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May 7, 2012

Mr. R. Bradford Fawley, Esq.
Downs Rachlin Martin, PLLC
28 Vernon Street
Brattleboro, VT 05301

Re: MMI's Proposed Claim Constructions and Identifications of Intrinsic Evidence

Dear Mr. Fawley:

Pursuant to the Court's March 5, 2012 Markman Discovery and Briefing Schedule and Order (D.E.. 24), Defendant Motorola Mobility, Inc. ("MMI") hereby serves its Proposed Claim Constructions and Identifications of Intrinsic Evidence.

The chart attached as Exhibit A includes MMI's proposed claim constructions for certain elements and phrases of the asserted claims of the patent-in-suit and intrinsic evidence for these constructions. These proposed constructions are not an admission of the validity or definiteness of any claim or term, and MMI expressly reserves the right to assert that any claim or term is invalid for indefiniteness or other reasons.

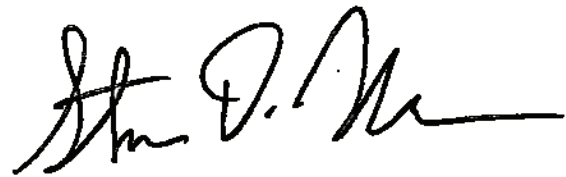
Discovery in this matter is not yet complete. MMI reserves the right to modify its proposed claim constructions as well as to add or delete terms, phrases, or clauses based on, without limitation, the constructions served or proposed by Arnouse, information learned in the course of meeting and conferring with Arnouse's counsel, information learned through the course of discovery or other means, and any further changes or amendments to the parties' infringement or invalidity contentions. MMI also reserves the right to supplement its proposed claim constructions with intrinsic evidence, extrinsic evidence, or expert testimony, including in rebuttal to Arnouse's proposed or subsequent claim constructions. In addition, MMI expressly reserves the right to supplement or modify its proposed claim constructions as needed with respect to summary judgment proceedings or trial.

As set forth more specifically in Exhibit A, MMI may rely on one or more of the following to support these and other proposed claim constructions: the claims, specification, and prosecution histories of the asserted patent and related patent applications; other patents;

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dictionary definitions; definitions from learned treatises; inventor; expert; and other testimony; and documents and pleadings produced by Arnouse or third parties. Furthermore, MMI's identifications of intrinsic evidence listed in Exhibit A are exemplary, and should not be viewed as a limitation of the evidence upon which MMI will rely.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Moore". The signature is fluid and cursive, with a long horizontal stroke at the end.

Steve Moore

Exhibit A – Defendant’s Proposed Constructions

Defendant’s Proposed Term	Defendant’s Proposed Construction	Intrinsic Evidence
<p>Claim 1: Preamble of claim 1 is limiting</p>	<p>Preamble of claim 1 is limiting</p>	<p>Office Action mailed January 13, 2009.</p> <p>Response to Office Action mailed January 13, 2009, p. 3.</p> <p>The preamble is limiting, at least because it was added during prosecution to overcome a prior art rejection. <i>See In re Cruciferous Sprout Litigation</i>, 301 F.3d 1343 (Fed. Cir. 2002); <i>Catalina Mktg. Int’l v. Coolsavings.com, Inc.</i>, 289 F.3d 802, 808 (Fed. Cir. 2002); <i>Briston-Myers Squibb Co. v. Ben Venue Labs, Inc.</i>, 246 F.3d 1368, 1375 (Fed. Cir. 2001).</p>
<p>Claim 1: A reader configured to interact with <u>a portable computer without input and output means for interacting directly therewith</u>, the reader comprising:</p>	<p>A device that needs a reader for the user to interact with the device.</p>	<p>Office Action mailed January 13, 2009.</p> <p>Response to Office Action mailed January 13, 2009, pg. 9.</p> <p>‘484 patent, Abstract</p> <p>‘484 patent, col. 3, ll. 14-16</p> <p>‘484 patent, col. 3, ll. 54-62.</p> <p>‘484 patent, col. 4, ll. 44-48.</p> <p>‘484 patent, col. 6, ll. 4-21.</p> <p>‘484 patent, col. 6, ll. 22-31.</p> <p>‘484 patent, col. 6, ll. 52-58.</p> <p>‘484 patent, col. 7, ll. 33-35.</p> <p>‘484 patent, col. 7, ll. 37-38.</p> <p>‘484 patent, col. 7, ll. 45-57.</p> <p>‘484 patent, col. 9, ll. 11-21.</p> <p>‘484 patent, claim 3.</p> <p>‘484 patent, claim 19.</p>
<p>Claim 1: A reader configured to interact with a</p>	<p>Anything that allows the portable computer to receive information from or provide</p>	<p>Office Action mailed January 13, 2009.</p> <p>Response to Office Action mailed January 13, 2009, pg. 9.</p>

Defendant's Proposed Term	Defendant's Proposed Construction	Intrinsic Evidence
portable computer without <u>input and output means</u> for interacting directly therewith, the reader comprising	information to a user, including but not limited to, a keyboard, keypad, buttons, display, touch screen, speaker, webcam, microphone, or headphone jack.	'484 patent, Abstract '484 patent, col. 3, ll. 14-16 '484 patent, col. 3, ll. 54-62. '484 patent, col. 4, ll. 44-48. '484 patent, col. 6, ll. 4-21. '484 patent, col. 6, ll. 22-31. '484 patent, col. 6, ll. 52-58. '484 patent, col. 7, ll. 33-35. '484 patent, col. 7, ll. 37-38. '484 patent, col. 7, ll. 45-57. '484 patent, col. 9, ll. 11-21. '484 patent, claim 3. '484 patent, claim 19.
<p>Claim 1: wherein the readers are configured so that they will not operate with a computer other than <u>a portable computer of the system</u></p> <p>Claim 15: wherein the readers are configured so that they will not operate with a computer other than <u>a portable computer of the system</u></p>	The reader is configured to operate only with a portable computer that does not have input and output means.	Third Revised Accelerated Examination Support Document, pg. 6. '484 patent, col. 1, ll. 40-44. '484 patent, col. 6, ll. 16-21. '484 patent, col. 6, ll. 38-42. '484 patent, col. 6, ll. 46-50. '484 patent, col. 8, ll. 7-8.
Claim 15:	The device does not have	

Defendant's Proposed Term	Defendant's Proposed Construction	Intrinsic Evidence
<p>wherein the portable computer <u>excludes means for a user to interact directly with the portable computer</u></p>	<p>anything that can provide information to or receive information from a user.</p>	<p>Office Action mailed January 13, 2009.</p> <p>Response to Office Action mailed January 13, 2009, pg. 9.</p> <p>'484 patent, Abstract</p> <p>'484 patent, col. 3, ll. 14-16</p> <p>'484 patent, col. 3, ll. 54-62.</p> <p>'484 patent, col. 6, ll. 4-21.</p> <p>'484 patent, col. 6, ll. 22-31.</p> <p>'484 patent, col. 6, ll. 52-58.</p> <p>'484 patent, col. 7, ll. 33-35.</p> <p>'484 patent, col. 7, ll. 37-38.</p> <p>'484 patent, col. 7, ll. 45-57.</p> <p>'484 patent, col. 9, ll. 11-21.</p> <p>'484 patent, claim 3.</p> <p>'484 patent, claim 19.</p>
<p>Claim 15: wherein the reader and portable computer are configured to <u>become a fully functioning computer</u> when connected,</p>	<p>When connected, the reader and portable computer together have a memory, an input device, an output device, and a processor. When not connected, neither the reader nor the portable computer on its own has all of those components.</p>	<p>'484 patent, Abstract</p> <p>'484 patent, col. 1, ll. 64-67.</p> <p>'484 patent, col. 3, ll. 54-65.</p> <p>'484 patent, col. 6, ll. 4-21.</p> <p>'484 patent, col. 6, ll. 22-31.</p> <p>'484 patent, col. 7, ll. 17-24.</p> <p>'484 patent, col. 7, ll. 33-50.</p> <p>'484 patent, col. 9, ll. 11-21.</p> <p>'484 patent, col. 9, ll. 43-45.</p> <p>'484 patent, col. 11, ll. 60-66.</p> <p>'484 patent, claim 3.</p>