Preliminary Constructions:

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claims 1, 23, & 34			
"analyzing"/ "analyze" "a first image of the plurality of images **to detect attribute information** associated with a first item depicted in the first image, wherein the **attribute information comprises a plurality of categories**, including a color category"	Not means plus function

Not indefinite

Structure/Support: At least Figs. 1 and 2, their corresponding description in the specification, and equivalents. | These limitations are means plus function/step plus function elements pursuant to 35 U.S.C. § 112, ¶6.

The claim term is indefinite pursuant to 35 U.S.C. §112, ¶2, because there is no corresponding structure/act in the specification for carrying out the claimed function | Not subject to § 112, ¶ 6.

Not invalid under 35 U.S.C. § 112, ¶2.

Plain-and-ordinary meaning. |
| **"calculating"/ "calculate"** "a **measure of distinction** between the first item and a second item based on the plurality of categories, wherein the measure of distinction represents **an alignment of categories** between the first and second items" | Same as above | Same as above | Not subject to § 112, ¶ 6.

Not invalid under 35 U.S.C. § 112, ¶2.

Plain-and-ordinary meaning. |
| **"determining"/"determine"** "the second item to be **similar** to the first item if the measure of distinction satisfies a criterion | Same as above | Same as above | Not subject to § 112, ¶ 6.

Not invalid under 35 U.S.C. § 112, ¶2.

Plain-and-ordinary meaning. |

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claim 12			
means for analyzing a first image of the plurality of images to detect **attribute information** associated with a first item depicted in the first image, wherein the **attribute information comprises a plurality of categories**, including a color category	Function: for analyzing a first image of the plurality of images to detect attribute information associated with a first item depicted in the first image. Structure: At least Figs. 1 and 2, their corresponding description in the specification, and equivalents.	These limitations are means plus function/step plus function elements pursuant to 35 U.S.C. § 112, ¶6. The claim term is indefinite pursuant to 35 U.S.C. §112, ¶2, because there is no corresponding structure/act in the specification for carrying out the claimed function	**Function**: for analyzing a first image of the plurality of images to detect attribute information associated with a first item depicted in the first image. **Structure**: application 104 and the corresponding language in the specification and equivalents.
means for calculating a **measure of distinction** between the first item and a second item based on the plurality of categories, wherein the **measure of distinction represents an alignment of categories** between the first and second items	Function: for calculating a measure of distinction between the first item and a second item based on the plurality of categories Structure: At least Figs. 2 and 4, and their corresponding description in the specification, and equivalents.	MPF claim element. The claim term is indefinite pursuant to 35 U.S.C. §112, ¶2, because there is no corresponding structure/act in the claims or the specification for carrying out the claimed function. Also invalid if not interpreted pursuant to 35 U.S.C. §112, ¶6, pursuant to 35 USC §122, p2.	**Function**: for calculating a measure of distinction between the first item and a second item based on the plurality of categories **Structure**: application 104 and the corresponding language in the specification and equivalents.
means for determining the second item to be **similar** to the first item if the measure of distinction satisfies a criterion	Function: for determining the second item to be similar to the first item Structure: At least Fig. 2 and its corresponding description in the specification, and equivalents.	Indefinite pursuant to 35 U.S.C. §112, ¶2.	**Function**: for determining the second item to be similar to the first item **Structure**: application 104 and the corresponding language in the specification and equivalents.

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claim 13			
Wherein the attribute information is derived from a **sample** of a desired item	Plain and ordinary meaning	Invalid pursuant to 35 USC 112, ¶2 for lack of corresponding structure in the specification to carry out the claimed function.	Plain and ordinary meaning.

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claim 14			
Means for generating an image based on the sample	Function: for generating an image based on the sample Structure: At least Figs. 8 and 13 and their corresponding descriptions in the specification, and equivalents	Invalid pursuant to 35 USC 112, ¶2 for lack of corresponding structure in the specification to carry out the claimed function.	**Function**: for generating an image based on the sample **Structure**: application 104 in Fig. 1 and its description in the specification, and equivalents

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claim 16			
Means for performing a **proximity search** using the stored attribute information as criteria for performing the **proximity search**	Function: for performing a proximity search using the stored attribute information as criteria for performing the proximity search Structure: At least the written description in the specification at 9:43-53 and the knowledge of a person of ordinary skill in the art, and equivalents	Invalid pursuant to 35 USC 112, ¶2 for lack of corresponding structure in the specification to carry out the claimed function. Also invalid pursuant to 35 USC § 112, ¶4.	**Function**: for performing a proximity search using the stored attribute information as criteria for performing the proximity search **Structure**: application 104 and the corresponding language in the specification and equivalents.

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claim 18			
means for **displaying** one or more **groups of stored images**	<u>Function:</u> for displaying one or more groups of stored images <u>Structure</u>: Fig. 3–10, Fig. 11a – 1104, Fig. 11b – 1162	Invalid pursuant to 35 USC 112, ¶2 for lack of corresponding structure in the specification to carry out the claimed function. Also invalid pursuant to 35 USC § 112, ¶4.	**Function**: for displaying one or more groups of stored images **Structure**: Fig. 3–10, Fig. 11a – 1104, Fig. 11b – 1162
means for allowing the user to **indicate interest** in the **selected stored first image** by selecting the image from the plurality of images	<u>Function</u>: for allowing the user to indicate interest in the selected stored first image by selecting the image from the plurality of images Structure: At least Figs. 4 and 11b and their corresponding descriptions in the specification, and equivalents	Invalid pursuant to 35 USC 112, ¶2 for lack of corresponding structure in the specification to carry out the claimed function. Also invalid pursuant to 35 USC § 112, ¶4.	**Function**: for allowing the user to indicate interest in the selected stored first image by selecting the image from the plurality of images **Structure**: computing device 102 using browsing application 104, and equivalents

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claim 19			
means for **displaying one or more groups** of stored images	Function: for displaying one or more groups of stored images Structure: See Claim 12 means for displaying, *supra*	Invalid pursuant to 35 USC 112, ¶2 for lack of corresponding structure in the specification to carry out the claimed function.	**Function**: for displaying one or more groups of stored images **Structure**: At least Figs. 2 and 4, and their corresponding description in the specification, and equivalents.
means for allowing the user to **indicate interest** in the selected stored first image by selecting a group of stored images	Function: for allowing the user to indicate interest in the selected stored first image by selecting a group of stored images Structure: At least Figs. 4 and 11b and their corresponding descriptions in the specification, and equivalents	Same as above	**Function**: for allowing the user to indicate interest in the selected stored first image by selecting a group of stored images **Structure**: computing device 102 using browsing application 104, and equivalents

Claim Term	Plaintiff's Construction	Defendants' Construction	Court
Claim 22			
means for providing the user with an **opportunity to purchase** an item associated with the second image	Function: for providing the user with an opportunity to purchase an item associated with the second image Structure: At least the specification at 13:57-61 and the knowledge of a person of ordinary skill in the art, and equivalents.	Invalid pursuant to 35 U.S.C. §112, ¶2 for lack of corresponding structure in the specification to carry out the claimed function	**Function**: for providing the user with an opportunity to purchase an item associated with the second image **Structure**: Application 104 and equivalents

DOCKET ALARM

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts

Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research

With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips

Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS
Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS
Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS
Sync your system to PACER to automate legal marketing.