



	particular group and (2) receive group messages addressed to that particular group.
“list of message groups”	No construction necessary.
“payload portion”	The part of a message that contains data item(s) conveying information.
“portion for identifying said first message group”	Any part of a message, sent by a host computer to a group messaging server, that identifies the message group of a receiving host computer.
“portion that is used to identify said message group”	Any part of a message, sent by a host computer to a group messaging server, that identifies the message group of a receiving host computer.
“creating . . . said first message group by sending a first control message”	A host computer sends a control message that creates a message group with at least one host computer as a member.
“create message”	A message creating a message group.
“joining . . . said first message group by sending control messages”	The method by which host computers become members of a particular message group by sending control messages.
“join message”	A message causing a host to become a member of a message group.
“session layer protocol”	A protocol for a layer in the OSI reference model on top of the transport layer protocol.
“shared, interactive application”	Software operating on multiple host computers that provides for sufficient interaction to allow users of the hosts to share an application or experience.
“suppressing”	To prevent from reaching.

#### **LPR 4-3(b) Proposed Constructions for Terms in Dispute**

See Exhibit A for a chart showing the parties’ proposed constructions with intrinsic and extrinsic evidence supporting such constructions.

#### **LPR 4-3(c) Anticipated Length of Time for Claim Construction Hearing**

The parties agree that 90 minutes per side will be sufficient time to present their case. Thus, the parties anticipate the claim construction hearing will last no more than 3 hours.

**LPR 4-3(d) Anticipated Witnesses at the Claim Construction Hearing**

Neither party currently expects to call any witnesses at the claim construction hearing.

**LPR 4-3(e) Other Issues to Be Addressed at Claim Construction Prehearing Conference**

The parties are not aware of any other issues at this time that might be appropriately addressed at a prehearing conference prior to the Claim Construction Hearing.

PalTalk objects to Defendants' citation of extrinsic evidence in this PR 4-3 statement because Defendants cited no extrinsic evidence in their PR 4-2 Preliminary Claim Constructions and Extrinsic Evidence. Defendants disagree with PalTalk's objection. Defendants were not aware that they may wish to rely on these materials until after they received PalTalk's preliminary claim constructions, which were inconsistent with PalTalk's prior arguments to this Court and the resulting Claim construction Orders. PalTalk was surely aware of these materials and will suffer no prejudice in addressing its own prior contentions in its opening brief, which is not due for nearly three weeks. Further, Defendants' citations to PalTalk's prior claim construction briefing and this Court's prior Claim Construction Orders are not the type of extrinsic evidence contemplated under PR 4-2(b), and Defendants include such citations only out of an abundance of caution.

DATED: October 25, 2010

By: /s/ Max Tribble (by permission D. Wilson)  
Max L. Tribble, Jr.  
Texas State Bar No. 20213950  
Southern District of Texas Bar No. 10429

Email: [mtribble@susmangodfrey.com](mailto:mtribble@susmangodfrey.com)  
SUSMAN GODFREY L.L.P.  
1000 Louisiana Street, Suite 5100  
Houston, Texas 77002-5096  
T: (713) 651-9366

F: (713) 654-6666

Brooke A.M. Taylor  
WA State Bar No. 33190  
Email: btaylor@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1201 Third Avenue, Suite 3800  
Seattle, WA 98101-3000  
T: (206) 516-3880  
F: (206) 516-3883

Kalpana Srinivasan  
CA State Bar No. 237460  
Email: ksrinivasan@susmangodfrey.com  
SUSMAN GODFREY L.L.P.  
1901 Avenue of the Stars, Suite 950  
Los Angeles, CA 90067-6029  
T: (310) 789-3126  
F: (310) 789-3150

Michael F. Heim  
Texas State Bar No. 09380923  
Southern District of Texas Bar No.: 8790  
Email: mheim@hpcllp.com  
HEIM, PAYNE & CHORUSH, L.L.P.  
600 Travis Street, Suite 6710  
Houston, Texas 77002-2912  
T: (713) 221-2000  
F: (713) 221-2021

Douglas R. Wilson  
Texas State Bar No. 24037719  
Southern District of Texas Bar No.: 16995  
Email: dwilson@hpcllp.com  
HEIM, PAYNE & CHORUSH, LLP  
9442 Capital of Texas Hwy North  
Plaza 1, Suite 500-146  
Austin, TX 78759  
T: (512) 343-3622

S. Calvin Capshaw  
State Bar No. 03783900  
Email: ccapshaw@capshawlaw.com  
Elizabeth L. DeRieux  
State Bar No. 05770585  
Email: ederieux@capshawlaw.com

D. Jeffrey Rambin  
State Bar No. 00791478  
Email: jrambin@capshawlaw.com  
CAPSHAW DERIEUX, LLP  
1127 Judson Road, Suite 220  
P. O. Box 3999 (75606-3999)  
Longview, Texas 75601-5157  
T: (903) 236-9800  
F: (903) 236-8787

T. John Ward, Jr.  
Email: jw@jwfirm.com  
LAW OFFICE OF T. JOHN WARD, JR. P.C.  
111 W. Tyler Street  
Longview, Texas 75601  
T: (903) 757-6400  
F: (903) 757-2323

Otis W. Carroll, Jr.  
State Bar No. 03895700  
Email: fedserv@icklaw.com  
IRELAND CARROLL & KELLEY, P.C.  
6101 S Broadway, Suite 500  
Tyler, TX 75703  
T: (903) 561-1600  
F: (903) 581-1071

Robert Christopher Bunt  
State Bar No. 00787165  
Email: rcbunt@pbatyler.com  
Robert M. Parker  
State Bar No. 15498000  
Email: rmparker@pbatyler.com  
PARKER, BUNT & AINSWORTH, P.C.  
100 East Ferguson, Ste. 1114  
Tyler, TX 75702  
T: (903) 531-3535  
F: (903) 533-9687

**Attorneys for Plaintiff PalTalk Holdings, Inc.**

By: /s/ Elliott Brown (by permission D. Wilson)  
Elliott Brown  
Morgan Chu

Ellisen S. Turner  
Irell & Manella LLP  
1800 Avenue of the Stars, Suite 900  
Los Angeles, CA 90067-4276

Samuel Baxter  
McKool Smith  
104 East Houston St., Suite 300  
Marshall, TX 75670  
**Attorneys for Activision Blizzard, Inc.,  
Activision Publishing, Inc., and Blizzard  
Entertainment, Inc.**

By: /s/ Jesse Jenner (by permission D.  
Wilson)

Jesse J. Jenner  
Gene W. Lee  
David S. Chun  
Brian P. Biddinger  
Ropes & Gray LLP  
1211 Avenue of the Americas  
New York, NY 10036-8704

Damon M. Young  
John M. Pickett  
Young Pickett  
4122 Texas Blvd.  
Texarkana, TX 75504-1897  
**Attorneys for NCSoft Corporation**

By: /s/ Timothy Meece (by permission  
D. Wilson)

Timothy C. Meece  
Audra Carol Eidem Heinze  
V. Bryan Medlock, Jr.  
Banner & Witcoff – Chicago

Ten South Wacker, Suite 3000  
Chicago, IL 60606

Ross A. Dannenberg  
Banner & Witcoff – DC  
1100 13th Street, NW  
Suite 1200  
Washington, DC 20005-4051

Allen F. Gardner  
Michael E. Jones  
Potter Minton PC  
110 N. College  
Suite 500  
Tyler, TX 75710-0359  
**Attorneys for Jagex Limited**

By: /s/ Franklin Kang (by permission D.  
Wilson)

Franklin D. Kang  
Jeff Myung  
Robert Steinberg  
Latham & Watkins LLP  
355 South Grand Avenue  
Suite 100  
Los Angeles, CA 90071-1560

Clyde Moody Siebman  
Siebman Reynolds Burg & Phillips LLP  
300 N. Travis St.  
Sherman, TX 75090-0070

**Attorneys for Sony Computer  
Entertainment America LLC, Sony  
Corporation, Sony Corporation of  
America, and Sony Online Entertainment  
LLC**

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.