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Attorneys for Defendant
Microsoft Corporation

19 **IN THE UNITED STATES DISTRICT COURT**
20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
21 **OAKLAND DIVISION**

22 **HYPERMEDIA NAVIGATION LLC,**

23 Plaintiff,

24 v.

25 **MICROSOFT CORPORATION,**

26 Defendant.

Case No. 4:18-cv-00670-HSG

**JOINT CLAIM CONSTRUCTION AND
PREHEARING STATEMENT**

JURY TRIAL DEMANDED

Pursuant to Patent Local Rule 4-3, Plaintiff Hypermedia Navigation LLC (“Plaintiff”) and Defendant Microsoft Corporation (“Defendant”) hereby jointly submit this Joint Hearing Statement for U.S. Patent Nos. 7,383,323 (the “’323 Patent”), 7,383,324 (the “’324 Patent”), 7,424,523 (the “’523 Patent”), 7,478,144 (the “’144 Patent”), 7,769,830 (the “’830 Patent”), 8,250,173 (the “’173 Patent”), 9,083,672 (the “’672 Patent”), 8,259,170 (the “’170 Patent”), 7,216,155 (the “’155 Patent”), 9,772,814 (the “’814 Patent”), and 9,864,575 (the “’575 Patent”) (collectively, the “Patents-In-Suit”).

A. AGREED UPON CONSTRUCTIONS

The parties identify the following terms on which they agree:

Term	Patent/Claim	Agreed Construction
“the first media element”	‘173 claim 2	“the first video media element”
“the plurality of second video media”	‘173 claim 6	“the plurality of second video media elements”
“the plurality of video media elements”	‘173 claim 11	“the plurality of second video media elements”
“the plurality of video elements”	‘323 claim 28	“the plurality of video media elements”
“the plurality of video media elements”	‘830 claim 7 & 18	“the plurality of second video media elements”
“map area”	‘323 claims 10, 28 ‘324 claim 1 ‘144 claims 40, 44, 46, 49 ‘830 claim 1, 12, 15, 24 ‘170 claim 14, ‘173 claim 1, 15, 24 ‘672 claim 14, ‘814 claim 14 ‘575 claim 1, 10, 20	“a user interface or a part thereof displaying at least a portion of a linear path”

Hypermedia has agreed to withdraw the following asserted claim: ‘173 claim 20.

B. EACH PARTY’S PROPOSED CONSTRUCTION OF DISPUTED TERMS

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT (4-3)

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1 The parties' proposed construction are attached hereto as *Exhibit A*.

2
3 **C. IDENTIFICATION OF TERMS MOST SIGNIFICANT TO THE
RESOLUTION OF THE CASE**

4 The parties identify the following terms as the most significant to resolution of the case:

5 Plaintiff: "linear"

6 Defendant: "icon," "instructions for..."

7
8 **D. ANTICIPATED LENGTH OF TIME NECESSARY AND ORDER OF
PRESENTATION FOR THE CLAIM CONSTRUCTION HEARING**

9 The parties estimate that the Claim Construction Hearing will require three hours. If claim
10 construction in this matter is consolidated with claim construction in Hypermedia's litigation
11 against Facebook, then an additional hour will be required.

12
13 Absent contrary instruction from the Court, the parties agree that, for each claim term in
14 dispute, the party that originally proposed the claim term for construction will initially present its
15 contended construction and associated arguments. The other party may then subsequently respond
16 with its contended construction and associated arguments. For a claim term that has been proposed
17 by both parties, Plaintiff will initially present, followed by Defendant.

18
19 **E. PRESENTATION OF WITNESS TESTIMONY**

20 Neither party anticipates the presentation of any witnesses for purposes of claim
21 construction.

22
23 **F. IDENTIFICATION OF FACTUAL FINDINGS REQUESTED FROM THE
COURT RELATED TO CLAIM CONSTRUCTION**

24 None requested at this time.

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Dated: August 24, 2018

NI, WANG & MASSAND, PLLC

By: /s/ Hao Ni
Hao Ni

**Attorney for Plaintiff Hypermedia
Navigation LLC**

Dated: August 24, 2018

FISH & RICHARDSON

By: /s/ Jonathan Lamberson
Jonathan Lamberson

**Attorney for Defendant
Microsoft Corporation**

FILER'S ATTESTATION

Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Hao Ni, attest that concurrence in the filing of this document has been obtained.

Dated: August 24, 2018

/s/ Hao Ni
Hao Ni

CERTIFICATE OF SERVICE

I certify that all counsel of record is being served on August 24, 2018, with a copy of this document via the Court's CM/ECF system.

/s/ Hao Ni
Hao Ni

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