until the display of the news story "catches up" to where the display would have been without the pause (a useful feature when the television news story is being acquired and displayed in real time)."). 4:61-5:6 ("The system includes . . . iii) a first display mechanism for generating a display of a first segment of the body of information from data that is part of the stored data . . . . and v) a second display mechanism for generating a display of a portion of, or a representation of, a second segment of the body of information from data that is part of the stored data.") 5:24-31 ("The system can also include a mechanism for identifying an instruction from a user to begin displaying at least some of the body of information, the first display mechanism beginning display of a segment in response to the user instruction. When a portion or representation of a second segment is being displayed, the system can enable such a second segment to be selected for display by the

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	enable generation and display of the graphical user interface. In this particular embodiment of the invention, the primary display device 102, as well as the system controller (X/windows host) 103, can be embodied, for example, by an Indigo2 workstation computer made by Silicon Graphics. . . ." 36:7-24. "The image to be displayed is represented by an ordered set of display data. This display data is acquired from a data source at a first rate. The display data is transferred to a display device at the first rate as the display data is acquired. An image is generated from the display data transferred to the display device and displayed on the display device. At some point, the user instructs the system to pause the display. The system identifies the pause instruction from the user and, in response, stops the transfer of display data to the display device and begins storing the acquired display data at the first rate. At some later time, the user instructs the system to resume the display. The system identifies the resume instruction from the user and, in response, begins transferring stored display data to the display device at a second, effective rate that is greater than the first rate. An image is generated from the stored display data transferred to the display device and displayed on the display device." Extrinsic: Webster's New World College Dictionary, 4th ed. at 415 (defining "display" as "to unfold to the eye; put or spread out so as to be seen" or "a visual representation of data, as on a computer video screen") Webster's New World College Dictionary, 4th ed. at 591 (defining "generate" as "to bring into being, cause to be" or "to originate or produce by a physical, chemical,	first display mechanism."). 10:43-44 ("Herein, 'primary information' is any information the display of which the user can directly control."). 11:3-15 ("In particular, the devices 101, 102, 103, and 104 can be integrated into a system in which the devices do not require wire communication over network communication lines to communicate with each other (one or more of devices 101, 102, 103, and 104 is 'untethered' with respect to one or more of the other devices 101, 102, 103, and 104). Thus, once the primary and secondary information have been acquired by the system 100, the primary and secondary information can be accessed and displayed at a relatively fast speed, thus providing quick response to control instructions from the user and enabling generation of displays with acceptable fidelity.") 11:24-29 ("For example, the bandwidth of the network communication medium may not be adequate to enable transfer of data from the data storage device 104 to the primary display device 102 quickly enough to enable a display with acceptable fidelity to be generated by the primary display device 102.") 12:29-32 ("the system 100 according to the invention makes use of two devices for display and control: a primary display device 102 for displaying the primary information") 12:50-54 ("a system according to the invention (including system 100) can be implemented so that the primary display device 102 displays the primary information while a separate device (e.g., the control device 101) displays

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	mechanical, electronic, or mathematical process") Microsoft Press Computer Dictionary, 3d ed., at 516 (defining "X Window System" as "A non-proprietary, standardized set of display-handling routines, developed at MIT. Most often encountered on UNIX workstations, the X Window System is independent of hardware and operating system. An X Window System client calls on the server, which is located on the user's workstation, to provide a window in which the client can generate a display of text or graphics.") Webster's New World Computer Dictionary, 10th ed., at 414 (defining "X client" as "In the X Window System, an application that requests services from an X server. The client can be any X-compatible application running on the same or a networked computer. A special kind of client, called the window manager, makes configuration options available to the user. Note that the use of the term 'client' in the X Window System should be differentiated from the use of the same term in the client/server model; in X, the server resides on each user's workstation, while clients may include programs running elsewhere on the network. See client/server, X Protocol, X server, X Window System.") Webster's New World Computer Dictionary, 10th ed., at 416 (defining "X server" as "In the X Window System, a program that runs on a specific computer and that is configured to work with this computer's video card, monitor, and keyboard. X clients request windowing services from the X server using a generalized, hardware-independent protocol called the X protocol. Because the X server takes over the job of knowing precisely how to display images on a particular computer's video hardware, X-compatible applications do not have to include hardware-specific information concerning the video display. Note that	the secondary information.") 13:4-14 ("However, while a television is good for displaying audiovisual information, the television doesn't do as good a job with the display of text, particularly at typical viewing distances. A computer display monitor, on the other hand, does a good job of displaying text. Thus a computer display monitor can be used to display the secondary information. . . . In particular, a portable computer (e.g., a notebook or subnotebook computer) can advantageously be used to implement such display.") 13:55-56 ("The portable computer and associated display screen facilitate the presentation of a graphical user interface . . . .") 13:62-67 ("The ThinkpadTM can be configured (as known by those skilled in the art) to act as an X/windows terminal (client) that communicates with an X/windows host (server), using standard X/windows protocols (as also known by those skilled in such art), to enable generation and display of the graphical user interface.") 14:24-36 ("FIG. 2A is a diagrammatic representation of a graphical user interface (GUI) 200 according to the invention . . . Generally, a GUI according to the invention can be displayed using any suitable display device. Further, when a GUI according to the invention is displayed on a display monitor of a digital computer, the GUI can be implemented by appropriately tailoring conventional computer display software, as known to those skilled in the art in view of the discussion below. For example, the GUI 200 can be displayed on the screen of a portable computer.")

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	the use of the term 'server' in the X Window System should be differentiated from the use of the same term in the client/server model; in X, the server resides on each user's workstation, while clients may include programs running elsewhere on the network. See client/server, X Window System." Webster's New World Computer Dictionary, 10th ed., at 416 (defining "X Protocol" as "A client-server protocol that specifies how X Window System clients and servers can exchange messages. X clients use the protocol to tell the X server how to display an application's window onscreen; X servers use the protocol to convey keystrokes, mouse movements and clicks, menu choices, and additional information to the X client. See X client, X server, X Window System." Webster's New World Computer Dictionary, 10th ed., at 417 (defining "X Window System" as "A graphical, network-based windowing environment originally developed for Unix and Unix-like operating systems (and since made available for other platforms) at the Massachusetts Institute of Technology; currently, it is under continued development as an open source program by the Open Group, a Unix industry consortium. X (as the X Window System) is known to Unix users) provides the basic windowing services, including fonts and pull-down menus, for graphical Unix applications. X is designed to function in a network environment. Thanks to its client-server architecture, X can display the graphical interface of an application running on some other computer on the network. One drawback of X is that it does not supply (or does not consistently supply) many of the services (such as drag-and-drop across applications and desktop utilities) that are familiar to users of consumer operating systems; for this reason, desktop environments such as GNOME or KDE	36:11-23 ("An image is generated from the display data transferred to the display device and displayed on the display device. . . . The system identifies the resume instruction from the user and, in response, begins transferring stored display data to the display device at a second, effective rate that is greater than the first rate. An image is generated from the stored display data transferred to the display device and displayed on the display device.").

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	have been developed to supply the X Window System with these features. A version of X under independent development, called XFree86, was initially designed to run on Intel-based hardware; it is included in most Linux distributions. See desktop environment, GNOME, KDE, Unix, Unix-like operating system, windowing environment, window manager, X client, X Protocol, X server."	
3. **acquiring data representing the body of information** Found in Claim Numbers: 20; 22; 24; 63; 65; 67	**acquiring data representing the body of information** Proposed construction: obtaining data representing the body of information Intrinsic: 9:61-10:6 ("For example, in a particular application of the invention, the content of one or more audiovisual news programs is acquired from a first set of one or more information sources and news stories (or 'articles') from text news sources are acquired from a second set of one or more information sources. The first set of information sources could be, for example, CNN Headline News or network (e.g., ABC, NBC, CBS) news programs. The second set of information sources could be, for example, on-line news services such as Clarinet™ or news wire services such as AP or UPI. It is contemplated that this application of the invention can be particularly useful as a means of enhancing the viewing of conventional television news programs."). 11:34-51 ("Where the primary information source 107 is comprised of television news broadcasts, for example, the primary information data acquisition device 105 can be a conventional television tuner and video capture device that	**acquiring data representing the body of information** Proposed construction: retrieving data representing the body of information from an external information source Intrinsic: 9:61-10:6 ("For example, in a particular application of the invention, the content of one or more audiovisual news programs is acquired from a first set of one or more information sources and news stories (or 'articles') from text news sources are acquired from a second set of one or more information sources. The first set of information sources could be, for example, CNN Headline News or network (e.g., ABC, NBC, CBS) news programs. The second set of information sources could be, for example, on-line news services such as Clarinet™ or news wire services such as AP or UPI. It is contemplated that this application of the invention can be particularly useful as a means of enhancing the viewing of conventional television news programs."). Figure 1 10:30-32 ("FIG. 1 is a block diagram illustrating a system

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	acquires that data representing the primary information via conventional cable connections, satellite dish or television antenna. Where the secondary information is comprised of online text sources (i.e., text sources available over a computer network such as the Internet), for example, the secondary information data acquisition device 106 can be a conventional modem or other communications adapter, as known by those skilled in the art of data communications, that enables acquisition of data representing the secondary information via one or more conventional communication lines, such as telephone lines, ISDN lines or Ethernet connections. (It is also possible that the primary information can be acquired from online sources, such as via the Internet or other computer network.)") 20:4-21 ("Or, the system controller 103 can acquire data representing radio broadcasts using conventional equipment for receiving (e.g., a radio and antenna) and recording (e.g., a conventional audiotape recorder) radio signals. Or, the system controller 103 can acquire computer-readable data files (that can include text data, audio data, video data or some combination of two or more of those types of data), using conventional communications hardware and techniques, over a computer network (e.g., a public network such as the Internet or a proprietary network such as America Online™, CompuServe™ or Prodigy™) from an information providing site that is part of that network. In one particular embodiment of the invention, the system controller 103 acquires primary information including the television signals representing the content of designated television news broadcasts, and secondary information including computer-readable data files that represent the content of designated news stories from text news sources.") 20:28-34 ("The schedule can be used, for example, to	100 according to the invention for acquiring and reviewing a body of information."). 10:40-54 ("The system controller 103 causes primary information to be acquired from a primary information source 107 via a primary information data acquisition device 105. Herein, 'primary information' is any information the display of which the user can directly control. The system controller 103 also causes secondary information (which is typically related to the primary information) to be acquired from a secondary information source 108 via a secondary information data acquisition device 106. Herein, 'secondary information' is any information other than primary information that is acquired by a system according to the invention and that can be displayed by the system and/or used by the system to manipulate or categorize (as described in more detail below) the primary information.") 11:34-51 ("Where the primary information source 107 is comprised of television news broadcasts, for example, the primary information data acquisition device 105 can be a conventional television tuner and video capture device that acquires that data representing the primary information via conventional cable connections, satellite dish or television antenna. Where the secondary information is comprised of online text sources (i.e., text sources available over a computer network such as the Internet), for example, the secondary information data acquisition device 106 can be a conventional modem or other communications adapter, as known by those skilled in the art of data communications, that enables acquisition of data representing the secondary information via one or more conventional communication lines, such as telephone lines, ISDN lines or Ethernet connections. (It is also possible that the primary information can be acquired

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	program a videocassette recorder to record particular television programs at particular times. Likewise, the schedule can be used, for example, to appropriately program a computer to retrieve desired data files from particular network sites (e.g., by specifying an appropriate network address, such as a URL) of a computer network at specified times.") Abstract ("In a particular application of the invention, the content of audiovisual news programs is acquired from a first set of one or more information sources (e.g., television news programs) and text news stories are acquired from a second set of one or more information sources (e.g., on-line news services or news wire services).)" 3:8-14 ("For example, as a news browser, the invention can be used to review news stories acquired during one day from several television news programs (e.g., CNN Headline News, NBC Nightly News), as well as from text news sources (e.g., news wire services, traditional print media such as newspapers and magazines, and online news services such as ClarinetTM).") 6:57-63 ("The uncategorized segment can have been acquired from a first data source (that supplies, for example, television or radio broadcast signals) and the previously categorized segment or segments can have been acquired from a second data source (that supplies, for example, computer-readable data files) that is different than the first data source.") Extrinsic: Webster's New World College Dictionary, 4th ed. at 12 (defining "acquire" as "to come to have as one's own; get	from online sources, such as via the Internet or other computer network.)") 11:60-64 ("When the device 105 or 106 is used to acquire information over a computer network, the device 105 or 106 will be a device, such as a computer modem, for which such communication to the system controller 103 can be implemented using well-known methods and apparatus.") 20:4-21 ("Or, the system controller 103 can acquire data representing radio broadcasts using conventional equipment for receiving (e.g., a radio and antenna) and recording (e.g., a conventional audiotape recorder) radio signals. Or, the system controller 103 can acquire computer-readable data files (that can include text data, audio data, video data or some combination of two or more of those types of data), using conventional communications hardware and techniques, over a computer network (e.g., a public network such as the Internet or a proprietary network such as America Online™, CompuServe™ or Prodigy™) from an information providing site that is part of that network. In one particular embodiment of the invention, the system controller 103 acquires primary information including the television signals representing the content of designated television news broadcasts, and secondary information including computer-readable data files that represent the content of designated news stories from text news sources.") 20:28-34 ("The schedule can be used, for example, to program a videocassette recorder to record particular television programs at particular times. Likewise, the schedule can be used, for example, to appropriately program a computer to retrieve desired data files from

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	possession of")	particular network sites (e.g., by specifying an appropriate network address, such as a URL) of a computer network at specified times.") Abstract "In a particular application of the invention, the content of audiovisual news programs is acquired from a first set of one or more information sources (e.g., television news programs) and text news stories are acquired from a second set of one or more information sources (e.g., on-line news services or news wire services)." 3:8-14 ("For example, as a news browser, the invention can be used to review news stories acquired during one day from several television news programs (e.g., CNN Headline News, NBC Nightly News), as well as from text news sources (e.g., news wire services, traditional print media such as newspapers and magazines, and online news services such as ClarinetTM"). 6:57-63 ("The uncategorized segment can have been acquired from a first data source (that supplies, for example, television or radio broadcast signals) and the previously categorized segment or segments can have been acquired from a second data source (that supplies, for example, computer-readable data files) that is different than the first data source.") 10:53-55 ("A data storage device 104 stores the acquired primary and secondary information.") No Extrinsic.
4. A method for acquiring and reviewing a body of information,	**segment**	**segment**

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wherein the body of information includes a plurality of **segments**, each **segment** representing a defined set of information in the body of information, the method comprising the steps of: Found in Claim Numbers: 20; 21 ; 22; 23; 24; 27; 28; 34; 39; 43; 63; 64; 65; 66; 67; 70; 71; 77; 82; 86	Proposed construction: a set of information that concerns a single theme or subject Intrinsic: 4:57-62. "In one aspect of the invention, a system enables acquisition and review of a body of information that includes a multiplicity of segments that each represent a defined set of information (frequently, a contiguous related set of information) in the body of information." 22:25-31 "[O]f particular utility for the invention is the identification within the primary and secondary information of contiguous related sets of information that typically concern a single theme or subject and that can be delineated in some manner from adjacent information. Herein, each such contiguous related set of information can be referred to as a 'segment' of the primary or secondary information." 22:39-57 "For example, if the primary information includes the content of several news programs, the primary information can be divided into particular news programs and each news program can further be broken down into particular news stories within the news program, each news story being denoted as a segment. Similarly, if the secondary information includes content from several text sources, the secondary information can be divided into particular text sources and each text source can be further divided into separate text stories, each text story being denoted as a segment. . . . [A] news story that is interrupted by a commercial break [] may be defined as a single segment, particularly if the body of information is modified so that commercial breaks—and other extraneous portions of the body of information—are eliminated (an approach	Proposed construction: A portion of the body of information whose boundaries are defined by a single subject or theme. Intrinsic: Figure 3 & 9:1-3 ("FIG. 3 is a flow chart of a method in accordance with the invention for identifying the boundaries of segments in a body of information.") Figure 5 & 9:8-12 ("FIG. 5 is a flow chart of a method in accordance with the invention for categorizing according to subject matter an uncategorized segment of a body of information based on the categorization of other previously categorized segments of the body of information.") 22:23-31 ("The primary and secondary information can be, and typically are, divided ('partitioned') into smaller related sets of information of particular utility for the invention is the identification within the primary and secondary information of contiguous related sets of information that typically concern a single theme or subject and that can be delineated in some manner from adjacent information. Herein, each such contiguous related set of information can be referred to as a 'segment' of the primary or secondary information.") 3:63-4:2 ("In particular, the subject matter category of a segment of information can be determined by comparing the segment to one or more previously categorized segments and categorizing the segment in accordance with the subject matter categorization of one or more previously categorized segments that are determined to be

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	that, generally, is preferred, although such portions could also be treated as segments." 23:52-59 ("In a set of audiovisual data, breaks between segments can be determined, for example, based upon identification ofthe occurrence of a particular word, sequence of words, or pattern of words (particularly words that typically indicate a transition), and identification of changes in speaker. As one illustration, in a news program, phrases of the form, "Jane Doe, WXYZ news, reporting live from Any town, USA," can indicate a break between segments.") 24:50-57 ("Partitioning of audio data using music recognition can be particularly useful when transitions between segments of the body of information are sometimes made using standard musical phrases. Illustratively, when the invention is implemented as a news browser, music recognition can be used to partition certain news programs (e.g., The MacNeill Lehrer news hour) which use one or more standard musical phrases to transition between news stories.") No Extrinsic.	relevant to the uncategorized segment.") 4:57-61 ("In one aspect of the invention, a system enables acquisition and review of a body of information that includes a multiplicity of segments that each represent a defined set of information (frequently, a contiguous related set of information) in the body of information.") 5:17-24 ("The system can further include a mechanism for identifying the subject matter content of a segment of the body of information, so that the mechanism for comparing can determine the similarity of the subject matter content of a segment to the subject matter content of a different segment (using, for example, relevance feedback) and use that result to determine the relatedness of the compared segments.") 6:51-57 ("In another aspect of the invention, a method categorizes according to subject matter a segment of a body of information (that includes a plurality of segments), the segment not previously having been categorized according to subject matter, based upon the subject matter category or categories associated with one or more previously categorized segments of the body of information.") 8:15-20 ("In still another aspect of the invention, a method enables the identification of the boundaries of segments in a body of information that is represented by a set of text data and at least one of a set of audio data or a set of video data, each segment representing a contiguous related set of information in the body of information.") 8:26-29 ("In the coarse partitioning method, time-stamped markers in the set of text data are identified and used to

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		determine approximate segment boundaries within the body of information.") 8:43-58 ("when segment boundaries are being determined in video data, scene break identification can be used to implement the fine partitioning. When segment boundaries are being determined in audio data, the fine partitioning can be implemented by, for example, pause recognition, voice recognition, word recognition or music recognition.") 22:36-48: ("Segments within the primary information are 'primary information segments' while segments within the secondary information are 'secondary information segments.' For example, if the primary information includes the content of several news programs, the primary information can be divided into particular news programs and each news program can further be broken down into particular news stories within the news program, each news story being denoted as a segment. Similarly, if the secondary information includes content from several text sources, the secondary information can be divided into particular text sources and each text source can be further divided into separate text stories, each text story being denoted as a segment."). 22:48-50 ("Note that a 'segment' may sometimes, strictly speaking, not be contiguous in time (though it is contiguous in content).") 22:50-55 ("For example, a news story that is interrupted by a commercial break, then continues after the commercial break, may be defined as a single segment, particularly if the body of information is modified so that commercial breaks-and other extraneous portions of the body of information-are eliminated (an approach that,

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		generally, is preferred, though such portions could also be treated as segments.") 23:10-15 ("[T]he correlation of primary information segments with secondary information segments can also be used to categorize the primary information segments according to subject matter, thus enabling the user to sort or to cause display of segments of the primary information that pertain to a particular subject matter category.") 23:30-33 ("bodies of information that are collections of segments (e.g., stories) from text sources that are represented as computer-readable data typically include markers that identify the breaks between segments.") 27:59-67 ("An important aspect of the invention is the capability to determine relatedness of segments of information represented by two different types of data. . . ."). 30:1-17 ("FIG. 5 is a flow chart of a method 500, in accordance with this aspect of the invention, for categorizing according to subject matter an uncategorized segment of a body of information based on the subject matter categorization of other previously categorized segments of the body of information. For example, each story from the Clarinet™ news service is categorized according to the subject matter of the story by associating one or more predefined subject matter categories (e.g., sports, travel, computers, business, international news) with the story.") 30:52-60 ("One or more subject matter categories can be associated with the uncategorized segment. Generally, the subject matter category or categories can be selected from

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		the subject matter categories associated with the relevant previously categorized segments using any desired method. For example, the subject matter category or categories of the most similar previously categorized segment could be selected as the subject matter category or categories of the uncategorized segment.") 31:62-32:2 ("(Note that, as mentioned above, as used here in the description of skimming, "segment" refers to a contiguous portion of a set of audio data that occurs during a specified duration of time; elsewhere herein, "segment" refers to a contiguous related set of information within the primary or secondary information that typically concerns a single theme or subject and that can be delineated in some manner from adjacent information.)"). Cl. 125 ("A system for identifying the boundaries of segments in a body of information, each segment comprising a contiguous related set of information in the body of information") Extrinsic: segment: (1) "one of the constituent parts into which a body, entity, or quantity is divided or marked off by or as if by natural boundaries" (Merriam-Webster's Collegiate Dictionary (1993)); (2) "each of the parts into which a thing is or may be divided; a division, section." (Oxford English Dictionary (1989)).

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5. **comparing data representing a segment of the body of information to data representing a different segment of the body of information** Found in Claim Numbers: 20; 63	**comparing data representing a segment of the body of information to data representing a different segment of the body of information** Proposed construction: No construction needed; in the alternative: comparing data that represents a segment of the body of information to data that represents a different segment of the body of information Intrinsic: 3:43-45. "A portion or a representation of the related information can be displayed in response to (e.g., simultaneous with) the original information display." 5:10-17 ("The second display mechanism displays a portion or representation of the second segment in response to the display by the first display mechanism of a first segment to which the second segment is related The second display mechanism can display a portion or representation of the second segment substantially coextensive in time with the display of the related first segment by the first display mechanism.") 18:23-27 ("For example, a representative video image (e.g., one or more video frames) can be selected from a library of video images. For instance, a news story about baseball could be represented by a keyframe showing a batter swinging at a pitch.") 28:36-29:3. "The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback. In relevance feedback, a text	**comparing data representing a segment of the body of information to data representing a different segment of the body of information** Proposed construction: comparing at least representative samples of different segments of the body of information. The comparing step occurs after "generating a display of a first segment of the body of information." Intrinsic: 3:60-4:6 ("Additionally, the invention enables automatic categorization of uncategorized segments of the body of information based upon comparison to other segments of the body of information that have been categorized. In particular, the subject matter category of a segment of information can be determined by comparing the segment to one or more previously categorized segments and categorizing the segment in accordance with the subject matter categorization of one or more previously categorized segments that are determined to be relevant to the uncategorized segment. In a news browser according to the invention, for example, this can be used to categorize the news stories of a television news program based upon the categorization of text news stories that are found to be relevant to the television news stories.") 4:57-5:6 ("In one aspect of the invention, a system enables acquisition and review of a body of information that includes a multiplicity of segments that each represent a defined set of information (frequently, a contiguous related set of information) in the body of information. The system includes: i) a mechanism for acquiring data

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	representation of each segment to be compared (e.g., each audiovisual news story or text story) is represented as a vector, each component of the vector corresponding to a word, the value of each component being the number of occurrences of the word in the segment. (Two words are considered identical--i.e., are amalgamated for purposes of ascribing a magnitude to each component of the vector representing the textual content of a segment--if the words have the same stem; for example, "play", "played" and "player" are all considered to be the same word for purposes of forming the segment vector.) For each pair of segments, the normalized dot product of the vectors corresponding to the segments is calculated, yielding a number between 0 and 1. The degree of similarity between two segments is represented by the magnitude of the normalized dot product, 1 representing two segments with identical words and 0 representing two segments having no matching words. The use of relevance feedback to determine the similarity between two text segments is well-known, and is described in more detail in, for example, the textbook entitled Introduction to Modern Information Retrieval, by Gerard Salton, McGraw-Hill, New York, 1983, the pertinent disclosure of which is incorporated by reference herein. Relevance feedback is also described in detail in "Improving Retrieval Performance by Relevance Feedback," Salton, G., Journal of the American Society for Information Science, vol. 41, no. 4, pp. 288-297, June 1990 as well as "The Effect of Adding Relevance Information in a Relevance Feedback Environment," Buckley, C. et. al., Proceedings of 17th International Conference on Research and Development in Information Retrieval, DIGIR 94, Springer-verlag (Germany), 1994, pp. 292-300, the disclosures of which are incorporated by reference herein." *See generally* 27:40-29:3.	representing the body of information; ii) a mechanism for storing the data; iii) a first display mechanism for generating a display of a first segment of the body of information from data that is part of the stored data; iv) a mechanism for comparing the data representing a segment of the body of information to the data representing a different segment of the body of information to determine whether, according to one or more predetermined criteria, the compared segments are related; and v) a second display mechanism for generating a display of a portion of, or a representation of, a second segment of the body of information from data that is part of the stored data.") 8:15-20 ("[A] method enables the identification the identification of the boundaries of segments in a body of information that is represented by a set of text data and at least one of a set of audio or a set of video data, each segment representing a contiguous related set of information in the body of information.") 10:14-16 ("when the user is observing a particular news story in an audiovisual news program, the invention can identify and display a related text news story or stories.") 10:61-65 ("Illustratively, the primary information can be a videotape (or other audiovisual data representation) of an audiovisual news program or programs and the secondary information can be the text of news stories from text news sources.") 17:9-11 ("To enable display of thumbnails, primary information segments that are related to the primary information segment that is being displayed must be determined.")

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	No Extrinsic.	17:26-29 ("Identification of the relatedness of primary information segments can be accomplished by determining the degree of similarity between the primary information segment being displayed and each other primary information segment.") 18:23-27 ("For example, a representative video image (e.g., one or more video frames) can be selected from a library of video images. For instance, a news story about baseball could be represented by a keyframe showing a batter swinging at a pitch.") 27:59-28:4 ("An important aspect of the invention is the capability to determine relatedness of segments of information represented by two different types of data. In particular, the invention can enable the determination of relatedness between segments of information represented by audiovisual data (such as is frequently the case for the primary information that can be displayed by the invention) and segments represented by text data (such as is generally the case for the secondary information as described particularly herein). This aspect of the invention enables the display of the related secondary information region 204 to be generated. It can also enable categorization of uncategorized segments, as described further below.") 28:5-:35 "FIG. 4 is a flow chart of a method 400, in accordance with this aspect of the invention, for determining whether a first set of information represented by a first set of data of a first type (e.g., audiovisual data) is relevant to a second set of information represented by a second set of data of a second type of data In step 401, a set of data of the second type is derived from the first set of data of the first type. In a typical application of the method 400, step 401 causes a set of text data to be

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		produced from a set of audiovisual data. The set of text data can be produced in any appropriate manner. For example, "production" of the set of text data may be as simple as extracting a pre-existing text transcript (e.g., a closed caption transcript) from the set of audiovisual data. Or, the set of text data can be produced from the set of audio data using a conventional speech recognition method. In step 402, the derived set of data (of the second type) is compared to the second set of data of the second type to determine the degree of similarity between the derived set of data and the second set of data. . . . In step 403, a determination is made as to whether the first set of data is relevant to the second set of data, based on the comparison of step 402. Typically, a threshold level of similarity . . . is specified so that only sets of information that are sufficiently related to each other are identified as related." 28:36-56 ("The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback. In relevance feedback, a text representation of each segment to be compared . . . is represented as a vector, each component of the vector corresponding to a word, the value of each component being the number of occurrences of the word in the segment. . . . The use of relevance feedback to determine the similarity between two text segments is well known . . . .") 29:18-43 ("This problem can be overcome by further determining the degree of similarity between each of a predetermined number of the secondary information segments having the highest determined degree of similarity (in one embodiment of the news browser implementation of the invention, the 10 most similar text stories are compared), and displaying only one of each

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		pair of secondary information segments having a degree of similarity above a specified threshold, i.e., redundant secondary information segments are eliminated. Again, this can be more problematic than first appears. For example, a particular segment may have greater than the threshold degree of similarity when compared to each of second and third segments, but the second and third segments may have less than the threshold degree of similarity when compared to each other. From the three segments, it would be desirable to show both the second and third segments. However, if the first segment is compared to the second segment or the third segment, and the second or third segment discarded, before comparison of the first segment to the other of the second or third segment (which will also result in discarding of one of the compared segments), then only one of the three segments will be shown. Such a situation could be handled by, for example, calculating the similarity between all pairs of the predetermined number of secondary information segments, and performing comparisons that reveal the situation described above before discarding any of the secondary information segments.") 1st Office Action at p. 5-6 ("The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, with respect to claims 1-17, 35, 59, 63, and 64, fails to teach or fairly suggest a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed. As for the most relevant art of record, the Cobbley et al (5,614,940) reference discloses a system in which broadcast information is

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		stored in a cache and indexed for retrieval by requesting end users. The system fails to disclose or suggest to comparison of segments for the subsequent display of related segments by respective 'display means'. The Hidary et al (5,774,664) reference discloses a system in which video programming and retrieved Internet information segments are displayed in synchronization. The reference likewise fails to disclose or suggest the comparison of acquired segments of information. Rather, the retrieval of web page information occurs automatically in response to their receipt via a particular television program, or in response to a particular time. As to claims 47-58 and 62, the prior art, alone or in combination, does no teach or fairly suggest the identification of boundaries of segments in a body of information, each segment comprising a contiguous related set of information in the body of information, wherein the body of information is represented by text data and video data, particularly through course and fine partitioning as set forth in the claims, and subsequently the selection of best occurring breaks.") See also Final Office Action, Dec. 19, 2000, at p. 4 (same). Order Granting Request for Ex Parte Reexamination, May 6, 2011 at p. 4 - "On May 18, 2000, Examiner issued an Office Action and in that, the Examiner indicated that application claims 35 and 59 (among others), which issued as claims 20 and 63, respectively were allowable. There was no further examination of what ultimately issued as claims 20 and 63 . . . . Regarding 'the most relevant art of record' with respect to claims 35 and 59, the Examiner stated reasons for allowance as follows: The following is a statement of reasons for the indication of allowable subject matter: the prior art, alone or in combination, with respect to claims . . . 35 and 59, and . . .

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		fails to teach or fairly suggest a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in which data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed. As for the most relevant art of record, the Cobbley et al (5,614,940) reference discloses a system in which broadcast information is stored in a cache and indexed for retrieval by requesting end users. The system fails to disclose or suggest to comparison of segments for the subsequent display of related segments by respective 'display means'. The Hidary et al (5,774,664) reference discloses a system in which video programming and retrieved Internet information segments are displayed in synchronization. The reference likewise fails to disclose or suggest the comparison of acquired segments of information. Rather, the retrieval of web page information occurs automatically in response to their receipt via a particular television program, or in response to a particular time." (emphasis in original). Order Granting Request for Ex Parte Reexamination, May 6, 2011 at p. 7 ("Subsequently, Examiner issued a Notice of Allowance on Mar. 4, 2011 in response to the Patentee's response to the final Office Action. The Notice of Allowance referred back to the statement of reasons for allowance set forth previously in the final Office Action. Based on the foregoing, a particularly relevant characteristic upon which the Patentee relied in distinguishing issued claims 20 and 63 from the prior art of record and the Examiner indicated in his reasons for allowance was a system for acquiring and reviewing a body of information as set forth in claim 1, particularly in

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		which <u>data representing segments of the body of information are acquired and stored, and subsequently compared according to predetermined criteria following the display of a first segment, such that if segments are related then a second segment is displayed</u>.") (emphasis in original) No Extrinsic.
6. **determine whether, according to one or more predetermined criteria, the compared segments are related** Found in Claim Numbers: 20; 63	**determine whether, according to one or more predetermined criteria, the compared segments are related** Proposed construction: No construction needed ;in the alternative: determine whether the compared segments are related, according to at least one criterion established before the comparison Intrinsic: Claims 20, 27, 63, and 70; see also 4:57-5:24 (differentiating between relatedness and similarity of subject matter content) "A threshold of relatedness (the expression of the threshold depending upon the method used to determine relatedness) is preferably specified . . ." 17:11-13 (emphasis added). 17:26-29 ("Identification of the relatedness of primary information segments can be accomplished by determining the degree of similarity between the primary information segment being displayed and each other primary information segment.")"The degree of similarity can be determined using any appropriate method, such as, for	**determine whether, according to one or more predetermined criteria, the compared segments are related** Proposed construction: Determine whether the compared segments have the same or similar subject or theme, according to criteria established before the comparison. Intrinsic: 1:46-55 ("[T]he previous systems either require that related segments have previously been determined or, at least, that the segments have been categorized according to subject matter content so that whether two segments are related can readily be determined. Further, previous systems have not enabled determination of relatedness between segments of information represented by different types of data, e.g., such systems cannot determine whether a segment represented by audiovisual data is related to a segment represented by text data.") 3:34-43 ("The invention also enables automatic identification of information that is related to information that is being displayed, so that the related information can

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	example, relevance feedback." 28:36-38; see also 28:38-29:3. Extrinsic: Webster's New World College Dictionary, 4th ed. at 1132 (defining "predetermine" as "to determine, decide, or decree beforehand") The American Heritage Dictionary, 4th ed, at 706 (defining "related" as "Connected; associated.") The American Heritage Dictionary, 4th ed, at 706 (defining "relevant" as "Having to do with the matter at hand.")	be observed, thereby enabling information about a particular subject to be examined in depth. In particular, the invention enables such identification of related segments to be made between segments of different types (e.g., a segment represented by audiovisual data can be compared to a segment represented by text data to enable a determination of whether the segments are related)."). 3:45-50 ("For instance, in a news browser according to the invention, one or more text news stories (e.g., news stories that are obtained from traditional print media or from electronic publications) that are related (i.e., which cover the same or similar subject matter) . . .") 17:11-18 ("A threshold of relatedness (the expression of the threshold depending upon the method used to determine relatedness) is preferably specified so that only segments that are sufficiently related to the displayed segment are displayed in the related primary information region 203, even if that means that less than the allotted number of segments (including no segments) are displayed.") 17:26-29 ("Identification of the relatedness of primary information segments can be accomplished by determining the degree of similarity between the primary information segment being displayed and each other primary information segment.") 22:23-31 ("The primary and secondary information can be, and typically are, divided ('partitioned') into smaller related sets of information of particular utility for the invention is the identification within the primary and secondary information of contiguous related sets of information that typically concern a single theme or subject and that can be delineated in some manner from

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		adjacent information. Herein, each such contiguous related set of information can be referred to as a 'segment' of the primary or secondary information.") 27:59-28:4 ("An important aspect of the invention is the capability to determine relatedness of segments of information represented by two different types of data. In particular, the invention can enable the determination of relatedness between segments of information represented by audiovisual data (such as is frequently the case for the primary information that can be displayed by the invention) and segments represented by text data (such as is generally the case for the secondary information as described particularly herein. This aspect of the invention . . . can also enable categorization of uncategorized segments, as described further below. "). 28:5-35 ("FIG. 4 is a flow chart of a method 400, in accordance with this aspect of the invention, for determining whether a first set of information represented by a first set of data of a first type (e.g., audiovisual data) is relevant to a second set of information represented by a second set of data of a second type of data In step 401, a set of data of the second type is derived from the first set of data of the first type. In a typical application of the method 400, step 401 causes a set of text data to be produced from a set of audiovisual data. The set of text data can be produced in any appropriate manner. For example, "production" of the set of text data may be as simple as extracting a pre-existing text transcript (e.g., a closed caption transcript) from the set of audiovisual data. Or, the set of text data can be produced from the set of audio data using a conventional speech recognition method. In step 402, the derived set of data (of the second type) is compared to the second set of data of the second type to determine the degree of similarity between the

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		derived set of data and the second set of data. . . . In step 403, a determination is made as to whether the first set of data is relevant to the second set of data, based on the comparison of step 402. Typically, a threshold level of similarity . . . is specified so that only sets of information that are sufficiently related to each other are identified as related.") 28:36-29:3 ("The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback. In relevance feedback, a text representation of each segment to be compared . . . is represented as a vector, each component of the vector corresponding to a word, the value of each component being the number of occurrences of the word in the segment. . . . For each pair of segments, the normalized dot product of the vectors corresponding to the segments is calculated, yielding a number between 0 and 1. The degree of similarity between two segments is represented by the magnitude of the normalized dot product, 1 representing two segments with identical words and 0 representing two segments having no matching words. The use of relevance feedback to determine the similarity between two text segments is well known, and is described in more detail in [multiple references.]") No Extrinsic.
7. wherein the step of determining the similarity of the subject matter of segments further comprises the step of performing a **relevance feedback method** wherein the step of determining	**relevance feedback method** Proposed construction: either (1) a method of generating and comparing vector-based representations of text information, or (2) a method of determining whether information is related based on	**relevance feedback method** Proposed construction: method that uses relevance assessments supplied by users to reformulate search queries in order to determine the similarity of two segments. This method compares text

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the degree of similarity is accomplished using a **relevance feedback method** Found in Claim Numbers: 28; 40; 71; 83	judgments made by users Intrinsic: 28:38-29:3. "In relevance feedback, a text representation of each segment to be compared (e.g., each audiovisual news story or text story) is represented as a vector, each component of the vector corresponding to a word, the value of each component being the number of occurrences of the word in the segment. (Two words are considered identical--i.e., are amalgamated for purposes of ascribing a magnitude to each component of the vector representing the textual content of a segment--if the words have the same stem; for example, "play", "played" and "player" are all considered to be the same word for purposes of forming the segment vector.) For each pair of segments, the normalized dot product of the vectors corresponding to the segments is calculated, yielding a number between 0 and 1. The degree of similarity between two segments is represented by the magnitude of the normalized dot product, 1 representing two segments with identical words and 0 representing two segments having no matching words. The use of relevance feedback to determine the similarity between two text segments is well-known, and is described in more detail in, for example, the textbook entitled Introduction to Modern Information Retrieval, by Gerard Salton, McGraw-Hill, New York, 1983, the pertinent disclosure of which is incorporated by reference herein. Relevance feedback is also described in detail in "Improving Retrieval Performance by Relevance Feedback," Salton, G., Journal of the American Society for Information Science, vol. 41, no. 4, pp. 288-297, June 1990 as well as "The Effect of Adding Relevance Information in a Relevance Feedback Environment," Buckley, C. et. al., Proceedings of 17th International Conference on Research and Development in Information Retrieval, DIGIR 94, Springer-verlag	data representing segments to determine if the segments are similar. Intrinsic: 15:45-52 ("Moving from left to right in FIG. 2B, the control buttons 216 respectively cause the display to activate a dialog box that enables the user to perform a keyword search of the text of news stories acquired by the system of the invention, return to the beginning of the currently displayed story to begin displaying the story again, stop the display, start the display, and skip ahead to the next story in a predetermined sequence of stories.") 17:29-41 ("The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback. The use of relevance feedback to determine the similarity between two segments is discussed in more detail below with respect to the determination of the relatedness of primary and secondary information segments (see, in particular, section IV.B.2. below). The use of relevance feedback necessitates that sets of text data that represent the primary information segments be created (by, for example, using a conventional speech recognition method to create a transcript of the spoken portion of the audio data set) if such sets of text data do not already exist (e.g., a closed-caption transcript).") 28:36-29:1 ("The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback. In relevance feedback, a text representation of each segment to be compared (e.g., each audiovisual news story or text story) is represented as a vector, each component of the vector corresponding to a word, the value of each component being the number of

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
	(Germany), 1994, pp. 292-300, the disclosures of which are incorporated by reference herein." Extrinsic: Salton/McGill, Introduction to Modern Information Retrieval, pp. 123, 142, 238-39	occurrences of the word in the segment. (Two words are considered identical--i.e., are amalgamated for purposes of ascribing a magnitude to each component of the vector representing the textual content of a segment--if the words have the same stem; for example, 'play', 'played' and 'player' are all considered to be the same word for purposes of forming the segment vector.) For each pair of segments, the normalized dot product of the vectors corresponding to the segments is calculated, yielding a number between 0 and 1. The degree of similarity between two segments is represented by the magnitude of the normalized dot product, 1 representing two segments with identical words and 0 representing two segments having no matching words. The use of relevance feedback to determine the similarity between two text segments is well-known, and is described in more detail in, for example, the textbook entitled Introduction to Modern Information Retrieval, by Gerard Salton, McGraw-Hill, New York, 1983, the pertinent disclosure of which is incorporated by reference herein. Relevance feedback is also described in detail in 'Improving Retrieval Performance by Relevance Feedback,' Salton, G., Journal of the American Society for Information Science, vol. 41, no. 4, pp. 288-297, June 1990 as well as 'The Effect of Adding Relevance Information in a Relevance Feedback Environment,' Buckley, C. et. al., Proceedings of 17th International Conference on Research and Development in Information Retrieval, DIGIR 94, Springer-verlag (Germany), 1994, pp. 292-300, the disclosures of which are incorporated by reference herein.") 30:34-39 ("The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback. When relevance feedback is used, it is necessary to obtain a textual representation of audiovisual data, if appropriate (i.e., if one or both of the segments is

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		represented as audiovisual data) and not already existent."). Extrinsic: relevance feedback: (1) "The query reformulation process incorporated into the SMART retrieval system is known as 'relevance feedback' because relevance assessments supplied by the users for previously retrieved documents are returned to the system and used to construct new query vectors. The reformulated queries can then be compared with the stored documents in a new search operation. The aim is to construct new queries exhibiting a greater degree of similarity with the documents previously identified as relevant by the user than the original queries; at the same time, the new queries are expected to be less similar to the documents identified as nonrelevant by the user than the originals. The assumption is that the reformulated queries will retrieve more items resembling the relevant ones previously retrieved, and fewer items resembling the nonrelevant ones." (Salton, Introduction to Modern Information Retrieval (1983) at 123); (2) "Relevance feedback is a commonly accepted method of improving interactive retrieval effectiveness. [1, 2, 3] An initial search is made by the system with a user-supplied query, returning a small number of documents to the user. The user indicates which of the returned documents are useful (relevant). The system then automatically reformulates the original query based upon those user relevance judgements. The new 'feedback query' is then compared to the collection of documents, returning an improved set of documents to the user." (Buckley et al., The Effect of Adding Relevance

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		Information in a Relevance Feedback Environment, in DIGIR 94 (1994) at 1); (3) "Conventionally, the query formulation, or reformulation process is a manual, or rather an intellectual task. The relevance feedback process, introduced in the mid-1960s is a controlled, automatic process for query reformulation, that is easy to use and can prove unusually effective. The main idea consists in choosing important terms, or expressions, attached to certain previously retrieved documents that have been identified as relevant by the users, and of enhancing the importance of these terms in a new query formulation." (Salton et al., Improving Retrieval Performance by Relevance Feedback, in Journal for American Society for Information Science (1990) at 1). No Extrinsic.
8. identifying one or more of the previously categorized segments as **relevant to the uncategorized segment** Found in Claim Numbers: 39; 82	**relevant to the uncategorized segment** Proposed construction: No construction needed Intrinsic: Claims 39 and 82 "The related secondary information region 204 of the GUI 200 can display a predetermined number of relevant secondary information segments." 29:4-6. Claims 20, 27, 63, and 70; see also 4:57-5:24 (differentiating between relatedness and similarity of	**relevant to the uncategorized segment** Proposed construction: having the same or similar subject matter as the uncategorized segment Intrinsic: 30:40-46 ("In step 502, previously categorized segments that are relevant to the uncategorized segment are identified. Relevant segments can be identified based upon the degree of similarity in the same manner as that described above with respect to correlation of segments, e.g., segments having greater than a threshold level of

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
	subject matter content) "A threshold of relatedness (the expression of the threshold <u>depending upon the method used to determine relatedness</u>) is preferably specified . . ." 17:11-13 (emphasis added). 28:20-31 ("In step 402, the derived set of data (of the second type) is compared to the second set of data of the second type to determine the degree of similarity between the derived set of data and the second set of data. . . . In step 403, a determination is made as to whether the first set of data is relevant to the second set of data, based on the comparison of step 402. Typically, a threshold level of similarity . . . is specified so that only sets of information that are sufficiently related to each other are identified as related.") "The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback." 28:36-38; *see also* 28:38-29:3. Extrinsic: Webster's New World College Dictionary, 4th ed. at 1210 (defining "relevant" as "bearing upon or relating to the matter in hand") The American Heritage Dictionary, 4th ed, at 706 (defining "related" as "Connected; associated.") The American Heritage Dictionary, 4th ed, at 706 (defining "relevant" as "Having to do with the matter at hand.")	similarity can be designated as relevant.") 17:9-18 ("To enable display of thumbnails, primary information segments that are related to the primary information segment that is being displayed must be determined. A threshold of relatedness (the expression of the threshold depending upon the method used to determine relatedness) is preferably specified so that only segments that are sufficiently related to the displayed segment are displayed . . .") 17:26-31 ("Identification of the relatedness of primary information segments can be accomplished by determining the degree of similarity between the primary information segment being displayed and each other primary information segment. The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback.") 27:45-58 ("Thus, it is necessary to determine which of the segments of the secondary information are sufficiently related to the primary information segment displayed on the primary display device 102 to be displayed in the related secondary information region 204. This can be accomplished by determining the degree of similarity between each segment of the primary information (e.g., news story from an audiovisual news program) and each segment of the secondary information (e.g., text story from a text news source), . . .") 28:20-31 ("In step 402, the derived set of data (of the second type) is compared to the second set of data of the second type to determine the degree of similarity between the derived set of data and the second set of data. . . . In step 403, a determination is made as to whether the first set of data is relevant to the second set of data, based on

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		the comparison of step 402. Typically, a threshold level of similarity . . . is specified so that only sets of information that are sufficiently related to each other are identified as related.") 28:36-29:3 ("The degree of similarity can be determined using any appropriate method, such as, for example, relevance feedback. In relevance feedback, a text representation of each segment to be compared . . . is represented as a vector, each component of the vector corresponding to a word, the value of each component being the number of occurrences of the word in the segment. . . .") No Extrinsic.
9. acquiring **audiovisual data** representing at least a portion of the body of information, wherein the first and second segments are represented by **audiovisual data** Found in Claim Numbers: 22; 24; 65; 67	**audiovisual data** Proposed construction: data that must include audio, video and/or image data, and may also include text data Intrinsic: 2:10, 6:36-37, 6:42, 12:58, 13:3. Portions of the specification discussing time-varying audiovisual information as a type of audiovisual information. 5:31-34. "Often the segments displayed by the first display mechanism are represented by audiovisual data (and, in particular, audiovisual data that can vary with time) . . . ." 5:36-39. "The segments displayed by the second display mechanism can be represented by audiovisual data (e.g., a	**audiovisual data** Proposed construction: data that must include audio and/or video data, and may also include text data Intrinsic: 9:55-56 ("'audiovisual data' refers to data that includes audio and/or video data, and may include text data") 2:7-16 ("Typically, the display device of these systems (e.g., conventional computer display monitor) does not provide a high quality display of time-varying audiovisual information (such as produced by a television, for example). On the other hand, display devices that do display such information well (e.g., televisions), typically do not provide a high quality display of text information

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
	single representative video image, or 'keyframe') . . . ." 9:55-56. "'[A]udiovisual data' refers to data that includes audio and/or video data, and may include text data." 9:51-53. "'[V]ideo data' refers to data used to generate a video display substantially including images other than text images . . . ." 16:67-17:3. "(As seen in FIG. 2B, the related primary information region 213 of the GUI 210 includes three single video images that each represent a news story from a news program.") 18:62-64. "For example, the secondary information displays 204a, 204b could be single video images, moving video images or sets of text." No Extrinsic.	(such as produced by a computer display monitor). A system that can provide a high quality display of both types of information is needed.) 3:8-14 ("For example, as a news browser, the invention can be used to review news stories acquired during one day from several television news programs (e.g., CNN Headline News, NBC Nightly News), as well as from text news sources (e.g., news wire services, traditional print media such as newspapers and magazines, and online news services such as Clarinet.TM.).") 6:41-46 ("The first display device is particularly adapted for generation of a display from time-varying audiovisual data, while the second display device is particularly adapted for generation of a display from text data. The first display device can be, for example, an analog display device such as a television.") 10:61-63 ("Illustratively, the primary information can be videotape (or other audiovisual data representation) of an audiovisual news program or programs . . . .") 12:67-13:4 ("Thus, where the primary information is audiovisual information, the primary display device 102 is preferably a device that enables high quality audio and video images (in particular, time-varying audio and video images) to be produced, such as a television.") 13:10-11 ("Herein, a 'computer display monitor' can display not only video, but also audio.") 5:31-36 ("Often, the segments displayed by the first display mechanism are represented by audiovisual data (and in particular, audiovisual data that can be used to

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		generate an audiovisual display that can vary with time), such as, for example, data produced from television or radio broadcast signals."). 5:36-39. "The segments displayed by the second display mechanism can be represented by audiovisual data (e.g., a single representative video image, or 'keyframe') . . . ." 12:67-13:6 ("Thus, where the primary information is audiovisual information, the primary display device 102 is preferably a device that enables high quality audio and video images (in particular, time-varying audio and video images) to be produced, such as a television. However, while a television is good for displaying audiovisual information, the television doesn't do as good a job with the display of text . . . ."). Extrinsic: audiovisual: "of or relating to both hearing and sight" (Merriam-Webster's Collegiate Dictionary (1993)).
10. Claim as a whole Found in Claim Numbers: 20-24; 27-28; 31; 34; 37; 63-67; 70; 71; 74; 77; 80	Contrary to the Local Patent Rules and the Court's Standing Order for Patent Cases, Defendants' "proposed construction" is not a construction of a "disputed claim term, phrase, or clause." *See* Patent Local Rule 132 (Joint Claim Chart must include "[e]ach party's proposed construction of each disputed claim term, phrase, or clause"); Standing Order for Patent Cases (Joint Claim chart must include "each party's proposed construction of disputed terms"). Instead, Defendants' simply seek to import limitations into the claims without identifying any particular basis in the claim language. *See Allen Eng'g*	Claims as a whole The claim encompasses acquiring pure, unaugmented video information having no segment markers, and identifying and comparing different segments thereof, and displaying related segments thereof without simultaneously displaying an unrelated segment. Before determining whether a patent specification "enables the full scope" of a patent claim, a court must construe that full scope of the claim as a whole. *E.g.*,

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
	Corp. v. Bartell Indus., 299 F.3d 1336, 1344 (Fed. Cir. 2002) ("The words of the claims themselves define the scope of the invention . . . ."). Moreover, proposed constructions for many of the terms and phrases that are part of the "claims as a whole" are separately provided herein.	*Sitrick v. Dreamworks, LLC*, 516 F.3d 993, 999–1002 (Fed. Cir. 2008) (affirming finding of invalidity because claims were "construed . . . to include both video games and movies," but the specification enabled the claimed "invention" only for video games); *see generally Power Mosfet Technologies, L.L.C. v. Siemens AG*, 378 F.3d 1396, 1404 (Fed. Cir. 2004) ("The terms in the Special Master Report were construed in isolation, and at no other time did the district court or the Special Master construe the claims as a whole."); id. at 1410 (This "limited construction left substantial ambiguity as to the meaning of the claims as a whole…."); id. at 1412 ("[A] construction of the claims as a whole would have been beneficial to the litigants."). Intrinsic: Title: ("Browser for use in navigating a body of information, with particular application to browsing information represented by audiovisual data") Abstract: ("The invention facilitates and enhances review of a body of information (that can be represented by a set of audio data, video data, text data or some combination of the three), enabling the body of information to be quickly reviewed to obtain an overview of the content of the body of information and allowing flexibility in the manner in which the body of information is reviewed. In a particular application of the invention, the content of audiovisual news programs is acquired from a first set of one or more information sources (e.g., television news programs) and text news stories are acquired from a second set of one or more information sources (e.g., on-line news services or news wire services). In such a particular application, the invention can enable the user to access the news stories of audiovisual news programs in a

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		random manner so that the user can move quickly among news stories or news programs.") 1:26-31: ("Too, there is a much larger universe of information from which the desired information must be extracted. Trying to get just an overview of a large body of information can be overwhelming, and attempting to find specific material within the body of information can be like searching for a needle in a haystack.") Related Art at 1:37-55: ("In particular, there is a need for systems and methods of organizing, categorizing and relating the various segments of a large body of information to facilitate the access and review of the body of information. For example, while some previous systems for enabling observation of a large body of information enable identification of one or more segments of information that are related to a specified segment of information, these systems do not automatically display such related segments of information. Moreover, the previous systems either require that related segments have previously been determined or, at least, that the segments have been categorized according to subject matter content so that whether two segments are related can readily be determined. Further, previous systems have not enabled determination of relatedness between segments of information represented by different types of data, e.g., such systems cannot determine whether a segment represented by audiovisual data is related to a segment represented by text data.") 1:61-65: ("It would also be desirable for such systems and methods to be adapted for use with bodies of information represented by different types of data (i.e., audio data, video data, text data or some combination of

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		the three).") 2:60 – 3:4: ("The invention enables a body of information to be displayed by electronic devices (e.g., a television, a computer display monitor) in a manner that allows the body of information to be reviewed quickly and in a flexible manner. Typically, the body of information will be represented by a set of audio data, video data, text data or some combination of the three. In a particular embodiment, the invention enables generation of an audiovisual display of one or more segments of information, as well as a display (a text display, an audio display, a video display, or an audiovisual display), for each of the segments, of one or more related segments of information.") 3:34-43: ("The invention also enables automatic identification of information that is related to information that is being displayed, so that the related information can be observed, thereby enabling information about a particular subject to be examined in depth. In particular, the invention enables such identification of related segments to be made between segments of different types (e.g., a segment represented by audiovisual data can be compared to a segment represented by text data to enable a determination of whether the segments are related).") 3:60-63: ("Additionally, the invention enables automatic categorization of uncategorized segments of the body of information based upon comparison to other segments of the body of information that have been categorized.") 4:30-42: ("The invention also enables real-time acquisition and review of some or all of the body of information. The invention enables on-the-fly analysis of data as the data is acquired, so that the data can be

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		organized, categorized and related to other data. The invention also enables the realtime display of some or all of a body of information while also displaying related information in response to the real-time display. For example, in a news browser according to the invention, television news programs can be acquired and displayed as they occur. Related news stories, either from previously acquired television news programs or text news sources can be displayed as each television news story is displayed in real time.") 5:17-24: ("The system can further include a mechanism for identifying the subject matter content of a segment of the body of information, so that the mechanism for comparing can determine the similarity of the subject matter content of a segment to the subject matter content of a different segment (using, for example, relevance feedback) and use that result to determine the relatedness of the compared segments.") 9:47-60: ("The body of information can be represented by one or more sets of audio data, one or more sets of video data, one or more sets of text data or some combination of the three. Herein, "audio data" refers to data used to generate an audio display, "video data" refers to data used to generate a video display substantially including images other than text images, "text data" refers to data used to generate a video (or audio, though typically video) display of text images, and "audiovisual data" refers to data that includes audio and/or video data, and may include text data. In a particular embodiment, the invention enables the acquisition and review of one or more sets of information represented by audiovisual data, as well as related sets of information represented by text data." 20:6-15: ("Or, the system controller 103 can acquire

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		computer-readable data files (that can include text data, audio data, video data or some combination of two or more of those types of data), using conventional communications hardware and techniques, over a computer network (e.g., a public network such as the Internet or a proprietary network such as America Online.TM., CompuServe.TM. or Prodigy.TM.) from an information providing site that is part of that network.") 24:66 – 25:40: ("Video data can be partitioned, for example, by searching for scene breaks, a method similar to the pause recognition method for partitioning audio data discussed immediately above. One method of accomplishing this is described in detail in the above-mentioned U.S. patent application entitled "A Method of Compressing a Plurality of Video Images for Efficiently Storing, Displaying and Searching the Plurality of Video Images," by Subutai Ahmad. In that method, the content of each video frame is represented by a vector, as described above. The vector for each video frame is compared to the vector of the immediately previous video frame and the immediately subsequent video frame, i.e., vectors of adjacent video frames are compared. In one approach, a break is identified each time the difference between the vectors of adjacent video frames is greater than a predetermined threshold. In another approach, a predetermined number of partitions is specified and the video frames are partitioned to produce that number of partitions (the partitioning can be accomplished by considering each video frame to be initially partitioned from all other video frames and recursively eliminating the partition between partitioned video frames having the least difference, or considering none of the video frames to be partitioned and recursively establishing partitions between unpartitioned video frames having the greatest

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		difference). Other approaches to scene break identification could be used, as known by those skilled in the art of processing video images. Some other approaches to scene break identification are discussed in "Automatic Parsing of News Video," by HongJiang Zhang, Gong Yihong, Stephen W. Smoliar, and Tan Ching Yong, IEEE Conference on Multimedia Computing and Systems, Boston, May 1994, the disclosure of which is incorporated by reference herein. For example, scene breaks could be identified based upon the magnitude of the overall changes in color of the pixels of adjacent video frames (a color change having a magnitude above a specified threshold is identified as a scene break). Or, scene breaks could be identified based upon the magnitude of the compression ratio for a particular set of adjacent video frames (a relatively small amount of compression indicates a relatively large change between video frames and, likely, a change in scenes, i.e., a scene break).") 25:41 – 26:2: ("The above-described methods for partitioning audio or video data directly may not, by themselves, enable identification of segment breaks to be accomplished easily or at all. For example, without augmentation, pause recognition or scene break identification typically are not implemented in a manner that enables distinguishing between segment breaks and other breaks. Voice recognition may not, alone, be a reliable indicator of segment breaks, since switches in speaker often occur for reasons unrelated to a segment break. Word recognition, too, may be erratic in determining segment breaks; it also requires obtaining a text transcript of the audio. Music recognition works well only with a limited number of information sources, i.e., information sources that use well-defined musical

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
		transitions. It may be possible to include markers (similar to those discussed above with respect to closed caption text data) in either audio or video data that directly identify segment or other breaks within the audio or video data. The invention contemplates use of such markers to segment audio and/or video data. If a set of audiovisual data also includes text data (e.g., a closed caption transcript of the spoken audio), it is possible to partition the audiovisual data by partitioning the text data, then using the partitioned text data to partition the audio data and video data in a corresponding manner. Even if the audiovisual data does not initially include text data, the text data can be produced using a speech recognition method. The text data can be partitioned using any appropriate method, as described above. ")28:5-10: ("FIG. 4 is a flow chart of a method 400, in accordance with this aspect of the invention, for determining whether a first set of information represented by a first set of data of a first type (e.g., audiovisual data) is relevant to a second set of information represented by a second set of data of a second type (e.g., text data).") No Extrinsic.
11. Claims as a whole Found in Claim Numbers: 20-24; 27-28; 31; 34; 37; 39; 40; 43; 82; 83; 86.	The determination of whether a claim recites patentable subject matter is a matter of statutory interpretation that is not properly resolved as part of the *Markman* briefing process. *See In re Bilski*, 545 F.3d 943, 951 (Fed. Cir. 2008) (en banc). Defendants' "proposed construction"—which is not a claim construction at all—does not comply with Patent Local Rule 132 (Joint Claim Chart must include "[e]ach party's proposed construction of each disputed	Claims as a whole The claim is directed to and preempts an abstract idea (algorithm) and does not mandate any particular machine or mandate any particular transformation of any particular article. "[C]laim construction . . . is an important first step in a §

Claim Language (Disputed Terms in Bold)	**Plaintiff's Proposed Construction and Evidence in Support**[1]	**Defendant's Proposed Construction and Evidence in Support**[2]
	claim term, phrase, or clause") or the Court's Standing Order for Patent Cases (Joint Claim chart must include "each party's proposed construction of disputed terms"). Moreover, proposed constructions for many of the terms and phrases that are part of the "claims as a whole" are separately provided herein.	101 analysis" to determine whether "the claim as a whole" is directed to patent-eligible subject matter. *In re Bilski*, 545 F.3d 943, 951, 959 (Fed. Cir. 2008) (en banc), *aff'd sub nom, Bilski v. Kappos*, 130 S. Ct. 3218 (2010); *see generally Power Mosfet Technologies, L.L.C. v. Siemens AG*, 378 F.3d 1396, 1404 (Fed. Cir. 2004) ("The terms in the Special Master Report were construed in isolation, and at no other time did the district court or the Special Master construe the claims as a whole."); id. at 1410 (This "limited construction left substantial ambiguity as to the meaning of the claims as a whole…."); id. at 1412 ("[A] construction of the claims as a whole would have been beneficial to the litigants."). No Intrinsic. No Extrinsic.