IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

AIP ACQUISITION LLC, Plaintiff, v. LEVEL 3 COMMUNICATIONS, LLC, Defendant.	C.A. No. 12-617 (GMS)
AIP ACQUISITION LLC, Plaintiff, v. CSC HOLDINGS, LLC, Defendant.	C.A. No. 12-1688 (GMS)
AIP ACQUISITION LLC, Plaintiff, v. CHARTER COMMUNICATIONS, INC., *et al.*, Defendants.	C.A. No. 12-1689 (GMS)
AIP ACQUISITION LLC, Plaintiff, v. COMCAST CORPORATION, *et al*., Defendants.	C.A. No. 12-1690 (GMS)

AIP ACQUISITION LLC, Plaintiff, v. COX COMMUNICATIONS, INC., *et al.*, Defendants.	C.A. No. 12-1691 (GMS)
AIP ACQUISITION LLC, Plaintiff, v. TIME WARNER CABLE INC., *et al.*, Defendants.	C.A. No. 12-1692 (GMS)

AMENDED JOINT CLAIM CONSTRUCTION CHART

Pursuant to Stipulation (12-1688, D.I. 49), and the subsequent Court Order entered on November 18, 2013, the parties in the above-captioned matter submit their Amended Joint Claim Construction Chart setting forth the present claim terms, and evidence in relation to U.S. Patent Nos. 7,724,879; 6,496,579; 6,078,654; and 6,188,756.[1] The attached Amended Joint Claim Construction Chart includes each party's proposed construction of the disputed claim language with citation to the intrinsic and extrinsic evidence in support of their respective proposed

[1] The '879, '576, '654, and '756 patents issued as continuing applications of U.S. Patent Application No. 08/320,269 and share exact or similar portions of their specifications. Accordingly, the intrinsic evidence proffered by Defendants to support the construction of exact and/or similar terms and phrases common to any of the patents may include the specification and file history of any patent that discloses such term or phrase, including Terminal Disclaimers dated October 21, 1998, March 13, 2002, and November 5, 2008, filed during the prosecution of the '654 Patent, the '579 Patent, and the '879 Patent, respectively.

constructions.[2] By proposing, or failing to propose a construction, Defendants do not intend to waive any invalidity argument under 35 U.S.C. §§ 112 outlined in their Preliminary Invalidity Contentions or as may be disclosed as discovery progresses. The parties have made a good faith effort to include herein all known support for their respective constructions, but reserve their right to identify any additional evidence as necessary to address the Court's questions during the Markman hearing.

A copy of the Amended Joint Claim Construction Chart is attached as Exhibit A.

[2] AIP's understanding of the Scheduling Order is that this submission is to include only citations to intrinsic evidence. If, however, the Court prefers that this submission also include citations to extrinsic evidence, AIP respectfully requests leave to supplement its portion of this submission.

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December 16, 2013
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EXHIBIT A

Disputed Terms

A. Overlapping '879 Mashinsky Patent (U.S. Patent No. 7,724,879)

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
An internet protocol (Claim 1)	A datagram protocol where a datagram is a self-contained, independent entity of data carrying sufficient information to be routed from the source to the destination computer without reliance on earlier exchanges between this source and destination computer and the transporting network	One of a set of protocols used on the Internet, such as TCP/IP, used to link dissimilar computers across a variety of other networks and protocols
	Intrinsic Evidence: AIP00001556/AIPC00003294/AIPTW00000263, 7:34-39; AIP00001556/AIPC00003294/AIPTW00000263, 7:44-50; AIP00001545-1552/AIPC00003283-3290/AIPTW00000252-259 Appl. No. 08/320,269: AIP00001841; AIP00001843/AIPC00003558/AIPTW00000527; AIP00001845/AIPC00003560/AIPTW00000529 Additional Extrinsic Evidence: Andrew S. Tanenbaum, *Computer Networks*, (4th Ed. 1996) at 60, 413, 450, 452-53 RFC 1594 (Network Working Group 1994) at 1, 33 RFC 791 (Internet Protocol, DARPA Internet Program Protocol Specification, 1981) at 2 RFC 793 (Transmission Control Protocol, DARPA Internet Program Protocol Specification, 1981) at 2 R.J. Cherukuri and J.H. Derby, *Frame Relay: Protocols and Private Network Applications* (1989) at 678 col. 2 to 681 col. 1	Intrinsic Evidence: '879 Patent: Abstract; col. 4:43-49; col. 5:59 –6:3; col. 6:36-62; col. 7:22-56; col. 13:31-34 Figs. 1, 2, 8, 9 U.S. Pat No. 7,269,247 Prosecution History, originally filed application (9/15/04) U.S. Pat No. 7,269,247 Prosecution History, Amendment (10/13/06) U.S. Pat No. 7,269,247 Prosecution History, Amendment (2/14/07) Extrinsic Evidence: Alan Freedman, *The Computer Desktop Encyclopedia* 444, 446, 850 (1996) Amjad Umar, *Object-Oriented Client/Server Internet*

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
	Reexamination of U.S. Patent No. 6,243,373 ("the '373 Patent"), Final 1/4/2011 Office Action, at 12	*Environments* 485 (1997) *TCP/IP Illustrated, Vol. 1,* at p.2 & §1.10-.14 (1994) Information Sciences Institute, *Transmission Control Protocol*, IETF RFC 793 § 1.5 (Sept. 1981) Theodore J. Socolofsky & Claudia J. Kale, *A TCP/IP Tutorial*, IETF RFC 1180 § 7 (Jan. 1991) Decision Instituting *Inter Partes* Review, *Level 3 Commc'ns, LLC v. AIP Acquisition, LLC*, IPR2013-296, Oct. 31, 2013 at 14, 20-21, 33. Douglas E. Comer, *Internetworking with TCP/IP*, Volume 1 at 56-57, Fig. 3.3 (2d ed. 1991) Andrew S. Tanenbaum, COMPUTER NETWORKS, 396, 521 (3d ed. 1996) W. Stevens, TCP/IP Illustrated Volume 1, Sections 1.10-14; Patentee's Preliminary Response (Level 3 IPR) (pgs. 2-12 RFC 1594 at 3, 37; RFC 1600 at 1-5, 28-29; RFC 1610 at 1-5, 28-29; RFC 1800 at 1-5, 18-28; RFC 1700 at 6-10, RFC 1180 at 1-3, 7; RFC 1190 at 1, 6, 7; RFC 793 at 1-3, 14-16; Federal Networking Counsel (FNC), Definition of "Internet" (10/24/95)

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
Signaling messages (Claim 15)	Control information exchanged between two points in a network to establish, maintain and/or remove a phone call as distinguished from conversation information exchanged between a caller and a call recipient over an already established phone call.	Information related to the establishment and control of a connection to facilitate telecommunications
	Intrinsic Evidence: AIP00001553/AIPC00003291/AIPTW000000260, 2:4-12; AIP00001545-1552/AIPC00003283-3290/AIPTW00000252-259 Appl. No. 08/320,269: AIP00001838/AIPC00003553/AIPTW00000522; AIP00001839/AIPC00003554/AIPTW00000523; AIP00001843/AIPC00003558/AIPTW00000527; AIP00001845/AIPC00003559/AIPTW00000528; AIP00001846/AIPC00003560/AIPTW00000529; AIP00001841/AIPC00003556/AIPTW00000525 Additional Intrinsic Evidence: AIP00001560/AIPC00003298/AIPTW00000267, Claim 15 (16:50-51) AIP00001560/AIPC00003298/AIPTW00000267, Claim 1 (15:47-48) Additional Extrinsic Evidence: Telecom: TNA 102 (June 1996) at 5 M.L. Gurrie and P.J. O'Connor, *Voice/Data Telecommunications Systems, An Introduction to Technology* (1986) at 222 U.S. Patent 3,306,984 (Leonard) at 1:17-20 Bijan Jabbari, Common Channel Signaling System Number 7 for ISDN and Intelligent Networks, *Proceedings of the IEEE* (1991), Vol. 79, No. 2 at	Intrinsic Evidence: '879 Patent: col. 2:4-12; Col. 5:51-58; Col. 6:42-46; col. 12:38-40; col. 15:47-48 Extrinsic Evidence: T. Saadawi, *Fundamentals of Telecommunications Networks* (1994), Section 11.6 (1994) Office of Tech. & Standards, Nat'l Commc'ns Sys., *Telecommunications: Glossary of Telecommunication Terms*, Fed-Std-1037B, at S-9 (June 1991) Decision Instituting *Inter Partes* Review, *Level 3 Commc'ns, LLC v. AIP Acquisition, LLC*, IPR2013-296, at 17 Patentee's Preliminary Response (Level 3 IPR) (pgs. 12-25) E. Bryan Carne, *Telecommunications Primer: Signals, Building Blocks and Networks*, Prentice-Hall PTR (1995) at 293)

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
	155, col. 2, lines 5-6, and 156, col. 1, lines 10-13 J.A. Pecar et al., *The McGraw-Hill Telecommunications Factbook* (1993) at Fig. 5.2 E. Bryan Carne, *Telecommunications Primer: Signals, Building Blocks and Networks*, Prentice-Hall PTR (1995) at 293)	
Access device (Claims 1, 3) **First access device** (Claims 1, 3) **Second access device** (Claims 1, 3)	A device to access a communications network	End-user device that is the ultimate initiator or ultimate destination of the transmission
	<u>Intrinsic Evidence</u>: AIP00001554/AIPC00003292/AIPTW00000261, 4:56-60; AIP00001557/AIPC00003295/AIPTW00000264, 9:42-46; AIP00001558/AIPC00003296/AIPTW0000026, 11:45-54; AIP00001559/AIPC00003297/AIPTW00000266, 13:19-24; AIP00001545-1552/AIPC00003283-3290/AIPTW00000252-259 Application No. 08/320,269: AIP00001841/AIPC00003556/AIPTW00000525 AIPC00003292/AIPTW00000261, 4:56-60; AIPC00003295/AIPTW00000264, 9:42-46; AIPC00003296/AIPTW0000026, 11:45-54; AIPC00003297/AIPTW00000266, 13:19-24; AIPC00003283-3290/AIPTW00000252-259 Application No. 08/320,269: AIPC00003556/AIPTW00000525 <u>Additional Intrinsic Evidence:</u>	<u>Intrinsic Evidence</u>: '879 Patent: col. 4:34-36; col. 4:50-60; col. 6:38-47; col. 6:57-62; col 7:54-56; col. 7:62-64; col. 9:27-46; col. 11:45-50; col. 11:63-12:3; col. 12:28-31; col. 12:62; col. 13:17-25; col. 13:60-63; col. 14:31-32; col. 14:38; col. 15:8; col. 15:41-16:4 Figs. 1, 7, 8, 9 Decision Instituting *Inter Partes* Review, *Level 3 Commc'ns, LLC v. AIP Acquisition, LLC*, IPR2013-296, at 21

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
	AIP00001554/AIPC00003292/AIPTW00000261, 4:50-51; AIP00001559/AIPC00003297/AITW00000266, 14:5-6; AIP00001560/AIPC00003298/AIPTW00000267, Claims 3 (16:16-20) and 5 (16:24-28) Application No. 08/320,269: AIP00001842/AIPC00003557/AIPTW00000527; AIP00001844/AIPC00003559/AIPTW00000529	
Telecommunication nodes (Claim 1)	No construction needed	Components that intercept the phone call from a communications network and reroute it from its intended path to an alternate path.
	Intrinsic Evidence: AIPC00003292/AIPTW00000261, 4:20-28; AIPC00003293/AIPTW00000262, 5:16-26; AIPC00003297/AIPTW00000266, 13:60-67; AIPC00003283-3290/AIPTW00000252-259 Application No. 08/320,269: AIPC00003554/AIPTW00000523; AIPC00003558/AIPTW00000527; AIPC00003556/AIPTW00000525 Additional Intrinsic Evidence: AIP00001553/AIPC00003291/AIPTW00000260, 1:62-2:1; AIP00001557/AIPC00003295/AIPTW00000265, 9:27-29; AIP00001558/AIPC00003296/AIPTW00000266, 11:50-51; AIP00001558/AIPC00003296/AIPTW00000266, 11:53-54; AIP00001558/AIPC00003296/AIPTW00000266, 12:4-8; AIP00001558/AIPC00003296/AIPTW00000266,	Intrinsic Evidence: '879 Patent: col. 2:22-24; col. 4:22-33; col. 9:27-31; col. 11:50-62; col. 14:5-6; col. 16:8-9; Figs. 1, 8, 9 Extrinsic Evidence: *The American Heritage Dictionary* 939 (3d ed. 1992)

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
	12:21-24; AIP00001559/AIPC00003297/AIPTW00000267, 13:19-22; AIP00001559/AIPC00003297/AIPTW00000267, 14:5-6	
Receiving a transmission in a first format through a first communication network from a first access device (Claim 1)	No construction needed	Receiving a transmission in a first format that originated from a first access device, entered a first communication network and passed out the other side of that first communication network
	Intrinsic Evidence: AIPC00003283-3290/AIPTW00000252-259 Application No. 10/941,471: AIPC00003727/AIPTW00000696 Additional Intrinsic Evidence: AIP00001553/AIPC00003291/AIPTW00000260, 2:22-26; AIP00001558/AIPC00003296/AIPTW00000265, 11:47-49; AIP00001559/AIPC00003297/AIPTW0000266, 14:30-33; AIP00001560/AIPC00003298/AIPTW00000267, 15:44-45; AIP00001545-1552 Application No. 08/320,269: AIP00001842/AIPC00003557/AIPTW00000527; AIP00001844/AIPC00003559/AIPTW00000529	Intrinsic Evidence: '879 Patent: col. 2:4-11; col. 4:61-64 ; col. 5:37-46 ; col. 5:51-56 ; col. 6:42-47 ; col. 7:19-26 ; col. 9:62-65; col. 10:40-51; col. 12:12-20 ; col. 12:28-51; col. 13:17-22 ; col. 14:30-37 ; col. 14:65 –15:10. Figs. 1, 8, 9 U.S. Pat No. 7,269,247 Prosecution History, Oct. 14, 2006 Resp. to O.A. at 3, 9; Extrinsic Evidence: *The American Heritage Dictionary* 1870 (1992)
First communication network (Claims 1, 4)	First communication network: No construction needed	First communication network: A single network with a plurality of telephones that use a telecommunications protocol to communicate with each other. Analog telephone network: A single all-analog network

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
Analog telephone network (Claims 1, 4) **Digital telephone network** (Claims 1, 4)	Analog telephone network: No construction needed Digital telephone network: No construction needed	with a plurality of telephones that use a telecommunications protocol to communicate with each other. Digital telephone network: A single all-digital network with a plurality of telephones that use a telecommunications protocol to communicate with each other.
	Intrinsic Evidence: AIPC00003291/AIPTW00000260, 1:61-2:3; AIPC00003283-3290/AIPTW00000252-259 Application No. 08/320,269: AIPC00003556/AIPTW00000525 AIPC00003291/AIPTW00000260, 1:52-57; AIPC00003292/AIPTW00000261, 4:36-40; AIPC00003297/AIPTW00000266, 13:25-33; AIPC00003295/AIPTW00000264, 10:40-44; Additional Intrinsic Evidence: AIP00001553/AIPC00003291/AIPTW00000260, 1:57; AIP00001553/AIPC00003291/AIPTW00000260, 2:22-27; AIP00001554/AIPC00003292/AIPTW00000261, 4:36-42; AIP00001555/AIPC00003293/AIPTW00000262, 6:40-42; AIP00001557/AIPC00003295/AIPTW00000264, 9:41-43; AIP00001559/AIPC00003297/AIPTW00000266, 13:17-27 AIP00001554/AIPC00003292/AIPTW00000261 4:64-66	Intrinsic Evidence: '879 Patent: Claims 1 and 4; col. 1:35-57; col. 2:22-27; col. 4:34-42; col. 4:50-5:7; col. 6:36-56; col. 7: 57 -8:2; col. 8:51-67; col. 13:26-28; col. 13:42-49; col. 14:30-32; col. 14:58-61 Figs. 1, 3, 8, 9 *See* First Communication Network and Analog Telephone Network Extrinsic Evidence: T. Saadawi, Fundamentals of Telecommunications Networks (1994), Section 1.4 Alan Freedman, *The Computer Desktop Encyclopedia* 575 (1996) *Computer Dictionary* 268 (Casey Doyle ed., 2d ed. 1993) Harry Newton, *Newton's Telecom Dictionary* 64-65, 321

'879 Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
		(8th ed. 1994)
Telecommunication protocol (Claim 1)	No construction needed	A protocol that (1) establishes voice communication and (2) transmits voice communication for a phone call.
	Intrinsic Evidence: AIPC00003294/AIPTW00000263; AIPC00003283-3290/AIPTW00000252-259 Additional Intrinsic Evidence: AIP00001554/AIPC00003292/AIPTW00000261, 4:36-40; AIP00001554/AIPC00003292/AIPTW00000261,4:41-42; AIP00001556/AIPC00003294/AIPTW00000263, 8:18-19; AIP00001560/AIPC00003298/AIPTW00000267, Claim 5 (16:25); AIP00001560/AIPC00003298/AIPTW00000267, Claim 14 (16:48-49)	Intrinsic Evidence: '879 Patent: col. 5:51-58; col. 8:18-23; col. 8:43-49; col. 8:51-56; col. 9:18-19; col. 15:46-48; col. 16:10-11 Fig. 6, element 136; Figs. 6, 7 U.S. Patent No. 7,269,247 Pros. Hist., Oct. 13, 2006 Resp. to O.A. at 13-14 U.S. Patent No. 7,269,247 Pros. Hist., Mar. 14, 2007 Resp. to O.A. at 9-10
Sending the converted transmission … for reception by a second access device (Claim 1)	No construction needed	Sending the transmission in the second format … so that the transmission in the second format will be received by the second access device.
	Intrinsic Evidence: AIPC00003291/AIPTW00000260, 1:48-55; AIPC00003292/AIPTW00000261, 4:61-67; AIPC00003292/AIPTW00000262, 6:36-56; AIPC00003283-3290/AIPTW00000252-259 Additional Intrinsic Evidence:	Intrinsic Evidence: '879 Patent: col. 6:63-66; col. 7:15-16; col. 13:19-25; col. 15:50-53; col. 16:1-4

'879 Patent Claim Term	**Plaintiff's Proposed Construction and Evidence**	**Defendants' Proposed Construction and Evidence**
	AIP00001554-1555/AIPC00003292-3293/AIPTW00000261-262, 4:64-5:7	
A further format suitable for the second access device (Claim 1)	No construction needed	A further format for the transmission that can be received and understood by the second access device.
	Intrinsic Evidence: AIPC00003291/AIPTW00000260, 2:4-11; AIPC00003292-3293/AIPTW00000261-262, 4:67-5:7; AIPC00003293/AIPTW00000262, 6:36-56; AIPC00003283-3290/AIPTW00000252-259 Additional Intrinsic Evidence: AIP00001554/AIPC00003292/AIPTW00000261, 4:61-5:7; AIP00001558/AIPC00003296/AIPTW00000265, 12:4-9; AIP00001559/AIPC00003297/AIPTW00000266, 13:49-51; AIP00001559/AIPC00003297/AIPTW00000266, 13:58-61	Intrinsic Evidence: '879 Patent: col. 13:22-24; col. 15:42-43; Extrinsic Evidence: *The American Heritage Dictionary* 1796 (3d ed. 1992)

B. Other Mashinsky Patents (U.S. Patent Nos. 6,078,654, 6,496,579, 6,188,756)

Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
"An intercept," "[T]he intercept" **('654 patent)** (Claims 1 and 5)	Device for intercepting and directing a transmission	Device that transparently reroutes a phone call from its intended path to an alternative path
	Intrinsic Evidence: AIPC00002016; AIPC00002011-2013; AIPC00001136-37 Additional Intrinsic Evidence: AIPC00002016-2017, 6:46-7:2; AIPC00002017, Claim 1 (7:59-65) and Claim 5 (8:30-35)	Intrinsic Evidence: '654 Patent: Col. 6:46-58; col. 4:63 – col. 5:2 '879 Patent: Col. 2:22-24; col. 9:26-31 Prosecution History from U.S. Patent No. 5,710,809: September 27, 1996, Amendment and Remarks at 8-9. '654 Patent: Col. 6:53-55 Figs. 2 and 3 '654 Patent: Col. 4:63 – col. 5:5; col. 2:66 – col. 3:4; col. 5:29-34 '269 App. FH, Aug. 27, 1996, Resp. to O.A. at 6 (abandoned and continued as U.S. Patent Application No. 08/728,670 (U.S. Patent. No. 5,710,809) Extrinsic Evidence: *The American Heritage Dictionary* 939 (3d ed. 1992)

Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
"In a manner transparent . . . " **('579 patent)** (Claims 1 and 5) **('654 patent)** (Claims 1 and 5) **('756 patent)** (Claim 8)	Transparent is pertaining to a device or system that processes data without the user being aware of or needing to understand its operation. Otherwise, no construction needed	Without user input during the call, or user awareness of the system handling the call or the stages of the connection process
	<u>Intrinsic Evidence</u>: AIPC00003275-76, 2:63-3:32; AIPC00003276, 4:14-21; AIPC00003272-3274 Application No. 09/009,007 (U.S. Patent No. 6,078,654): AIPC00003137; AIPC00001137; AIPC00001158 AIPC00002014-15, 2:61-3:30; AIPC00002015, 4:9-17; AIPC00002011-2013; AIPC00001137; AIPC00001158 Application No. 08/320,269 (abandoned and continued as U.S. Patent Application No. 08/728,670 (U.S. Patent. No. 5,710,809: AIP00003987; AIPC00004005-4006 <u>Additional Intrinsic Evidence:</u> AIPC00002016, 5:53-55; AIPC00002017, 7:16-20 AIPC00002970, 1:11-26; AIPC00002970, 1:37-52; AIPC00002970, 1:55-2:5; AIPC00002970, 2:16-56; AIPC00002970-2971, 2:65-3:20; AIPC00002971, 4:6-21; AIPC00002971, 4:38-64; AIPC00002972, 5:5-57; AIPC00002972, 6:1-49; AIPC00002972, 6:51-67; AIPC00002973, 7:1-9; AIPC00002973, 7:53-8:15; AIPC00002973-2974, 8:36-9:24; AIPC00002974, 9:31-50; AIPC00002974, 9:58-67; AIPC00002974-2975, 10:54-11: 48; AIPC00002975, 11: 54-56; AIPC00002975, 12:15-26; AIPC00002975-2976, 12:66-13:4; AIPC00002976, 13:9-30; AIPC00002976, 14:9-54; AIPC00002977, 15:12-19; AIPC00002962-2969; AIPC000002706; AIPC000002708-10; AIPC00002960;	<u>Intrinsic Evidence</u>: '579 Patent, Fig. 1 '654 Patent, claims 1, 5 '756 Patent, Claims 1, 3, 7, 8, 9, 14, 15 '579 Patent, Claims 1, 5, 6, 10 '579 Patent: Col. 2:67-3:5; col. 4:14-21 '579 Patent Prosecution History: March 15, 2002, Remarks at 2-3 '654 Patent: Col. 4:9-16; col. 2:66 – col. 3:4 '879 Patent: Col. 5:51-58; col. 7:6-15; col. 11:35-41; col. 11:50-52; col. 12:61-63; col. 14:23-26 '654 Patent, '879 Patent, Fig. 1. '654 Patent, claims 1, 5 '756 Patent, Claims 1, 3, 7, 8, 9, 14, 15 '579 Patent, Claims 1, 5, 6, 10 '879 Patent: Col. 1:19-22.

Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
	AIPC000002356-57 Application No. 08/320,269: AIPC00002991-92; AIPC00003572 Application No. 12/766,691: AIPC00004122-23	'879 Patent: Summary of the Invention, col. 1:19-22; col. 1:61-64; col. 4:23-24; '654 Patent Prosecution History: Letter Re: Filing of Continuation Application dated January 16, 1998, at 6-7; October 29, 1998, Remarks at 2-3; File History of U.S. App. No. 09/372,024, March 15, 2002, Response to Office Action, at 2-3. US Patent No. 5,710,809 Prosecution History: August 27, 1996 Amendment at 6; October 9, 1996, Amendment at 9.; September 27, 1996, Amendment at 10 Prosecution History: March 15, 2002 Applicant Remarks at 2. '756 Patent: Col. 1:11-22; col. 1:55-64; col. 7:1-9; col. 14:18-34 '654 Patent Prosecution History, Oct. 29, 1998, Applicant Resp. at 3 File History U.S. Patent Application 08/320,269 ('269 App. FH), May 6, 1996, Resp. to O.A. at 9 '654 Patent Prosecution History, Jan. 15, 1998, Letter of Applicant at 6-7; '654 Patent Prosecution History, Oct. 29, 1998, Resp. to O.A. at 2-3 '269 FH, Aug. 27, 1996, Resp. to O.A. at 6

Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
		(abandoned and continued as U.S. Patent Application No. 08/728,670 (U.S. Patent. No. 5,710,809)
"Determining whether a call … should be connected…" **('579 and '654 patents)** (Claim 1) **"Means for determining whether a call … should be connected…"** **('579 patent)** (Claim 5)	No construction needed Structure is a local node	Confirming a connection with the called party prior to performing callback to the calling party --- <u>Structure</u>: central switching unit switch 22 <u>Function</u>: Confirming a connection between the control location and the called party prior to performing callback to the calling party
	<u>Intrinsic Evidence</u>: AIPC00003275, 1:19-36; AIPC00003275-76, 2:61-3:17; AIPC00003276-77, 4:63-5:10; AIPC00003277, 6:51-64; AIPC00003272-3274; AIPC00003132; AIPC00003137-38; AIPC00003156 Application No. 09/009,007 (U.S. Patent No. 6,078,654): AIPC00001136-37 <u>Additional Intrinsic Evidence:</u> AIPC00003277, 5:29-31; AIPC00003278, 7:10-15; AIPC00003278, 7:38-46; AIPC00003278-79, Claims 1 (7:58-8:10), 4 (8:20-28), 5 (8:29-47), 6 (8:48-9-2) and 10 (10:1-20) AIPC00002015-16, 4:57-5:5; AIPC00002011-2013;AIPC00001136-37 <u>Additional Intrinsic Evidence:</u>	<u>Intrinsic Evidence</u>: '579 Patent: 1:46-59; col. 5:11-6:50. '579 Patent, Figs. 2, 3 '579 Patent: Col. 4:41-55; col. 7:8-10; col. 7:36-46; col. 11:14-18 '579 Patent Prosecution History: March 15, 2002, Remarks at 3-4; September 10, 2002, Reasons for Allowance '654 Patent: Abstract; Col. 1:44-64; col. 2:30-41; *see also* col. 2:42-58; col. 3:3-24; col. 3:31-55; 4:26-35; 4:66-5:5; 5:26-43; 6:27-33; 6:46-58; 7:3-5; 7:28-41; '756 Patent, Col. 11:14-18.

Patent Claim Term	Plaintiff's Proposed Construction and Evidence	Defendants' Proposed Construction and Evidence
	AIPC00002016, 5:24-26; AIPC00002016-2017, 6:46-7:28; AIPC00002017, 7:5-10; AIPC00002017, 7:32-40; AIPC00002017, Claims 1 (7:53-8:9) and 2 (8:10-21)	Figs. 1 – 3 '654 Patent Prosecution History: October 29, 1998, Response to Office Action, at 4-5 '579 Patent: Col. 1:20-28; col. 1:40-44 ; col. 2:31-38; col. 5:31-39; col. 6:32-38; col. 7:37-45 '579 Patent Prosecution History: Mar. 15, 2002, Resp. to O.A. at 3-5 '654 Patent: Col. 5:26-34; col. 6:26-32; col. 7:32-40 '654 Patent Prosecution History: Oct. 29, 1998, Response to O. A. at 4-5

Connecting the call from the calling party access number to the called party access number **('579 and '654 patents)** (Claim 1) **Means for connecting the call from the calling party access number to the called party access number** **('579 patent)** (Claim 5)	No construction needed Structure is a central switching unit	Connecting a first call to the called party with a subsequent second call to the calling party in a manner transparent to the calling party and called party ---------- Structure: Central Switching Unit 22 capable of initiating a reverse direction phone call and structural equivalents Function: Connecting a first call to the called party with a subsequent second call to the calling party in a manner transparent to the calling party and called party
	Additional Intrinsic Evidence: AIPC00003277, 5:37-39; AIPC00003278, Claim 4 (8:20-28); AIPC00003278, Claim 6 (8:48-54) AIPC00002011-2013 Application No. 08/320,269 (abandoned and continued as U.S. Patent Application No. 08/728,670 (U.S. Patent No. 5,710,809: AIPC00003989-3990; AIPC00004005-4006	Intrinsic Evidence: '579 Patent: Col. 1:20-28; col. 1:40-44 ; col. 2:31-38; col. 5:31-39; col. 6:32-38; col. 7:37-45; col. 5:15-17; col. 4:49-51; claim 4 '579 Patent: Abstract; col. 1:46-65; col. 3:11-26; col. 3:33-38; col. 5:31-47; col. 6:32-38; col. 7:33-46 '579 Patent Prosecution History, Appl. No. 09/372,024: Mar. 15, 2002, Resp. to O.A. at 3-5. '579 Patent prosecution history: Appl. No. 09/372,024, March 15, 2002, Response to Office Action, at 2-3 '579 Patent: Col. 4:41-55 '654 Patent: Col. 4:26-35; col. 4:66 – col 5:5; col. 6:46-58.

		Figs.. 2, 3. '654 Patent: Abstract; col. 1:44-64; col. 3:9-24; col. 3:31-35; col. 5:26-43; col. 6:27-33; col. 7:3-5; col. 7:28-41 '756 Patent, 11:14-18. '654 Patent Prosecution History: October 29, 1998, Response to Office Action, at 4-5
"calling telephone equipment" (**'579 patent**, Claims 1 and 5; **'654 patent**, Claim 5)" **"calling location,"**	calling telephone equipment: No construction needed calling party location: No construction needed called party telephone user equipment: No construction needed calling telephone user equipment: No construction needed	calling telephone equipment: calling telephone calling party location: calling telephone called party telephone user equipment: calling telephone calling telephone user equipment: calling telephone

(**'579 patent**, Claims 1 and 5; **'654 patent**, Claim 1) **"calling party telephone user equipment," and "calling telephone user equipment."** (**'654 patent,** Claim 5)	Intrinsic Evidence: AIPC00003272-3274 AIPC00003275-76, 2:62-3:32; AIPC00003276, 4:41-54; AIPC00003276-77, 4:63-5:10; AIPC00003277, 5:21-67; AIPC00003277, 6:22-50; AIPC00003278, 7:21-32; AIPC00003272-3274 AIPC00002014, 2:42-59; AIPC00002014-15, 2:61-3:30; AIPC00002015, 4:6-26; AIPC00002015, 4:36-49; AIPC00002015-16, 4:57-5:5; AIPC00002016, 5:16-62; AIPC00002016, 6:17-45; AIPC00002017, 7:16-27; AIPC00002017, 7:32-41; AIPC00002011-2013: AIPC00002011-2013 Additional Intrinsic Evidence: AIPC00003275, 1:64-65; AIPC00003276, 3:48-52; AIPC00003276, 4:5-10; AIPC00003276 4:20-21; AIPC00003278, Claims 1 (7:58-8:10) and 5 (8:29-47) AIPC00003276, 4:5-10; AIPC00003276, 4:20-21; AIPC00003277, 5:1; AIPC00003277, 6:25-28; AIPC00003277, 6:12-14; AIPC00003278, Claims 1 (7:58-8:10) and 5 (8:29-47) Application No. 08/320,269, AIPC00003918; AIPC00003920 '579 File History, AIPC00003138 U.S. Patent 5,027,987 (Moll), AIPC00005793, 3:59-60	Intrinsic Evidence: Appl. No. 09/372,024, March 15, 2002, Response to Office Action, at 4 '579 Patent: Abstract; col. 2:62-66; col. 3:11-15; col. 5:1-4; col. 6:25-28; col. 6:32-45; col. 4:34-36 '654 Patent: Abstract; col. 2:61-65; col. 3:10-14; col. 4:63-66; col. 6:20-23; col. 6:24-40 '879 Patent: Col. 4:34-36 Prosecution History of '654 Patent: Appl. No. 09/372,024, March 15, 2002, Response to Office Action, at 4; '879 Patent: Col. 4:50-60 Figs. 1 '579 Patent: Col. 4:62-65; col. 3:35-38; col. 3:42-44 '579 Patent Prosecution History: Mar. 15, 2002, Response to Office Action at 3-5 '654 Patent Prosecution History, Oct. 29, 1998, Resp. to O.A. at 4-5
Selecting a transmission path connecting a calling location and a called location **('654 patent)**	No construction needed Intercept is a device for intercepting and directing a transmission.	Selecting a transmission path connecting a calling location and a called location: deciding whether to signal the called party through a data network instead of through the voice network An intercept that selects a route passing through a

(Claim 1) **An intercept that selects a route passing through a control location for connecting a calling party telephone user equipment to a called party telephone user equipment** **('654 patent)** (Claim 5)	Otherwise, no construction needed	control location for connecting a calling party telephone user equipment to a called party telephone user equipment: An intercept that decides whether to signal the called party through a data network instead of through the voice network
	Intrinsic Evidence: AIPC00002011-2013 Application No. 08/320,269 (abandoned and continued as U.S. Patent Application No. 08/728,670 (U.S. Patent No. 5,710,809: AIPC00003989-3990; AIPC00004005-4006 Additional Intrinsic Evidence: AIPC00002015-2016, 4:63-5:34; AIPC00002016-2017 5:55-7:2; AIPC00002011-2013	Intrinsic Evidence: '654 Patent: Col. 4:66-5:5; 6:46-58; col. 4:60-63 Fig. 2 Fig. 1 Figs. 2 & 3 (*see* Blocks 54 & 56; 70 & 71) '654 Patent: Col. 2:9-29; '654 Patent, 4:26-35; '654 Patent, 4:66-5:5; col. 6:17-6:27; col. 6:46-58; Figs. 2, 3 (12, 54) Prosecution History from U.S. Patent No. 5,710,809 (continuation of Appl. No. 08/320,269): September 27, 1996 Amendment and Remarks at 8-9; April 24, 1996 Amendment at 11
"Transmitting to a control location identification for calling telephone equipment and the called telephone equipment" **('579 patent)** (Claim 1)	No construction needed	Transmitting identification information for the calling telephone and the called telephone to a control location over a network independent from the telecommunications network over which the voice communication travels. ----------

"Means for transmitting to a control location identification for the calling telephone equipment and the called telephone equipment" **('579 patent)** (Claim 5)	Structure is a communications link	Structure: transparent telecommunications node 16 (intercept) and structural equivalents Function: Transmitting identification information for the calling telephone and the called telephone to a control location over a network independent from the telecommunications network over which the voice communication travels
	Intrinsic Evidence: AIPC00003276-77, 4:63-5:10; AIPC00003277, 5:21-39; AIPC00003272-3274 Additional Intrinsic Evidence: AIPC00003276, 4:31-39; AIPC00003277, 6:30-31; AIPC00003277, 6:60-62; AIPC00003277, 6:64-67; Application No. 08/320,269, AIPC00003929-3930, Claim 1	Intrinsic Evidence: 579 Patent: Abstract; col. 2:62 - col. 3:9; col. 4:62 – col. 5:10; col. 5:21-31; col. 4:31-40; Figs. 2, 3 '579 Patent: Col. 6:1-8.; col. 4:14-21 '654 Patent Prosecution History: January 16, 1998, Letter Re: filing of Continuation Application at 2. US Patent No. 5,710,809 Prosecution History: September 27, 1996, Amendment and Remarks at 8-9 '579 Patent: Col. 5:4-10; col. 5:21-32; col. 5:21-40; col. 6:51-7:7; col. 6:55-67 '654 Patent: Col. 5:16-35, col. 6:46-7:2 Fig. 1 Extrinsic Evidence:
"access location" **('756 patent)** (Claim 8)	No construction needed	End-user device that is the ultimate initiator or ultimate destination of the transmission
	Intrinsic Evidence: 1:11-22; 5:17-27; AIPC000002709-10	Intrinsic Evidence: '756 Patent: Col. 1:11-22; col. 5:18-23; col. 9:41-45; col.

	Additional Intrinsic Evidence: AIPC00002972, 5:19-29; AIPC00002972, 5:51-67; AIPC00002978, Claims 8(b) (17:5-11), 9 (17:27-44), and 11 (18:13-37)	5:18-29
"Checking a status on each of a plurality of communication access locations . . . to determine which is accessible" **('756 patent)** (Claim 8)	No construction needed	Checking availability for each of a plurality of access locations prior to initiating a call to the called party.
	Intrinsic Evidence: AIPC00002972, 5:28-37; AIPC00002972, 5:38-49; AIPC00002972, 6:8-16; AIPC00002972, 6:29-49; AIPC00002973, 7:1-9; AIPC00002974, 9:1-12; AIPC00002975, 11:66-67; AIPC00002975-2976, 12:66-13:9; AIPC00002976, 13:40-55; AIPC00002976, 14:26-34; AIPC00002976, 14:55-65; AIPC00002962-2969; AIPC000002710 Application No. 08/320,269: AIPC00003008; AIPC00002990-92; AIPC00002994; AIPC00002996 Additional Intrinsic Evidence: AIPC00002970, 2:27-36; AIPC00002792, 5:18-24; AIPC00002972, 5:62-64	Intrinsic Evidence: '756 Patent: Col. 2:57-64; col. 5:28-49; col. 6:8-29; col. 12:66-13:22; col. 13:31-55; col. 14:55-65 '756 Patent: Fig. 9 '756 Patent: Col. 3:9-20; col. 2:28-42; col. 5:28-29; col. 5:59-67