United States District Court,
S.D. California.

LUCENT TECHNOLOGIES, INC., Multimedia Patent Trust., et al,
Plaintiffs & Counter-Defendants.
v.
GATEWAY, INC, et al,
Defendants and Counterclaimants.

and

Microsoft Corporation,
Intervenor and Counter-claimant.
And Consolidated Case,
And Consolidated Cases.

Civil Nos. 02-2060-B (CAB), 03CV0699-B (CAB), 03CV1108-B (CAB)

June 25, 2008.

SECOND AMENDED ORDER CONSTRUING CLAIMS OF U.S. PATENT NO. 5,649,131
(FOLLOWING REMAND)

RUDI M. BREWSTER**, Senior District Judge.**

As instructed by the Federal Circuit Court of Appeals in its mandate, the Court issues this Second Amended Claim Construction order on Plaintiff Lucent's United States Patent No. 5,649,131 (hereinafter the '131 patent). FN1

FN1. The Court issued the original Claim Construction Order on the ' 131 patent on November 17, 2003. [# 155]. The Court first amended the Order on March 2, 2004. [# 176]

The '131 patent is one of the Group 4 patents pertaining to user interfaces. This Court retained jurisdiction over the '131 patent because it ruled on the summary judgment motion.
The Court **HEREBY CONSTRUES** the claims in dispute for the '131 Patent and issues the relevant jury instructions as written in Exhibit A. Further, the Court **HEREBY DEFINES** all pertinent technical terms as written in exhibit B, attached hereto.

IT IS SO ORDERED.

EXHIBIT A

UNITED STATES PATENT NO. 5,649,131-CLAIM CHART FN2

FN2. A11 terms appearing in bold face type have been construed by the Court and appear with their definitions in the glossary in Exhibit B. The definition for each construed term appears within brackets and in italics after its first use in the patent. Thereafter, a term that has previously been defined appears in bold type face and is also underlined.

VERBATIM CLAIM LANGUAGE	*COURT'S CONSTRUCTION*
Claim1	
A method of operating a host processor communicating with a terminal device, said method comprising the steps of	A method of operating a **host processor** [*a computer that communicates with one or more users to provide services such as transaction processing or database access*] communicating with a **terminal device** [*a computing device such as a data terminal, workstation, portable computer, or smart phone that enables a user to communicate with a host processor. It manages the actual positioning of objects on its associated display itself and manages its internal memory with the assistance of the host processor.*], said method comprising the steps of.
assigning an identifier to a respective one of a plurality of input object types, and	assigning an **identifier** [*a unique label assigned to identify each one of a plurality of input object types and, if any, each one of a plurality of group identifier types*] to a respective one of a plurality of **input object types** [*a kind of displayable graphical symbol that is suitable for display on a user's terminal device and that generates particular input when touched, or manipulated, by a user*], and
transmitting said identifier and its respective input object type to said device, wherein said plurality of object types includes at least two of the object types choice, entry, text, and image.	**transmitting** said identifier and its respective input object type **to said device** [*transmitting information directly to the device without first transmitting it to a site processor which then retransmits it*], wherein said plurality of object types includes at least two of the object types **choice** [*an input object type that may be selected by a user when displayed*], **entry** [*an input object type that solicits information from a user when displayed*], **text** [*an input object type that provides textual information to a user when displayed*], and **image** [*an input object type that displays a graphic image*].
Claim 2	
A method of operating a host processor communicating with a terminal device, said method comprising the steps of	A method of operating a ***host processor*** communicating with a ***terminal device.*** said method comprising the steps of
assigning an identifier to a respective one of a plurality of input object types,	assigning an ***identifier*** to a respective one of a plurality of ***input object types,***
transmitting said identifier and its respective input object type to said device, and	***transmitting*** said identifier and its respective input object type ***to said device.*** and
responding to a manipulation of the object at said terminal by transmitting to said processor a) said identifier and b) data	responding to a **manipulation** [*the function of supplying information requested on an object transmitted to a terminal. Manipulation can be performed in a number of different ways, such as by touching the screen or "clicking" on an object or by operating one or more entry keys, such*

representative of said manipulation, wherein said manipulation includes at least selection of said object; entry of data; or retrieval of display data.	*as typing. In this element of claim 2, the manipulation function includes at least one of the available system alternatives of: (a) Selection of an object; (b) Entry of data; and (c) Retrieval of display data.*] of the object at said terminal by transmitting to said processor a) said identifier and b) data representative of said manipulation, wherein said manipulation includes at least selection of said object; entry of data; or retrieval of display data.
Claim 3	
A method of operating a host processor communicating with a terminal device, said method comprising the steps of	A method of operating a ***host processor*** communicating with a ***terminal device,*** said method comprising the steps of
assigning an identifier to a respective one of a plurality of predefined presentation data types, said host being the originator of said identifier and said presentation data types,	assigning an ***identifier*** to a respective one of a plurality of predefined **presentation data types** [*data of the type that represents a particular item to be displayed by the terminal device and that is used by the end-user in a manner that is completely independent of the terminal device. In addition, presentation data types: (I) do not contain methods or executable code; (ii) do not link to, are not embedded in, and do not embed in themselves other presentation data types; and (iii) have parameters that specify input capability, including at least an item identifier to distinguish various data items that will be displayed on a display.*], said host being the originator of said identifier and said presentation data types,
transmitting said identifier and its respective presentation data type to said device, and	***transmitting*** said identifier and its respective presentation data type ***to said device,*** and
responsive to a manipulation of said respective presentation data type at said terminal device, transmitting to said processor said identifier and data representative of said manipulation, and further comprising the step of	responsive to a ***manipulation*** of said respective presentation data type at said terminal device, transmitting to said processor said identifier and data representative of said manipulation, and further comprising the step of
further transmitting to said device at least a first datum, and	further ***transmitting to said device*** at least a first **datum** [*"datum" is the singular of data; no construction needed*],
wherein said data representative of said manipulation includes said first datum.	wherein said data representative of said manipulation includes said first ***datum***
Claim 4	
A method of operating a host processor communicating with a terminal device, said method comprising the steps of	A method of operating a ***host processor*** communicating with a ***terminal device,*** said method comprising the steps of
assigning an identifier to a respective one of a plurality of predefined presentation data	assigning an ***identifier*** to a respective one of a plurality of predefined ***presentation data types,*** said host being the originator of said identifier and said presentation data types,

types, said host being the originator of said identifier and said presentation data types,	
transmitting said identifier and its respective presentation data type to said device, and	***transmitting*** said identifier and its respective ***presentation data type to said device,*** and
responsive to a manipulation of said respective presentation data type at said terminal device, transmitting to said processor said identifier and data representative of said manipulation,	responsive to a ***manipulation*** of said respective presentation data type at said terminal device, transmitting to said processor said identifier and data representative of said manipulation,
further transmitting to said device at least a first datum,	further transmitting to said device at least a first ***datum,***
wherein said data representative of said manipulation includes said first datum and wherein said respective presentation data type is representative of one or a plurality of different object types, and	wherein said data representative of said manipulation includes said first datum and wherein said respective presentation data type is representative of one or a plurality of different **object types** [*an item defined by a set of predefined properties and associated attributes*], and
presenting said first datum as a default data entry value for said one object type.	presenting said first datum as a **default data entry value** [*data value entered into an object unless the user changes it*] for said one object type.
Claim 5	
A method of operating a host processor communicating with a terminal device, said method comprising the steps of	A method of operating a **host processor** communicating with a **terminal device,** said method comprising the steps of
assigning an identifier to a respective one of a plurality of predefined presentation data types, said host being the originator of said identifier and said presentation data types,	assigning an ***identifier*** to a respective one of a plurality of predefined ***presentation data types,*** said host being the originator of said identifier and said presentation data types,
transmitting said identifier and its respective presentation data type to said device, and	transmitting said identifier and its respective presentation data type to said device, and
further transmitting to said device at least a first datum, and	further transmitting to said device at least a first ***datum,*** and
providing at said device a second datum that is a function of said first datum.	providing at said device a second ***datum*** that is a function of said first ***datum.***
Claim 6	
The invention of claim 5	The invention of claim 5 wherein said second datum comprises data

wherein said second datum comprises data available at said device but not available at said host processor.	available at said device but not available at said host processor.
Claim 7	
The invention of claim 6 wherein said first datum is a function call.	The invention of claim 6 wherein said first datum is a **function call** [*the initiation of a software routine*].
Claim 9	
The invention of claim 5 wherein said respective presentation data type is representative of one of a plurality of different object types and wherein said method further comprises the step of presenting said second datum at said device as a default data entry value for said one object type.	The invention of claim 5 wherein said respective presentation data type is representative of one of a plurality of different ***object types*** and wherein said method further comprises the step of presenting said second datum at said device as a **default data entry value** [*data value entered into an object unless the user changes it*] for said one ***object type .***
Claim 10	
The invention of claim 5 further comprising the step of responsive to a manipulation of said respective presentation data type at said terminal device, transmitting to said processor said identifier and data representative of said manipulation, wherein said data representative of said manipulation includes said second datum.	The invention of claim 5 further comprising the step of responsive to a ***manipulation*** of said respective presentation data type at said terminal device, transmitting to said processor said ***identifier*** and data representative of said manipulation, wherein said data representative of said manipulation includes said second datum.

EXHIBIT B

GLOSSARY OF TERMS FOR U.S. PATENT NO. 5,649,131

Choice refers to an input object type that may be selected by a user when displayed.

Datum is the singular of data. No construction necessary.

Default data entry value means data value entered into an object unless the user changes it.

Entry refers to an input object type that solicits information from a user when displayed.

Function call means the initiation of a software routine.

Host processor refers to a computer that communicates with one or more users to provide services such as transaction processing or database access.

Identifier refers to a unique label assigned to identify each one of a plurality of input object types and, if any, each one of a plurality of group identifier types.

Image refers to an input object type that displays a graphic image.

Input object type(s) refers to a kind of displayable graphical symbol that is suitable for display on a user's terminal device and that generates particular input when touched, or manipulated, by a user.

Manipulation refers to the function of supplying information requested on an object transmitted to a terminal. Manipulation can be performed in a number of different ways, such as by touching the screen or "clicking" on an object or by operating one or more entry keys, such as typing. In this element of claim 2, the manipulation function includes at least one of the available system alternatives of: (a) Selection of an object; (b) Entry of data; and (c) Retrieval of display data.

Object type(s) refers to an item defined by a set of predefined properties and associated attributes.

Presentation data type(s) means data of the type that represents a particular item to be displayed by the terminal device and that is used by the end-user in a manner that is completely independent of the terminal device. In addition, presentation data types: (I) do not contain methods or executable code; (ii) do not link to, are not embedded in, and do not embed in themselves other presentation data types; and (iii) have parameters that specify input capability, including at least an item identifier to distinguish various data items that will be displayed on a display.

Terminal device refers to a computing device such as a data terminal, workstation, portable computer, or smart phone that enables a user to communicate with a host processor. It manages the actual positioning of objects on its associated display itself and manages its internal memory with the assistance of the host processor.

Text refers to an input object type that provides textual information to a user when displayed.

Transmitting ... to said device means transmitting information directly to the device without first transmitting it to a site processor which then retransmits it.

S.D.Cal.,2008.
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