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|---|--|--|
| 7 8 9 10 11 12 13 14 15 | Hao Ni (pro hac vice) hni@nilawfirm.com NI, WANG & MASSAND, PLLC 8140 Walnut Hill Lane, Suite 500 Dallas, TX 75231 Telephone: (972) 331-4600 Facsimile: (972) 314-0900 Attorneys for Plaintiff Hypermedia Navigation LLC | Indranil Mukerji (MA SBN 644059) Mukerji@fr.com FISH & RICHARDSON P.C. 901-15th Street NW, Suite 700 Washington, D.C. 20005 Telephone: (202) 783-5070 Facsimile: (202) 783-2331 Ricardo Bonilla (TX SBN 24082704) rbonilla@fr.com FISH & RICHARDSON P.C. 1717 Main Street, Suite 5000 Dallas, TX 75201 Telephone: (214) 747-5070 Facsimile: (214) 747-2091 Attorneys for Defendant |
| 17 18 19 20 21 22 23 | IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA OAKLAND DIVISION HYPERMEDIA NAVIGATION LLC, Plaintiff, V. Case No. 4:18-cv-00670-HSG JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT | |
| 25 26 27 | MICROSOFT CORPORATION, Defendant. | JURY TRIAL DEMANDED |



JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT (4-3) 4:18-CV-00670-HSG - PAGE i

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")

Defendant Microsoft Corporation ("Defendant") hereby jointly submit this Joint Hearing

Pursuant to Patent Local Rule 4-3, Plaintiff Hypermedia Navigation LLC ("Plaintiff") and

AGREED UPON CONSTRUCTIONS A.

(collectively, the "Patents-In-Suit").

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) 4:18-CV-00670-HSG - PAGE 1



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

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C. IDENTIFICATION OF TERMS MOST SIGNIFICANT TO THE RESOLUTION OF THE CASE

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

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Plaintiff: "linear"

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

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D. ANTICIPATED LENGTH OF TIME NECESSARY AND ORDER OF

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PRESENTATION FOR THE CLAIM CONSTRUCTION HEARING

The parties estimate that the Claim Construction Hearing will require three hours. If claim

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construction in this matter is consolidated with claim construction in Hypermedia's litigation

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against Facebook, then an additional hour will be required.

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Absent contrary instruction from the Court, the parties agree that, for each claim term in

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dispute, the party that originally proposed the claim term for construction will initially present its

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contended construction and associated arguments. The other party may then subsequently respond

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with its contended construction and associated arguments. For a claim term that has been proposed

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by both parties, Plaintiff will initially present, followed by Defendant.

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E. PRESENTATION OF WITNESS TESTIMONY

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

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

None requested at this time.

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT (4-3) 4:18-CV-00670-HSG - PAGE 2



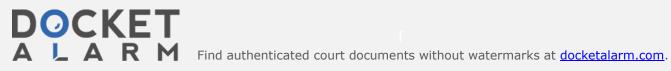
Dated: August 24, 2018 NI, WANG & MASSAND, PLLC By: /s/ Hao Ni_ Hao Ni Attorney for Plaintiff Hypermedia Navigation LLC FISH & RICHARDSON Dated: August 24, 2018 By: /s/ Jonathan Lamberson Jonathan Lamberson **Attorney for Defendant Microsoft Corporation**

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT (4-3) 4:18-CV-00670-HSG - PAGE 3



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| 1 | FILER'S ATTESTATION | | |
|----|---|--|--|
| 2 | Pursuant to Civil L.R. 5-1(i)(3), regarding signatures, I, Hao Ni, attest that concurrence in | | |
| 3 | | | |
| 4 | the filing of this document has been obtained. | | |
| 5 | Dated: August 24, 2018 /s/ Hao Ni | | |
| 6 | Hao Ni | | |
| 7 | | | |
| 8 | CERTIFICATE OF SERVICE | | |
| 9 | I certify that all counsel of record is being served on August 24, 2018, with a copy of this | | |
| 10 | document via the Court's CM/ECF system. | | |
| 11 | | | |
| 12 | <u>/s/ Hao Ni</u> Hao Ni | | |
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| 28 | JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT (4-3) | | |
| | 4:18-CV-00670-HSG - PAGE 4 | | |



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