EXHIBIT I

EXHIBIT 1

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

DATA RETRIEVAL TECHNOLOGY, LLC, **No C 09-5360 VRW**

Plaintiff, **ORDER**

v

SYBASE, INC and INFORMATICA CORPORATION,

Defendants.

_____/

The court held a hearing in the above-captioned case ("DRT II") on January 19, 2011 to construe disputed terms in United States Patent Nos 5,802,511 ("'511 Patent") and 6,625,617 ("'617 Patent"). Both patents describe computer-implemented methods for retrieving information stored in databases without the need for human analysis of the source data. Data Retrieval Technology LLC ("DRT") alleges that Sybase Incorporated ("Sybase") and Informatica Corporation ("Informatica") infringe both patents, Doc #13, and

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

I

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

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

It is appropriate "for a court to consult trustworthy extrinsic evidence to ensure that the claim construction it is tending to from the patent file is not inconsistent with clearly expressed, plainly apposite and widely held understandings in the pertinent technical field." Pitney Bowes, Inc v Hewlett-Packard Co, 182 F3d 1298, 1309 (Fed Cir 1999). Extrinsic evidence "consists of all evidence external to the patent and prosecution history, including expert and inventor testimony, dictionaries, and learned treatises." Phillips, 415 F3d at 1317. All extrinsic evidence should be evaluated in light of the intrinsic evidence. Id at 1319.

With these principles in mind, the court now turns to the construction of the disputed claim language of the '511 and '617 Patents.

II

Timeline, Inc is the original owner of the '511 and '617 Patents as well as the patents at issue in DRT I. The parties refer to the patents collectively as the "Timeline Patents" and agree the patents are "closely related." Doc #50 at 5,7; Doc #54 at 6. Many of the terms disputed in this case were previously construed in the Western District of Washington, Timeline Inc v Proclarity Corp, 2:05-1013 JLR (WD Wash June 29, 2006 & Jan 31, 2007).

The '511 Patent "relates to a system which achieves access to stored information, e g, for accessing information or for achieving coordination and/or combination of information in two different information storage systems." '511 Patent at 2:66-3:2.

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