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15  
16 **IN THE UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
17 **OAKLAND DIVISION**

18 **HYPERMEDIA NAVIGATION LLC,**

19 Plaintiff,

20 v.

21 **FACEBOOK, INC.,**

22 Defendant.  
23  
24  
25  
26  
27  
28

Case No. 4:17-cv-05383-HSG

**JOINT CLAIM CONSTRUCTION AND  
PREHEARING STATEMENT**

**JURY TRIAL DEMANDED**

1 Pursuant to Patent Local Rule 4-3, Plaintiff Hypermedia Navigation LLC (“Plaintiff”) and  
2 Defendant Facebook, Inc. (“Defendant”) hereby jointly submit this Joint Hearing Statement for  
3 U.S. Patent Nos. U.S. Patent Nos. 7,383,323 (the “’323 Patent”), 7,383,324 (the “’324 Patent”),  
4 7,424,523 (the “’523 Patent”), 7,478,144 (the “’144 Patent”), 7,769,830 (the “’830 Patent”),  
5 8,250,173 (the “’173 Patent”), and 9,083,672 (the “’672 Patent”) (collectively, the “Patents-In-  
6 Suit”).  
7

8 **A. AGREED UPON CONSTRUCTIONS**

9 The parties identify the following terms on which they agree:

10 The term “the plurality of video media elements” in claim 18 of the ’830 patent should be  
11 construed as “the plurality of second video media elements.”  
12

13 **B. EACH PARTY’S PROPOSED CONSTRUCTION OF DISPUTED TERMS**

14 The parties’ proposed construction are attached hereto as *Exhibit A*.  
15  
16

17 **C. IDENTIFICATION OF TERMS MOST SIGNIFICANT TO THE  
18 RESOLUTION OF THE CASE**

19 The parties jointly identify the following terms as the most significant to resolution of the  
20 case: “map area,” “linear.”

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

23 The Parties estimate the hearing will require no more than two hours.

24 The parties agree that, for each claim term in dispute, the party that originally proposed the  
25 claim term will initially present its contended construction and associated arguments. The other  
26 party may then subsequently respond with its contended construction and associated arguments.  
27

1 For a claim term that has been proposed by both parties, Plaintiff will initially present, followed  
2 by Defendant.

3 **E. PRESENTATION OF WITNESS TESTIMONY**

4 The parties do not anticipate the presentation of any fact or expert witnesses for purposes  
5 of claim construction.  
6

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

8 None requested at this time.  
9

10 Dated: August 24, 2018

NI, WANG & MASSAND, PLLC

11 By: /s/ Hao Ni  
12 Hao Ni

13 **Attorney for Plaintiff Hypermedia  
14 Navigation LLC**

15 Dated: August 24, 2018

COOLEY LLP

16 By: /s/ Daniel J. Knauss  
17 Daniel J. Knauss

18 Attorney for Defendant  
19 Facebook, Inc.  
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**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

**EXHIBIT A – DISPUTED CONSTRUCTIONS**

Claim Term	Plaintiff’s Proposed Construction and Supporting Evidence	Defendant’s Proposed Construction and Supporting Evidence
“map area” <sup>1</sup>	<p><u>Proposed Construction</u></p> <p>“a user interface or a part thereof displaying at least a portion of a linear path”</p> <p><u>Intrinsic Evidence:</u> Figs. 4, 5, 6<sup>2</sup></p> <p>3:57-4:17; 4:56-5:14; 6:4-44.</p>	<p><u>Proposed Construction</u></p> <p>“a user interface or a part thereof displaying at least a portion of [a/the] linear program”</p> <p><u>Intrinsic Evidence</u></p> <p>’672, 4:25-51 and 5:23-47 and Fig. 4.<sup>3</sup></p> <p><u>Extrinsic Evidence</u></p> <p>Facebook may rely upon expert testimony from Sandeep Chatterjee responding to any evidence offered by Hypermedia.<sup>4</sup></p>
“linear” <sup>5</sup>	<p><u>Proposed Construction</u></p> <p>“no more than one exclusive forward link and one exclusive backward link”</p> <p><u>Intrinsic Evidence:</u> Figs. 2, 3, 4, 5, 6, 9, 10, 13</p>	<p><u>Proposed Construction</u></p> <p>“serially linked websites”</p> <p><u>Intrinsic Evidence</u></p> <p>’672, 3:4-16, 3:49-4:5, 4:37-41, 5:23-47, 5:48-65, 9:59-10:13, 9:59-10:13 Fig. 3; ’523, claims 6, 8, 9; ’814,</p>

<sup>1</sup> This term appears in the following asserted claims: ’323 claim 10; ’324 claim 1; ’144 claims 40, 44, and 46; ’830 claims 1, 12, 15, 24; ’173 claims 15, 24; ’672 claim 14; ’814 claim 14; ’575 claims 1, 10, 20.

<sup>2</sup> Hypermedia incorporate by reference the evidence cited by Facebook with respect to each term and reserves the right to rely upon on it. All of Hypermedia’s cites refer to the ’323 Patent

<sup>3</sup> Facebook incorporates by reference the evidence cited by Hypermedia with respect to each term and reserves the right to rely upon it. For convenience, Facebook may cite to the ’672 patent specification to represent the ’323, ’324, ’523, ’144, ’830, ’173, ’672, ’814, and ’575 patent specifications. Where Facebook cites to the ’672 patent, Facebook also thereby cites to the corresponding disclosures in the ’323, ’324, ’523, ’144, ’830, ’173, ’814, and ’575 patents.

<sup>4</sup> By previous agreement of the parties, disclosure of expert reports in support of claim construction (if any) will be disclosed at the same time and in connection with the parties’ claim construction briefing on the schedule set by the Court. The time period for claim construction expert discovery accordingly is set on the current schedule to run until November 2, 2018. (See Dkt. 42 at 2.)

<sup>5</sup> This term appears in the following asserted claims: ’523 claims 6, 9, 10, 11; ’672 claims 14, 17, 18, 19; ’814 claims 14, 17, 18, 20; ’575 claims 1, 2, 4, 6, 7, 10, 11, 12, 14, 16, 17, 20.

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