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

19 **HYPERMEDIA NAVIGATION LLC,**

20 Plaintiff,

21 v.

22 **FACEBOOK, INC.,**

23 Defendant.  
24  
25  
26  
27  
28

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

**PLAINTIFF'S OPENING CLAIM  
CONSTRUCTION BRIEF**

**JURY TRIAL DEMANDED**

Date: November 14, 2018  
Time: 1:00 p.m. in Courtroom 2, 4<sup>th</sup> Floor  
Judge: Hon. Haywood S. Gilliam, Jr.

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1 Plaintiff Hypermedia Navigation LLC (“Plaintiff” or “Hypermedia”) submits this opening  
2 claim construction brief setting forth its proposed constructions of the disputed terms and phrases  
3 of the asserted claims of U.S. Patent Nos. U.S. Patent Nos. 7,383,323 (the “’323 Patent”),  
4 7,383,324 (the “’324 Patent”), 7,424,523 (the “’523 Patent”), 7,478,144 (the “’144 Patent”),  
5 7,769,830 (the “’830 Patent”), 8,250,173 (the “’173 Patent”), 9,083,672 (the “’672 Patent”),  
6 9,772,814 (the “’814 Patent”) and 9,864,575 (the “’575 Patent”) (collectively, the “Patents-in-  
7 Suit”) and refuting the proposed constructions set forth by Defendant Facebook, Inc. (“Defendant”  
8 or “Facebook”).  
9

## 10 I. INTRODUCTION

11 Plaintiff filed this lawsuit on September 18, 2017 against Defendant for infringement of  
12 the Patents-in-Suit<sup>1</sup>. Plaintiff and Defendant have agreed to the construction of the term “the  
13 plurality of video media elements,” but dispute the construction of three claim terms: 1.) “map  
14 area”; 2.) “linear”; and 3.) “search criteria.” Defendant’s proposed constructions for “map area”  
15 and “linear” read out embodiments and import extraneous limitations in a thinly veiled attempt to  
16 avoid infringement. Plaintiff also requests construction of “search criteria” to inform the jury of  
17 the particular usage in the Patents-in-Suit. Plaintiff explains in detail below why this Court should  
18 adopt its proposed constructions for the three disputed terms.  
19  
20

## 21 II. STATEMENT OF FACTS

### 22 A. Summary of the Patents-in-Suit

23 The Patents-in-Suit are all entitled “System and Method for Creating and Navigating a  
24 Linear Hypermedia Resource Program” and disclose solutions to one of the problems with early  
25  
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28 <sup>1</sup> The original Complaint included only 7 of the Patents-in-Suit, the Amended Complaint filed August 29, 2018 added 2 additional patents.

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