

# EXHIBIT I

# EXHIBIT 1



1 this order addresses the claim construction of both patents. The  
2 court previously construed terms in a related case, Data Retrieval  
3 Technology LLC v Sybase Inc & Informatica Corporation, Doc #146 in  
4 08-5481 VRW (Nov 8, 2010) ("DRT I"), focusing on related United  
5 States Patent Nos 6,026,392 ("392 Patent") and 6,631,382 ("382  
6 Patent").

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9 Claim construction is an issue of law and it begins "with  
10 the words of the claim." Nystrom v TREX Co, Inc, 424 F3d 1136,  
11 1142 (Fed Cir 2005). Claim terms are "generally given their  
12 ordinary and customary meaning" unless the patent specification or  
13 file history contains a clearly stated "special definition."  
14 Vitronics Corp v Conceptronic, Inc, 90 F3d 1576, 1582 (Fed Cir  
15 1996). The scope of the claim is determined by the claim language.  
16 Crystal Semiconductor Corp v TriTech Microelectronics International  
17 Inc, 246 F3d 1336, 1347 (Fed Cir 2001).

18 "[T]he ordinary and customary meaning of a claim term is  
19 the meaning that the term would have to a person of ordinary skill  
20 in the art in question at the time of the invention." Phillips v  
21 AWH Corp, 415 F3d 1303, 1313 (Fed Cir 2005). Such a person  
22 understands the claim term by "looking at the ordinary meaning in  
23 the context of the written description and the prosecution  
24 history." Medrad, Inc v MRI Devices Corp, 401 F3d 1313, 1319 (Fed  
25 Cir 2005). References to "preferred embodiments" in the written  
26 description and prosecution history are not claim limitations.  
27 Laitram Corp v Cambridge Wire Cloth Co, 863 F2d 855, 865 (Fed Cir  
28 1988).



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