Dennis Fernandez v. Toyota Motor Corporation, et al.
Civil Action No.: 2:11-CV-09605-ODW (PLAx)

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Agreed Significant Claim Terms	Plaintiff's Construction	Evidence in Support
1	"telematic appliance" [1] and "telematic system"[2]	Telematic Appliance: "a device that utilizes a combination of wireless communications with computing to transmit and receive signals to or from a vehicle or to otherwise control some vehicle function" Telematic System: "a group of two or more components, which includes at least one telematic appliance, that performs one or more telematic function"	**Intrinsic Evidence:** **Telematic Appliance** The asserted claim. '003 Patent Specification: 1:67-2:5; 5:57-62; 7:33-47; 7:67-8:6; 8:21-32; 8:35-38; 8:59-9:12; *see also* Fig 6. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent. **Extrinsic Evidence:** **Telematic Appliance** Axel Fuchs, *Automotive Telematics: An Introduction into the Technical Aspects of*

[1] This term appears in claim 1 of the '003 patent and the asserted claims of the '341 patent.

[2] This term appears in claims 1 and 2 of the '080 patent.

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Agreed Significant Claim Terms	Plaintiff's Construction	Evidence in Support
			Automotive Telematics with Reference to Business Model and User Needs, v, 1, 13-14, (2002).[3] STEVEN M. KAPLAN, WILEY ELECTRICAL AND ELECTRONICS ENGINEERING DICTIONARY 13 (1st ed. 2004) (defining "telematics" at 776). **Intrinsic Evidence:** **Telematic System** The asserted claim. '080 Patent Specification: 2:2-7; 5:53-58; 7:27-41; 7:60-66; 8:28-31; 8:52-9:4; *see also* Fig 6. '897 Patent File History: *See* corresponding sections of the original

[3] Referred to herein as "*Automotive Telematics*."

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Agreed Significant Claim Terms	Plaintiff's Construction	Evidence in Support
			application of the '897 Patent. **Extrinsic Evidence:** **Telematic System** *Automotive Telematics*, v, 1, 13-14.
2	"to predict or measure electrical operation or need therein" ('080: Claim 1)	Fernandez believes that this phrase should be afforded its plain and ordinary meaning. To the extent a proposed construction is required, Fernandez proposes the following: "to anticipate or ascertain electrical operation or need"	**Intrinsic Evidence:** The asserted claim. '080 Patent Specification: 1:47-50; 10:24-29; 11:1-5; 11:11-17; *see also* Figs 2a, 4 and 7. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent. *See also* U.S. App. No. 12/540,905, July 19, 2011, Remarks in Amendment responding to Office Action mailed

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Agreed Significant Claim Terms	Plaintiff's Construction	Evidence in Support
			May 19, 2011.
3	"proactively according to a predicted function in a telematic appliance" ('341: Claims 1-4)	"in response to a predicted need, according to a predetermined algorithm for determining what actions may be needed in the future, based upon past or current received data regarding one or more parameters involving a telematic appliance"	**Intrinsic Evidence:** The asserted claim. '341 Patent Specification: 7:55-58; 8:17-30; 8:34-41; 14:38-41; 15:15-23; *see also* FIGs. 2a, 6 and 8. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent. *See also* U.S. App. No. 12/540,905, July 19, 2011, Remarks in Amendment responding to Office Action mailed May 19, 2011.
4	"managing the power distribution between the auxiliary power source and the primary power	This phrase should be afforded its plain and ordinary meaning in view of the agreed constructions of "primary" "auxiliary" and "power	**Intrinsic Evidence** The asserted claim. '003 Patent Specification:

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Agreed Significant Claim Terms	Plaintiff's Construction	Evidence in Support
	source" ('003: Claim 1)	source." To the extent a proposed construction is required, Fernandez proposes the following: "controlling the power distributed between the primary and auxiliary sources of electrical power"	; 1:39-47; 1:51-53; 1:60-62; 3:14-23; 3:27-36; 4:12-14; 4:61-5:5; 6:13-21; 10:34-36; 11:4-7; 15:23-26; *see also* Figs 2a-2c and 6. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent. **Extrinsic Evidence** *Automotive Telematics*, 20.

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Plaintiff's Significant Claim Terms	Plaintiff's Construction	Evidence in Support
P.1	"adaptively" ('003: Claim 1)[4]	"responding, adjusting, aligning, or correcting reactively to continuous environmental, context, control or data signal, pattern, or other stimuli or feedback, or predicting or extrapolating proactively according to prior or current environmental, context, control or data signal, pattern or other stimuli or feedback" Tense may vary depending upon context of the term found in the claim.	**Intrinsic Evidence** The asserted claim. '003 Patent Specification: 14:60-15:5; 6:13-21; 10:34-36; 11:20-26; 15:23-26; *see also* Figs 2a and 3-6. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent; *see also* October 31, 2007, Decision on Appeal; September 12, 2006, Appellants' Reply Brief; June 26, 2006, Appeal Brief.
P.2	"reactively in response to a measured quality of electrical	"in response to currently received data regarding one or more actual vehicle electrical power	**Intrinsic Evidence** The asserted claim.

[4] This term also appears in the asserted claims of the '080 patent and the '341 patent.

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

	power signal" ('341: Claims 1-4)	parameters"	'341 Patent Specification: 7:6-23; 8:17-30; 8:55-65; 14:38-41; 15:15-23; *see also* FIGs. 2a, 5, 6 and 8. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent. *See also* U.S. App. No. 12/540,905, July 19, 2011, Remarks in Amendment responding to Office Action mailed May 19, 2011.
P.3	"sensor-based gateway" ('341: Claims 1-4)	"a control system, comprised of one or more microprocessors, which acts as a router and signal interconnect between various electrical buses, that receives sensor data regarding one or more vehicle parameters"	**Intrinsic Evidence** The asserted claim. '341 Patent Specification: 5:37-44; 7:31-46; 10:14-26; 13:48-56; Figs 2a and 5-7; *see also* those citations to "gateway" referenced at No. 8

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

			above. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent.

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Defendants' Significant Claim Terms	Plaintiff's Construction	Evidence in Support
D.1	"[using] local routing interconnect network protocol [adaptively to control vehicle rescue]" ('341: Claims 1, 3)	Fernandez does not believe this phrase should be construed and it should be afforded its plain and ordinary meaning. To the extent a proposed construction is required, Fernandez proposes the following: "utilizing local network rules for communications"	**Intrinsic Evidence** The asserted claims. '341 Patent Specification: 1:15-17; 7:38-44; 8:66-9:7; 12:24-26; 14:38-46; *see also* Figs 2a, 6 and 7. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent.
D.2	"a [the] specified data rate" ('341: Claims 1, 3)	Fernandez does not believe this term should be construed and should be afforded its plain and ordinary meaning. To the extent a proposed construction is required, Fernandez proposes the following: "a predetermined rate of data transfer"	**Intrinsic Evidence:** The asserted claims. 341 Patent Specification: 6:3-6; 7:31-33; 7:38-44; 7:53-58; 8:17-30; *see also* Figs 2a, 3 and 6. '897 Patent File History: *See* corresponding

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

			sections of the original application of the '897 Patent.
D.3	"wherein the central controller using the software-automated sensor data adaptively controls electrical power provided through the gateway reactively in response to a measured quality of electrical power signal, and proactively according to a predicted function in a telematic appliance according to the specified data rate and the telematic navigational and security alert to enable rescue service using the software-automated sensor data and local routing interconnect network protocol adaptively according to vehicle location and the specified	Fernandez does not believe this phrase is indefinite, particularly in view of the fact that this phrase subsumes terms and phrases that have constructions agreed to by the parties or are disputed and subject to construction, including but not limited to the following terms and phrases: "central controller," "adaptively," "gateway," "reactively in response to a measured quality of electrical power signal," and "proactively according to a predicted function in a telematic appliance," "local routing interconnect network protocol," and "specified data rate." The remainder of this phrase is capable of construction and should be afforded its plain and ordinary meaning.	*See* intrinsic and extrinsic evidence cited above at Items 3 ("proactively according to…"), P.1 ("adaptively"), P.2 ("reactively in response to…"), D.1 ("local routing interconnect network protocol"), and D.2 ("the specified data rate"). Intrinsic evidence for "central controller": The asserted claim. '080 Patent Specification: 4:59-5:2; 1:63-65; 5:6-9; 5:34-39; 14:42-44; *see also* Figs 2a and 3-6. '897 Patent File History: *See* corresponding sections of the original application of the '897

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

	data rate" ('341: Claims 1, 3)		Patent. Intrinsic evidence for "gateway": The asserted claim. '080 Patent Specification: 1:58-62; 2:9-13; 4:59-65; 5:9-13; 5:34-39; 5:59-6:8; 6:36-42; 7:28-30; 10:17-19; *see also* Figs 2a and 3-7. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent.

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

No.	Remaining Disputed Claim Terms	Plaintiff's Construction	Evidence in Support
PD.1	"coupled adaptively" ('080: Claim 2)	Fernandez does not believe this term should be construed in view of the construction of the disputed term "adaptively" and the agreed construction of "couples." To the extent a proposed construction is required, Fernandez proposes the following: "electrically connected by responding, adjusting, aligning, or correcting reactively to environmental, context, control or data signal, pattern, or other stimuli or feedback, or predicting or extrapolating proactively according to prior or current environmental, context, control or data signal, pattern or other	**Intrinsic Evidence** The asserted claims. '080 Patent Specification: 14:42-54; 14:66-15:8; 4:10-12; 4:59-65; 5:9-13; 5:34-35; *see also* Figs 2a and 3. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent; *see also* October 31, 2007, Decision on Appeal; September 12, 2006, Appellants' Reply Brief; June 26, 2006, Appeal Brief.

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

		stimuli or feedback"	
PD.2	"vehicle multimedia bus" ('080: Claim 2)	"a communication interface capable of transferring information between various sources using different communication protocols"	**Intrinsic Evidence** The asserted claim. '080 Patent Specification: 2:9-18; 5:34-35; 5:45-52; 5:59-6:3; 7:27-35; 7:50-52; 7:60-66; 8:10-13; 12:21-23; 14:66-15:4; *see also* Figs 2a and 6-7. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent. **Extrinsic Evidence** *Automotive Telematics*, 17.
PD.3	"using software-automated sensor	Fernandez believes this phrase is capable of	**Intrinsic Evidence**

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

	data adaptively to control user interaction and enable communication" ('341: Claims 1-4)	construction and is not indefinite. "utilizing data related to one or more vehicle parameters to automatically respond, adjust, align, or correct reactively to environmental, context, control or data signal, pattern, or other stimuli or feedback, or to predict or extrapolate proactively according to prior or current environmental, context, control or data signal, pattern or other stimuli or feedback, in order to control user interaction and enable communication signals"	The asserted claim. '341 Patent Specification: 4:42-52; 7:38-52; 10:14-26; *see also* FIGs. 2a and 6-7. '897 Patent File History: *See* corresponding sections of the original application of the '897 Patent. **Extrinsic Evidence** *Automotive Telematics*, 19.
PD.4	"and the central controller automatically using software-automated sensor data adaptively to control user interaction and	Fernandez does not believe this phrase is indefinite, particularly in view of the fact that this phrase subsumes terms and phrases that have constructions agreed to by	*See* intrinsic and extrinsic evidence cited above at Items P.1 ("adaptively"), P.3 ("sensor-based gateway"), D.2 ("the specified data rate"), and D.3 ("central

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

	enable communication through a vehicle multimedia interface via the sensor-based gateway according to a specified data rate and telematic navigational and security alert using local routing interconnect network protocol adaptively to control vehicle rescue" ('341: Claim 1)	the parties or are disputed and subject to construction, including but not limited to the following: "central controller," "adaptively," "specified data rate" and "sensor-based gateway." The remainder of this phrase is capable of construction and/or should be afforded its plain and ordinary meaning.	controller" and "gateway").
PD.5	wherein the sensor-based gateway microprocessor comprises a programmable signal interconnect and router, the sensor-based gateway microprocessor using at least one sensor automatically using software-automated sensor data adaptively to control	Fernandez does not believe this phrase is indefinite, particularly in view of the fact that this phrase subsumes terms and phrases that have constructions agreed to by the parties or are disputed and subject to construction, including but not limited to the following terms and phrases: "adaptively," "sensor-based gateway,"	*See* intrinsic and extrinsic evidence cited above at Items P.1 ("adaptively"), P.3 ("sensor-based gateway"), and D.2 ("the specified data rate").

Exhibit C: Plaintiff's Intrinsic and Extrinsic Evidence in Support of Proposed Constructions for Disputed Claim Terms of The Patents in Suit

	user interaction and enable communication through a vehicle multimedia interface via the sensor-based gateway according to a specified data rate and telematic navigational and security alert using local routing interconnect network protocol adaptively to control vehicle rescue"	and "specified data rate" The remainder of this phrase is capable of construction and should be afforded its plain and ordinary meaning.	