United States District Court,
N.D. California, Oakland Division.

DIGITAL IMPACT, INC., a Delaware corporation,
Plaintiff.
v.
BIGFOOT INTERACTIVE, INC., a Delaware corporation,
Defendant.
And Related Counterclai,
And Related Counterclaim.

No. C05 00636 SBA

April 13, 2007.

Thomas Edward Moore, III, Nicole V. Economou, The Moore Law Group, Palo Alto, CA, for Plaintiff.

Lina M. Brenner, Duane & Morris LLP, L. J. Chris Martiniak, Heller Ehrman White & Mcauliffe LLP, San Francisco, CA, Arthur M. Dresner, Duane Morris LLP, New York, NY, for Defendant.

[PROPOSED] CONSTRUCTION ORDER

SAUNDRA B. ARMSTRONG**, District Judge.**

The Court, having considered the briefs and materials provided by the parties and the arguments presented during the April 6, 2007 hearing regarding the construction of disputed terms in the claims of U.S. Patent 6,449,634, hereby construes the disputed terms as follows:

The claim term "E-mail message" is construed to mean "an electronic message."

The claim term "E-mail client" is construed to mean "a computer or similar electronic device with software on it for receiving, processing and displaying E-mail messages and operated by a human user either by virtue of previously programmed software that allows it to operate automatically or by virtue of direct action of the human user."

The claim term "determining" is construed to mean "the E-mail client ascertaining."

The claim term "indicating" is construed to mean "the E-mail client communicating the result of the determining step."

The claim term "displaying" is construed to mean "the E-mail client making visible or bringing into view."

The claim term "receiving" is construed to mean "the E-mail client acquiring the E-mail message."

The claim term "opening" is construed to mean "the E-mail client initiating the determining, processing and displaying of the E-mail message."

The claim term "sending a response" is construed to mean "the E-mail client communicating the result of the determining step."

IT IS SO ORDERED.

N.D.Cal.,2007.
Digital Impact, Inc. v. Bigfoot Interactive, Inc.

Produced by Sans Paper, LLC.