

EXHIBIT A

PARTIES' PROPOSED CONSTRUCTIONS AND IDENTIFICATION OF EVIDENCE

	Term	Defendants' Proposed Construction and Evidence	IXI's Proposed Construction and Evidence
1	the ordering of method steps in claim 1	<p><u>Proposed Construction:</u> The following steps:</p> <p>“determining the level of complexity . . .” and</p> <p>“designating an application software”</p> <p>must be performed before the following steps:</p> <p>“wherein the high-level code is processed by a natural language compiler comprised of one or more modules executed on one or more independent computing systems, depending on the level of complexity . . .” and</p> <p>“wherein when the high-level code comprises a complex structure the parsing and determining steps are performed by application software executed on a network server . . .”</p> <p><u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '124 patent at Claim 1; 4:24-5:4; 6:13-8:7; Figs. 1, 3A, and 3B; 3/14/2007 Amendment at 3-7; 12/4/2007 Amendment at 2-4, 6-7.</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p>	<p><u>Proposed Construction:</u> No construction necessary</p> <p><u>Intrinsic Evidence:</u> '124 patent at Claim 1</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p>

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	Term	Defendants' Proposed Construction and Evidence	IXI's Proposed Construction and Evidence
2	“complex structure” / “less complex structure”	<p><u>Proposed Construction:</u> Indefinite</p> <p><u>Intrinsic Evidence:</u> <i>See, e.g.</i>, '124 patent at 2:14-25; 4:15-5:4.</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p>	<p><u>Proposed Construction:</u> No construction necessary</p> <p>Alternatively, “high-level code that cannot be processed solely by application software installed and executed on the mobile device to produce executable code” / “high-level code that can be processed by application software installed and executed on the mobile device to produce executable code”</p> <p><u>Intrinsic Evidence:</u> '124 patent at Claims 1 and 6; 4: 32-5: 4; 5:64-6:7; and any corresponding figures</p> <p>U.S. Patent No. 7,027,975 (cited during patent prosecution) [34: 31-58]</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p>
3	“high-level code”	<p><u>Proposed Construction:</u> Text formatted in a human-readable context, such as a natural language (e.g., English, French, Spanish, Japanese, etc.)</p> <p><u>Intrinsic Evidence:</u> <i>See, e.g.</i>, '124 patent at Title; 1:8-11; 1:42-51; 2:26-31; 4:15-23; 4:42-45; 5:31-36; 6:8-12; Claim 1; Claim 6; Figs. 1-2.</p>	<p><u>Proposed Construction:</u> No construction necessary.</p> <p>Alternatively, “naturally spoken or written text.”</p> <p><u>Intrinsic Evidence:</u> '124 Patent at (Claims 1 and 6; 4: 15-31; 6: 51-61; 8: 43-51; and any corresponding figures)</p>

	Term	Defendants' Proposed Construction and Evidence	IXI's Proposed Construction and Evidence
		<p><u>Extrinsic Evidence:</u> Expert Testimony</p> <p><i>Webster's New World Dictionary of Computer Terms</i>, 8th ed. (2000) definition of "High-level programming language"</p> <p><i>Newton's Telecom Dictionary</i>, 16th ed. (2000) definition of "High Level Languages"</p> <p><i>Random House Webster's College Dictionary</i> (1999) definition of "High level"</p> <p><i>Microsoft Computer Dictionary</i>, 4th ed. (1999) definition of "Code"</p> <p><i>Webster's New World Dictionary of Computer Terms</i>, 8th ed. (2000) definition of "Code"</p> <p><i>Webster's New World Dictionary of Computer Terms</i>, 8th ed. (2000) definition of "Source code"</p>	<p>U.S. Patent No. 7,027,975 (cited during patent prosecution) [1: 38-42]</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p>
4	the parsing and determining steps	<p><u>Proposed Construction:</u> Indefinite</p> <p>Alternatively: Refers to the "parsing the high-level code...", "determining at least one operation...", "determining whether high-level code..." and "determining level of complexity..." limitations.</p> <p><u>Intrinsic Evidence:</u> <i>See, e.g.</i>, '124 patent at 4:24-6:7; Claim 1; 3/14/2007 Amendment at 3-7; 12/4/2007 Amendment at 2-4, 6-7.</p>	<p><u>Proposed Construction:</u> No construction necessary</p> <p><u>Intrinsic Evidence:</u> '124 Patent at Claim 1; 5: 44-63; and any corresponding figures</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p>

	Term	Defendants' Proposed Construction and Evidence	IXI's Proposed Construction and Evidence
		<p><u>Extrinsic Evidence:</u> Expert Testimony</p>	
5	<p>“natural language compiler”</p>	<p><u>Proposed Construction:</u> “A program that processes natural language to produce executable code.”</p> <p><u>Intrinsic Evidence:</u> <i>See, e.g.,</i> '124 patent at 4:24-66; 5:31-43; 6:8-12.</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p> <p><i>Webster's New World Dictionary of Computer Terms</i>, 8th ed. (2000) definitions of “Source code” and “Compiler”</p> <p><i>Newton's Telecom Dictionary</i>, 16th ed. (2000) definition of “Compiler”</p>	<p><u>Proposed Construction:</u> No construction necessary.</p> <p>Alternatively, “software that processes high-level code.”</p> <p><u>Intrinsic Evidence:</u></p> <p>'124 patent at 4: 42-48; 8: 43-51; and any corresponding figures</p> <p>U.S. Patent No. 7,027,975 (cited during patent prosecution)[1: 38-42]</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p> <p>“compile” – “To translate all or part of a program expressed in a high-level language into a computer program expressed in an intermediate language, an assembly language, or a machine language.” IBM Dictionary of Computing (1994)</p> <p>“compiler” – “(1) A translator that can compile” IBM Dictionary of Computing (1994)</p> <p>“natural language” – “(1) A language whose rules are based on current usage without being specifically prescribed.”</p>

	Term	Defendants' Proposed Construction and Evidence	IXI's Proposed Construction and Evidence
			<p>IBM Dictionary of Computing (1994)</p> <p>“Natural language query” – “A query written in natural language (for example, plain English) seeking information from a database.” Newton’s Telecom Dictionary 20th ed. (2004)</p> <p>“Natural language (software)” – “A language whose rules are based on usage rather than being pre-established prior to the language’s use. Examples include German and English.” IEEE 100 The Authoritative Dictionary of IEEE Standards Terms, 7th ed. (2000)</p>
6	“microcontroller”	<p><u>Proposed Construction:</u> “a single chip that can execute programs without any additional resources; not a microprocessor or microcomputer”</p> <p><u>Intrinsic Evidence:</u> See, e.g., ’124 patent at 5:5-10; 7:33-38:</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p> <p>Ted Van Sickle, <i>Programming Microcontrollers in C</i> 91 (1994)</p> <p>John B. Peatman, <i>Design with Microcontrollers</i> xiii (1988)</p> <p>Martin Bates, <i>PIC Microcontrollers</i> Introduction (2nd ed.</p>	<p><u>Proposed Construction:</u> No construction necessary.</p> <p>Alternatively, “a chip that includes a processor.”</p> <p><u>Intrinsic Evidence</u> ’124 patent at Claims 1 and 6; 5:5-10; 7:33-38; 8: 43-51; and any corresponding figures</p> <p><u>Extrinsic Evidence:</u> Expert Testimony</p>

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