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UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

DENNIS FERNANDEZ, an individual Plaintiff, vs. TOYOTA MOTOR CORPORATION,	CASE NO. 2:11-CV-09605-ODW (PLAx) **PARTIES' P.L.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT**

a Japanese Corporation, TOYOTA MOTOR NORTH AMERICA, INC., a California Corporation, and TOYOTA MOTOR SALES, U.S.A., INC., a California Corporation

Defendant,

Pursuant to Rule 4-3 of the Patent Local Rules for the Northern District of California (adopted by this Court in its Standing Order Regarding Patent Cases entered February 2, 2012 (Doc. No. 20)) and the Court's Scheduling and Case Management Order entered May 4, 2012 (Doc. No. 37), Plaintiff Dennis Fernandez ("Plaintiff") and Defendants Toyota Motor Corporation ("TMC"), Toyota Motor North America, Inc. ("TMNA"), and Toyota Motor Sales, U.S.A., Inc. ("TMS") (collectively, "Defendants"), hereby submit their Joint Construction and Prehearing Statement With Respect to U.S. Patent Nos. 7,374,003 ("the '003 Patent"), 7,575,080 ("the '080 Patent") and 7,980,341 ("the '341 Patent") (collectively, "the Patents in Suit").

I. CONSTRUCTION OF CLAIM TERMS, PHRASES, OR CLAUSES ON WHICH THE PARTIES AGREE

Attached hereto as Exhibit A is a chart setting forth the constructions of claim terms, phrases, or clauses on which the parties agree.

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II. PROPOSED CONSTRUCTION OF EACH DISPUTED CLAIM TERM, PHRASE, OR CLAUSE AND IDENTIFICATION OF SUPPORT

Attached hereto as Exhibit B is a chart setting forth the constructions proposed by the parties for each disputed claim term of the Patents in Suit. Plaintiff's and Defendants' intrinsic and extrinsic evidence in support of their constructions are attached hereto as Exhibits C and D, respectively.

Plaintiff reserves the right to rely on any intrinsic and/or extrinsic evidence offered by Defendants as evidence to support its constructions or to rebut those proposed by Defendants. Plaintiff reserves the right to present any evidence in rebuttal to intrinsic and/or extrinsic evidence Defendants may identify or attempt to offer.

Defendants reserve the right to rely on any intrinsic and/or extrinsic evidence offered by Plaintiff as evidence to support their constructions or to rebut those proposed by Plaintiff. Defendants reserve the right to present any evidence in rebuttal to intrinsic and/or extrinsic evidence Plaintiff may identify or attempt to offer.

III. IDENTIFICATION OF MOST SIGNIFICANT TERMS

The Parties' identification of the terms whose construction will be most significant to the resolution of the case is attached hereto as Exhibit E.

IV. ANTICIPATED LENGTH OF TIME NECESSARY FOR THE CLAIM CONSTRUCTION HEARING

The parties respectfully submit that the Claim Construction Hearing will require no more than three hours for the oral hearing with the time evenly divided between Plaintiff and Defendants.

V. WITNESSES

No party proposes calling live witnesses during the Claim Construction Hearing.

Date: September 10, 2012

Respectfully submitted,

/s/ Stephen W. Abbott
Alan Kindred
Ivan Posey
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CERTIFICATE OF SERVICE

I certify that on September 10, 2012, I served a true and correct copy of the Parties' JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT PURSUANT TO PATENT RULE 4-3 by email on the following counsel for defendants:

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