

APPENDIX A
Joint Claim Construction Chart
In Re: e.Digital Cases, Case Nos. 13-cv-2905-H-BLM; 13-cv-2906-H-BLM;
13-cv-2930-H-BLM; 13-cv-2943-H-BLM

U.S. Patent No. 5,839,108 ("the '108 Patent")¹

Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
Preamble <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored;	e.Digital contends that the preamble is not limiting. <u><i>Intrinsic Support:</i></u> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1-25 <u>Figures:</u> '108 patent: Figs. 3, 4 '445 patent: Figs. 3A, 3B, 3C, 4, 5, 6, 7A, 7B, 8, 9, 10, 11	Defendants contend that the preamble is limiting. <u><i>Intrinsic Support:</i></u> ² <u>Claims:</u> '108 patent, claim 1; '445 patent, claims 1, 3, 5, 7, 8. <u>Figures:</u> '445 patent at Figs. 3A-3C, 4-6, 7A, 7B. <u>Specification:</u> '108 patent at 3:34-43; '445 patent at 3:33-59, 4:53-55, 5:55-6:3, 7:62-8:4. <u>Other Intrinsic Support:</u> 1997-

¹ As used herein, "'108 patent" refers to U.S. Patent No. 5,839,108, "'445 patent" refers to the parent of the '108 patent, U.S. Patent No. 5,787,445, and "'774 patent" refers to U.S. Patent No. 5,491,774 which is incorporated by reference by the '108 patent.

² By presenting the '445 patent as intrinsic evidence in this Joint Claim Construction Chart, Defendants do not concede that the '108 patent may properly rely on the '445 patent to meet the written description and enablement requirements under 35 U.S.C. § 112. Defendants expressly reserve the right to argue that the '445 patent was not properly incorporated by reference by the '108 patent and that claim terms of the '108 patent are indefinite as a result. But to the extent the Court finds the claim terms of the '108 patent not indefinite, the '445 patent should be considered intrinsic evidence.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory;	<u>Specification:</u> '108 patent: Abstract; Cols. 1:5-21; 1:45-51; 1:55-2:41; 3:19-22; 3:28-30; 3:34-43; 4:5-14; 8:52-65; 10:57-63. '445 patent: Abstract; Cols. 1:9-15; 3:33-46; 3:60-63; 4:40-44; 5:55-62; 6:22-36; 9:4-19:44; 23:34-40. <u>Extrinsic Support:</u> Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> BDT does not believe the preamble is dispositive at this time, even if Defendants' construction of the preamble as limiting is adopted.	11-3 Resp. to Office Action (App. No. 08/612,772) at 8. <u>Extrinsic Support:</u> Testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> Finding the preamble to be limiting would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.		
"primary memory" <u>Claim 1</u> A method of memory management for a primary memory created from a non-	e.Digital believes that this claim term should be construed together with the rest of the limitation within which it is contained as set forth below.	"Main memory of a computer system, i.e., the main general-purpose storage to which the microprocessor has direct access."

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the	To the extent the term is to be construed separately, e.Digital proposes the following construction: “addressable storage to which a computer system’s microprocessor has direct access” <u>Intrinsic Support:</u> <u>Claims:</u> ’108 patent: Claim 1 ’445 patent: Claims 1-25 <u>Figures:</u> ’108 patent: Figs. 3, 4 ’445 patent: Figs. 3A, 3B, 3C, 4, 5, 6, 7A, 7B, 8, 9, 10, 11 <u>Specification:</u> ’108 patent: Abstract; Cols. 1:5-	<u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 3A-3C, 4, 5. <u>Specification:</u> '445 patent at 2:50-61, 3:15-22, 7:18-67. <u>Other Intrinsic Support:</u> 1995-07-18 Resp. to Office Action (App. No. 08/229,731) at 8-11; <i>e.Digital Corp. v. Pentax of Am.</i>, No. 9-cv-2578, Dkt. No. 397, Markman Order at 13 (Jun. 28, 2011). <u>Extrinsic Support:</u> Microsoft Press Computer Dictionary (2d ed. 1994) (definitions of "primary storage," "RAM," and

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and	21; 1:45-51; 1:55-2:41; 3:19-22; 3:28-30; 3:34-43; 4:5-14; 8:52-65; 10:57-63. '445 patent: Abstract; Cols. 1:9-15; 3:33-46; 3:60-63; 4:40-44; 5:55-62; 6:22-36; 9:4-19:44; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): "non-volatile memory," "internal storage," "primary storage," "storage," "storage device," "RAM." Macmillan, Webster's New World Dictionary of Computer Terms (Fifth Ed., 1994): "primary storage," "nonvolatile storage," "storage," "storage device."	"random access memory"); Prentice Hall's Illustrated Dictionary of Computing (2d ed. 1996) (definitions of "primary storage," "RAM," and "storage hierarchy"); Dictionary of Computing (4th ed. 1996) (definitions of "primary memory" and "main memory (main store; main storage; RAM; primary memory)"); testimony / declaration(s) of Norbert P. Daberkow and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> A construction consistent with Defendants' proposal would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	Houghton Mifflin, The American Heritage Dictionary of the English Language (Third Ed., 1996): “create” Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberkow, and/or Richard K. Davis. <i>Impact of Proposed Construction on Merits of the Case:</i> e.Digital does not believe this claim term is dispositive at this time, even if Defendants’ proposed construction is adopted.	
"creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data	“causing a portion or portions of a non-volatile long term storage medium, comprised of a plurality of blocks in which the	Indefinite, or in the alternative, "dividing the non-volatile, long-term memory into equal size blocks, each block being the

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
segments are to be stored" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking	data segments are to be stored, to perform at least one of a host's primary memory functions" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1-25 <u>Figures:</u> '108 patent: Figs. 3, 4 '445 patent: Figs. 3A, 3B, 3C, 4, 5, 6, 7A, 7B, 8, 9, 10, 11 <u>Specification:</u> '108 patent: Abstract; Cols. 1:5-21; 1:45-51; 1:55-2:41; 3:19-22; 3:28-30; 3:34-43; 4:5-14; 8:52-65; 10:57-63.	smallest amount of data that can be read from or written to the memory in a single read or write operation" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 4-5. <u>Specification:</u> '445 patent at Abstract, 4:19-26, 9:4-37, 10:6-16. <u>Extrinsic Support:</u> Testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> An indefiniteness finding

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written	'445 patent: Abstract; Cols. 1:9-15; 3:33-46; 3:60-63; 4:40-44; 5:55-62; 6:22-36; 9:4-19:44; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): “non-volatile memory,” “internal storage,” “primary storage,” “storage,” “storage device,” “RAM.” Macmillan, Webster’s New World Dictionary of Computer Terms (Fifth Ed., 1994): “primary storage,” “nonvolatile storage,” “storage,” “storage device.” Houghton Mifflin, The American Heritage Dictionary of the English Language (Third	would invalidate the asserted claim. A construction consistent with Defendants' alternative proposal would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	Ed., 1996): “create” Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of its proposed construction of this term will be dispositive. e.Digital’s construction simply aims to define the claim limitation in accordance with the specifications. If this claim term is found indefinite as proposed by Defendants, such finding would be dispositive. If the claim term is not found indefinite and Defendants’ proposed construction is adopted, e.Digital believes this	

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
	construction may potentially be narrowing, but not necessarily dispositive.	
"creating" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments;	e.Digital believes that this claim term should be construed together with the rest of the limitation within which it is contained as set forth above. To the extent the term is to be construed separately, e.Digital proposes that the term be accorded its plain and ordinary meaning. <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: 1 '445 patent: Claims 1-25 <u>Figures:</u> '108 patent: Figs. 3, 4	"Making or producing" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 4-5. <u>Specification:</u> '445 patent at Abstract, 4:19-26, 9:4-37, 10:6-16. <u>Extrinsic Support:</u> The Grosset Webster Dictionary (1970 Edition) (definition of "create"); testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed</u>

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory;	'445 patent: Figs. 3A, 3B, 3C, 4, 5, 6, 7A, 7B, 8, 9, 10, 11 <u>Specification:</u> '108 patent: Abstract; Cols. 1:5-21; 1:45-51; 1:55-2:41; 3:19-22; 3:28-30; 3:34-43; 4:5-14; 8:52-65; 10:57-63. '445 patent: Abstract; Cols. 1:9-15; 3:33-46; 3:60-63; 4:40-44; 5:55-62; 6:22-36; 9:4-19:44; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): “non-volatile memory,” “internal storage,” “primary storage,” “storage,” “storage device,” “RAM.”	<u>Construction on Merits of the Case:</u> A construction consistent with Defendants' proposal would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	Macmillan, Webster's New World Dictionary of Computer Terms (Fifth Ed., 1994): "primary storage," "nonvolatile storage," "storage," "storage device." Houghton Mifflin, The American Heritage Dictionary of the English Language (Third Ed., 1996): "create" Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe this claim term is dispositive at this time, even if Defendants' proposed construction is adopted.	

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
"coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments;	e.Digital proposes that this claim limitation and the terms contained within it should be accorded its plain and ordinary meaning. <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1, 2, 14, 15, <u>Figures:</u> '445 patent: Figs. 3A, 3B, 3C, 4 <u>Specification:</u> '445 patent: Abstract; Cols. 3:40-43; 4:23-26; 4:40-44; 8:1-9; 8:61-64; 9:30-55; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994):	"Creating a removable, interchangeable electrical connection between the cache memory and the primary memory" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claims 1, 2, 5; '445 patent, claim 1. <u>Figures:</u> '108 patent at Figs. 1-4; '774 patent at Figs. 1-3, 6A, 6B. <u>Specification:</u> '108 patent at Abstract, 3:42-61, 5:14-23, 8:34-37, 8:44-51, 10:38-52; '774 patent at Abstract, 3:16-20, 2:52-54, 3:5-24, 4:14-18, 4:59-63. <u>Other Intrinsic Support:</u> Order Granting Request for Ex Parte Reexamination of U.S. Patent

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory;	“cache,” “cache memory,” “primary storage,” “storage,” “storage device.” Macmillan, Webster’s New World Dictionary of Computer Terms (Fifth Ed., 1994): “cache,” “coupling,” “primary storage.” Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe this claim term is dispositive at this time. Adoption of Defendants’ proposed construction may potentially narrow the scope of the claims, but would not necessarily be	No. 5,491,774 (Jan. 11, 2011) at 4; 2011-09-20 Office Action in Ex Partes Reexamination of U.S. Patent No. 5,491,774 at 13-15; 2012-04-02 Office Action in Ex Partes Reexamination of U.S. Patent No. 5,491,774 at 14-15; 1994-03-03 Office Action, Paper No. 3 in Ex Partes Reexamination of U.S. Patent No. 5,491,774 at 5; 2012-05-17 Resp. to Final Office Action in Ex Partes Reexamination of U.S. Patent No. 5,491,774 at 20, 29-30, 32-33; 1998-01-09 Applicant's Amendment (App. No. 08/612,772); 1997-07-01 Office Action (App. No. 08/612,772) at 6. <u>Extrinsic Support:</u> Testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	dispositive.	<i>Impact of Proposed Construction on Merits of the Case:</i> A construction consistent with Defendants' proposal would result in no infringement of the asserted claim by one or more Defendants.
"non-volatile, long-term storage medium" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of:	e.Digital proposes that this claim term should be accorded its plain and ordinary meaning. <i>Intrinsic Support:</i> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1, 12	"Memory that holds its data without the need for ongoing power support" <i>Intrinsic Support:</i> <u>Claims:</u> '108 patent, claim 1; '445 patent, claims 1, 13. <u>Figures:</u> '445 patent at Figs. 3A-

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new	<u>Figures:</u> '445 patent: Figs. 3A, 3B, 3C <u>Specification:</u> '108 patent: Abstract; Cols. 1:5-21; 1:45-51; 2:14-19; 2:46-50; 2:65-67; 3:35-38; 3:56-60; 4:5-14; 4:54-57; 5:15-24; 8:44-51; 10:57-63. '445 patent: Abstract; Cols. 1:9-15; 1:31-37; 3:22-29; 3:60-64; 4:40-44; 8:4-9; 8:61-64; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): "non-volatile memory," "storage," "storage device," "storage media." Macmillan, Webster's New	3C. <u>Specification:</u> '445 patent at 1:31-37, 8:1-9, 8:65-9:27. <u>Other Intrinsic Evidence:</u> 1997-11-3 Resp. to Office Action (App. No. 08/612,772) at 6. <u>Extrinsic Support:</u> Dictionary of Computing (4th ed. 1996) (definitions of "nonvolatile memory"); Prentice Hall's Illustrated Dictionary Computing (2nd ed. 1996) (definition of "nonvolatile memory"); Microsoft Press Computer Dictionary (2nd ed., 1994) (definitions of "EEPROM" and "flash memory"); testimony / declaration(s) of Norbert P. Daberkow and/or Richard K. Davis.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments	World Dictionary of Computer Terms (Fifth Ed., 1994): “nonvolatile storage,” “storage,” “storage device.” Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe this claim term is dispositive at this time, even if Defendants’ proposed construction is adopted.	<u>Impact of Proposed Construction on Merits of the Case:</u> A construction consistent with Defendants' proposal would result in invalidity of the asserted claim in view of the prior art.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
created in previous steps.		
"direct manipulation of contiguous and non-contiguous discrete data segments" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments;	e.Digital proposes that this claim term should be accorded its plain and ordinary meaning. <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1-6; 9-11; 15-18; 21-24. <u>Figures:</u> '445 patent: Figs. 1-11 <u>Specification:</u> '108 patent: 1:11-21; 1:47-1:51; 1:55-64; 2:7-13; 4:5-14; 8:52-65; 10:57-63. '445 patent: Cols. 2:50-61; 4:40-44; 5:55-5:62; 6:45-19:44; 23:34-40.	Indefinite, or in the alternative, "manipulation of contiguous and noncontiguous data segments directly in the primary memory through changes to data segment headers without using a file allocation table" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 3A-3C, 5, 7A, 7B. <u>Specification:</u> '445 patent at 3:60-64, 5:55-6:18, 6:45-50, 7:6-25. <u>Other Intrinsic Evidence:</u> 1997-11-3 Resp. to Office Action (App. No. 08/612,772) at 5-8.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory;	<i>Extrinsic Support:</i> Microsoft Press, Computer Dictionary (Second Ed., 1994): “contiguous,” “contiguous data structure,” “noncontiguous data structure,” “discrete,” “data segment,” “segment,” “segmentation.” Macmillan, Webster’s New World Dictionary of Computer Terms (Fifth Ed., 1994): “manipulating,” “contiguous data structure,” “sequential,” “sequential access,” “sequential access storage device,” “sequential data set,” “sequential device,” “sequential file organization,” “sequential storage,” “discrete.” Testimony and/or declarations of Neeraj Gupta, Norbert P.	<i>Extrinsic Support:</i> Testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <i>Impact of Proposed Construction on Merits of the Case:</i> An indefiniteness finding would invalidate the asserted claim. A construction consistent with Defendants' alternative proposal would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of its proposed plain and ordinary meaning construction of this term will be dispositive. If this claim term is found indefinite as proposed by Defendants, such finding would be dispositive. If the claim term is not found indefinite and Defendants' proposed construction is adopted, e.Digital believes this construction may potentially narrow the scope of the claim, but would not necessarily be dispositive.	
"file system" <u>Claim 1</u>	e.Digital proposes that this claim term should be accorded its plain and ordinary meaning.	Indefinite, or in the alternative, "system to organize and keep track of files without using file

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps:	<u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1-25 <u>Figures:</u> '445 patent: Figs. 5-11 <u>Specification:</u> '108 patent: Abstract; 1:5-21; 1:45-51; 1:27-30; 1:64-67; 2:26-32; 3:19-22; 3:28-30; 3:38-40; 4:10-14; 8:25-65; 10:25-36; 10:57-63. '445 patent: Abstract; Cols. 3:33-3:64; 4:40-44; 4:66-5:25; 5:55-5:62; 6:51-19:44; 23:34-40. <u>File History:</u>	allocation tables (memory maps)" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 Patent at Figs. 3A-3C, 5, 7A, 7B. <u>Specification:</u> '108 patent at 3:34-43; '445 patent at 3:33-49, 3:57-59, 8:33-9:3, 9:56-10:5. <u>Other Intrinsic Evidence:</u> 1997-11-3 Resp. to Office Action (App. No. 08/612,772) at 5-8. <u>Extrinsic Support:</u> Random House Personal Computer Dictionary (2nd ed. 1996) (definitions of "file system" and "file management system");

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the	'445 patent: July 1, 1997 Office Action at p. 5. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): "file system." Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of its proposed plain and ordinary meaning construction of this term will be dispositive. If this claim term is found indefinite as proposed by Defendants, such finding would be dispositive. If the claim term is not found indefinite and	testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> An indefiniteness finding would invalidate the asserted claim. A construction consistent with Defendants' alternative proposal would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	Defendants' proposed construction is adopted, e.Digital believes this construction may potentially narrow the scope of the claim, but would not necessarily be dispositive.	
"cache memory" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored;	e.Digital proposes that this claim term be accorded its plain and ordinary meaning. <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1, 14, 15 <u>Figures:</u> '445 patent: Figs. 3A, 3B, 3C, 4. <u>Specification:</u>	Indefinite, or in the alternative, "memory strictly used to temporarily store a block of read/write data." <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 3A-3C. <u>Specification:</u> '445 patent at 3:44-49, 4:23-26, 7:18-67, 8:18-26.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory;	'445 patent: Abstract; Cols. 3:40-43; 4:23-26; 4:40-44; 8:1-9; 8:61-64; 9:30-55; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): "cache," "cache memory." Macmillan, Webster's New World Dictionary of Computer Terms (Fifth Ed., 1994): "cache." Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of its proposed plain and ordinary meaning	Other Intrinsic Support: 1997-11-3 Resp. to Office Action (App. No. 08/612,772) at 5-8. <u>Extrinsic Support:</u> Newton's Telecom Dictionary (11th ed. 1996) (definitions of "cache" and "cache memory"); Dictionary of Computing (4th ed.) (definition of "cache (cache memory)"); testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> An indefiniteness finding would invalidate the asserted claim. A construction consistent with Defendants' alternative proposal would result in no infringement of the

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	construction of this term will be dispositive. If this claim term is found indefinite as proposed by Defendants, such finding would be dispositive. If the claim term is not found indefinite and Defendants' proposed construction is adopted, e.Digital believes this construction may potentially narrow the scope of the claim, but would not necessarily be dispositive.	asserted claim by one or more Defendants.
"logical data segment" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile,	"logically related data segment" <u>Intrinsic Support:</u> <u>Claims:</u>	Defendants contend that this term is improperly truncated and, to the extent a phrase needs to be construed, it should be the claim term "previous logical

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the	'108 patent: Claim 1 '445 patent: Claims 1-6; 9-11; 15-18; 21-24. <u>Figures:</u> '445 Patent: Figs. 5, 6, 7A, 7B, 8, 9, 10, 11 <u>Specification:</u> '108 patent: 4:10-14; 6:15-26; 6:30-36; 10:57-63. '445 patent: Abstract; Cols. 3:47-49; 3:60-3:64; 4:40-44; 4:66-5:25; 11:12-19:44; 23:34-40. <u>Extrinsic Support:</u> Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis.	data segment." The construction of "previous logical data segment" is: indefinite, or in the alternative, "data segment with a header that stores the physical location of the next logical data segment." <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 5, 7A, 7B. <u>Specification:</u> '445 patent at 4:27-40, 5:63-6:18, 11:1-12, 17:43-61. <u>Other Intrinsic Evidence:</u> 1997-11-3 Resp. to Office Action (App. No. 08/612,772) at 5-8.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and	<u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of its proposed construction of this term will be dispositive. e.Digital's proposed construction simply attempts to define the term according to the context of the claim as a whole and as defined in the specifications. If this claim term is found indefinite as proposed by Defendants, such finding would be dispositive. If the claim term is not found indefinite and Defendants' proposed construction is adopted, e.Digital believes this construction may potentially narrow the scope of the claim, but would not necessarily be dispositive.	<u>Extrinsic Support:</u> Testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> An indefiniteness finding would invalidate the asserted claim. A construction consistent with Defendants' alternative proposal would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.		
"a logical link between the previous logical data segment and the new data segment" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored;	e.Digital proposes that this claim term should be accorded its plain and ordinary meaning. <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1-6; 9-11; 15-18; 21-24. <u>Figures:</u> '445 Patent: Figs. 5, 6, 7A, 7B, 8, 9, 10, 11 <u>Specification:</u> '108 patent: 4:10-14; 6:15-26;	Indefinite, or in the alternative, "a pointer written to the previous logical data segment that points to the physical location of the new data segment" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 5, 7A, 7B. <u>Specification:</u> '445 patent at 4:27-40, 5:63-6:18, 11:1-12, 17:43-61.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the	6:30-36; 10:57-63. '445 patent: Abstract; Cols. 3:47-49; 3:60-3:64; 4:40-44; 4:66-5:25; 11:12-19:44; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): "logical file," "offset," "pointer," "data segment," "segment," "segmentation." Macmillan, Webster's New World Dictionary of Computer Terms (Fifth Ed., 1994): "logical data design," "logical format," "pointer," "counter." Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis.	Other Intrinsic Evidence: 1997-11-3 Resp. to Office Action (App. No. 08/612,772) at 5-8. <u>Extrinsic Support:</u> Dictionary of Computing (4th ed. 1996) (definition of "link"); Microsoft Press Computer Dictionary (2d ed. 1994) (definitions of "link," "linked list," and "pointer"); Newton's Telecom Dictionary (11th ed. 1996) (definition of "link" and "logical link"); <i>Markman Order in Bedrock Computer, Techs. LLC v. Softlayer Techs., Inc.</i>, No. 6:09-cv-269-LED-JDL (E.D. Tex. Jan. 10, 2011) at 7 (construction for "a linked list to store and provide access to records"); testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	<u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of its proposed plain and ordinary meaning construction of this term will be dispositive. If this claim term is found indefinite as proposed by Defendants, such finding would be dispositive. If the claim term is not found indefinite and Defendants' proposed construction is adopted, e.Digital believes this construction may potentially narrow the scope of the claim, but would not necessarily be dispositive.	<u>Impact of Proposed Construction on Merits of the Case:</u> An indefiniteness finding would invalidate the asserted claim. A construction consistent with Defendants' alternative proposal would result in no infringement of the asserted claim by one or more Defendants.
"a path for sequentially accessing the data segments within the primary memory" <u>Claim 1</u> A method of memory management for a	e.Digital proposes that this claim term should be accorded its plain and ordinary meaning. <u>Intrinsic Support:</u>	Indefinite, or in the alternative, "a linked list used instead of a file allocation table (memory map) for sequentially accessing data segments within the

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps:	<u>Claims:</u> '108 patent: Claim 1 '445 patent: Claims 1-6; 9-11; 15-18; 21-24. <u>Figures:</u> '445 Patent: Figs. 5, 6, 7A, 7B, 8, 9, 10, 11 <u>Specification:</u> '108 patent: 4:10-14; 6:15-26; 6:30-36; 10:57-63. '445 patent: Abstract; Cols. 3:47-49; 3:60-3:64; 4:40-44; 4:66-5:25; 11:12-19:44; 23:34-40. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): "access," "logical file,"	primary memory" <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> '445 patent at Figs. 5, 7A, 7B. <u>Specification:</u> '445 patent at 3:47-49, 4:27-40, 6:3-36, 15:8-21, 16:15-27. <u>Other Intrinsic Evidence:</u> 1997-11-3 Resp. to Office Action (App. No. 08/612,772) at 5-8. <u>Extrinsic Support:</u> Dictionary of Computing (4th ed. 1996) (definitions of "linked list" and "sequential access"); Newton's Telecom Dictionary (11th ed. 1996) (definitions of

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***In Re: e.Digital Cases, Case Nos. 13-cv-2905-H-BLM; 13-cv-2906-H-BLM;
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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the	“sequential access,” “pointer,” “offset,” “data segment,” “segment,” “segmentation.” Macmillan, Webster’s New World Dictionary of Computer Terms (Fifth Ed., 1994): “logical data design,” “logical format,” “pointer,” “counter.” Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of its proposed plain and ordinary meaning construction of this term will be dispositive. If this claim term is found indefinite as proposed by Defendants, such finding would	"sequential" and "sequential access"); <i>Markman</i> Order in <i>Bedrock Computer, Techs. LLC v. Softlayer Techs., Inc.</i>, No. 6:09-cv-269-LED-JDL (E.D. Tex. Jan. 10, 2011) at 7 (construction for "a linked list to store and provide access to records"); testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> An indefiniteness finding would invalidate the asserted claim. A construction consistent with Defendants' alternative proposal would result in no infringement of the asserted claim by one or more Defendants.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	be dispositive. If the claim term is not found indefinite and Defendants' proposed construction is adopted, e.Digital believes this construction may potentially narrow the scope of the claim, but would not necessarily be dispositive.	
"industry standard data storage format" <u>Claim 1</u> A method of memory management for a primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be	e.Digital already seeks to construe the term "data storage format" and does not believe that "industry standard" requires construction. To the extent the Court requires a construction for "industry standard data storage format," e.Digital proposes that "industry standard" has a plain and ordinary meaning and the phrase should be construed simply as "industry standard file system"	"Format in which data is stored that conforms to an industry standard." <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> <u>Specification:</u> '445 patent at 8:47-50; '108 patent at Abstract, 3:19-21, 10:53-56.

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Joint Claim Construction Chart
***In Re: e.Digital Cases*, Case Nos. 13-cv-2905-H-BLM; 13-cv-2906-H-BLM;**
13-cv-2930-H-BLM; 13-cv-2943-H-BLM

Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps: (1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory;	<u>Intrinsic Support:</u> <u>Claims:</u> '108 patent: 1 <u>Figures:</u> '108 patent: 3, 4 <u>Specification:</u> '108 patent: Abstract; 1:5-21; 1:27-30; 1:45-51; 1:64-67; 2:26-32; 3:19-22; 3:28-30; 3:38-40; 4:10-14; 8:34-65; 10:57-63. '445 patent: Cols. 4:40-44; 8:38-60; 23:34-40. <u>File History:</u> '445 patent: July 1, 1997 Office Action at p. 5. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994):	<u>Extrinsic Support:</u> Testimony / declaration(s) of Norbert P. Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> A construction consistent with Defendants' proposal would result in no infringement of the asserted claim by one or more Defendants.

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Joint Claim Construction Chart

***In Re: e.Digital Cases, Case Nos. 13-cv-2905-H-BLM; 13-cv-2906-H-BLM;
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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.	“file system.” Testimony and/or declarations of Neeraj Gupta, Norbert P. Dabeko, and/or Richard K. Davis. <i>Impact of Proposed Construction on Merits of the Case:</i> e.Digital does not believe adoption of either party’s proposed construction of this term will be dispositive.	
"data storage format" <u>Claim 1</u> A method of memory management for a	“file system” <i>Intrinsic Support:</i>	Defendants already seek to construe the claim term "industry standard data storage format" and contend no

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
primary memory created from a non-volatile, long-term storage medium, said method enabling direct manipulation of contiguous and non-contiguous discrete data segments stored therein by a file system, and comprising the steps of: (a) creating the primary memory from a non-volatile, long-term storage medium, wherein the primary memory comprises a plurality of blocks in which the data segments are to be stored; (b) coupling a cache memory to the primary memory, said cache memory providing temporary and volatile storage for at least one of the data segments; (c) writing a new data segment from the cache memory to the primary memory by linking said new data segment to a sequentially previous logical data segment by the following steps:	<u>Claims:</u> '108 patent: 1 <u>Figures:</u> '108 patent: 3, 4 <u>Specification:</u> '108 patent: Abstract; 1:5-21; 1:27-30; 1:45-51; 1:64-67; 2:26-32; 3:19-22; 3:28-30; 3:38-40; 4:10-14; 8:34-65; 10:57-63. '445 patent: Cols. 4:40-44; 8:38-60; 23:34-40. <u>File History:</u> '445 patent: July 1, 1997 Office Action at p. 5. <u>Extrinsic Support:</u> Microsoft Press, Computer Dictionary (Second Ed., 1994): "file system."	construction for this term is necessary. To the extent the Court nonetheless requires a construction for "data storage format," the term should be construed as "plain meaning, i.e., file format in which data is stored." <u>Intrinsic Support:</u> <u>Claims:</u> '108 patent, claim 1; '445 patent, claim 1. <u>Figures:</u> <u>Specification:</u> '445 patent at 8:47-50; '108 patent at Abstract, 3:19-21, 10:53-56. <u>Extrinsic Support:</u> Testimony / declaration(s) of Norbert P.

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
(1) receiving the new data segment in the cache memory; (2) moving the new data segment from the cache memory to a next available space within primary memory such that the new data segment is stored in primary memory in non-used memory space; (3) identifying the previous logical data segment in primary memory; (4) creating a logical link between the previous logical data segment and the new data segment such that the logical link provides a path for sequentially accessing the data segments within the primary memory; (5) creating additional serial and logical links as subsequent new data segments are written to primary memory, said logical links providing the path for serially accessing the data segments regardless of contiguity of the data segments relative to each other within the	Testimony and/or declarations of Neeraj Gupta, Norbert P. Daberko, and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> e.Digital does not believe adoption of either party's proposed construction of this term will be dispositive.	Daberko and/or Richard K. Davis. <u>Impact of Proposed Construction on Merits of the Case:</u> Defendants contend this term need not be construed in light of the construction of the term "industry standard data storage format." To the extent the Court construes this term, a construction consistent with Defendants' proposal would result in no infringement of the asserted claim by one or more Defendants.

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Joint Claim Construction Chart

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Disputed Claim of '108 Patent	e.Digital's Proposed Construction	Defendants' Proposed Construction
primary memory; and (6) storing the data segments to primary memory in a manner consistent with an industry standard data storage format while retaining linking between data segments created in previous steps.		