

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

CAMBRIDGE MOBILE TELEMATICS, INC.,

Plaintiff,

v.

SFARA, INC.

Defendant.

Civil Action No.: 3:23-cv-01368

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to L. Pat. R. 4.3 and the letter order extending deadlines (ECF No. 68), Plaintiff and Counterclaim-Defendant Cambridge Mobile Telematics, Inc. (“CMT”) and Defendant and Counterclaim-Plaintiff Sfara, Inc. (“Sfara”) hereby provide their Joint Claim Construction and Prehearing Statement regarding CMT’s asserted patents (U.S. Patent Nos. 10,246,037 (the “’037 patent”) and 11,587,368 (the “’368 patent”)) and Sfara’s asserted patents (U.S. Patent Nos. 8,989,952 (the “’952 patent”) and 9,333,946 (the “’946 patent”)).

I. CONSTRUCTION OF CLAIM TERMS ON WHICH THE PARTIES AGREE

In accordance with L. Pat. R. 4.3(a), the parties state that they do not agree on the construction of any claim terms identified by the parties under L. Pat. R. 4.1(a).

II. PROPOSED CONSTRUCTION OF DISPUTED CLAIM TERMS

In accordance with L. Pat. R. 4.3(b), Exhibits A–D include: (1) each party’s proposed construction of each disputed term; (2) an identification of all references from the intrinsic evidence that support that construction; and (3) an identification of any extrinsic evidence known to the party on which it intends to rely either to support its proposed construction or to oppose any

other party's proposed construction, including, but not limited to, as permitted by law, dictionary definitions, citations to learned treatises, prior art, and testimony of all witnesses including experts.

III. IDENTIFICATION OF TERMS WHOSE CONSTRUCTION WILL BE MOST SIGNIFICANT TO THE RESOLUTION OF THE CASE

In accordance with L. Pat. R. 4.3(c), the parties are required to identify the terms whose construction will be most significant to the resolution of the case and any disputed terms whose construction will be case or claim dispositive or substantially conducive to promoting settlement.

CMT's Position: With respect to CMT's asserted patents, CMT contends that there are no claim terms whose construction will be most significant to the resolution of the case or will be case or claim dispositive or substantially conducive to promoting settlement. As set forth in Exhibits C and D, CMT asserts that all terms in the CMT asserted patents should be accorded their plain and ordinary meaning.

With respect to Sfara's asserted patents, CMT contends that construction of the listed "component" terms—specifically, whether those terms are means-plus-function limitations governed by 35 U.S.C. § 112(f) and, if so, whether the specification properly discloses corresponding structure for the recited function in those limitations—will be most significant to the resolution of the case and/or will be case or claim dispositive or substantially conducive to promoting settlement. The listed limitations are present in each of the asserted independent claims in Sfara's '952 and '946 patents. Thus, if the Court agrees with CMT that these limitations are (1) means-plus-function limitations governed by § 112(f) and (2) indefinite under § 112(f) for failure to disclose corresponding structure, all asserted claims from the Sfara patents will be disposed of.

"Component" Terms

- "a mode-determining component operable to detect whether the device is in the vehicle and to generate an in-vehicle signal" / "detecting, via a mode-determining component,

whether the mode-determining component is in the vehicle; generating, via the mode-determining component, an in-vehicle signal” (’952 patent, claims 1, 7, 13)

- “a first detecting component operable detect a first parameter and to generate a first detector signal based on the first detected parameter” / “detecting, via a first detecting component, a first parameter; generating, via the first detecting component, a first detector signal based on the first detected parameter” (’952 patent, claims 1, 7, 13)
- “a second detecting component operable detect a second parameter and to generate a second detector signal based on the second detected parameter” / “detecting, via a second detecting component, a second parameter; generating, via the second detecting component, a second detector signal based on the second detected parameter” (’952 patent, claims 1, 7, 13)
- “a field-detecting component operable to detect at least one of an electric field, a magnetic field and an electro-magnetic field and to generate a detected field signature based on the detected one of an electric field, a magnetic field and an electro-magnetic field ... wherein said field-detecting component is further operable to detect a second one of an electric field, a magnetic field and an electro-magnetic field and to generate a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field” / “detecting, via a field-detecting component, at least one of an electric field, a magnetic field and an electro-magnetic field; generating, via the field-detecting component, a detected field signature based on the detected one of an electric field, a magnetic field and an electro-magnetic field; ... detecting, via the field-detecting component, a second one of an electric field, a magnetic field and an electro-magnetic field; and generating, via the field-detecting component, a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field” (’946 patent, claims 1, 8, 15)
- “an input component operable to input the detected field signature into the database” / “inputting, via an input component, the detected field signature into the database” (’946 patent, claims 1, 8, 15)
- “an accessing component operable to access the detected field signature from the database” / “accessing, via an accessing component, the detected field signature from the database” (’946 patent, claims 1, 8, 15)
- “a comparing component operable to generate a comparison signal ... wherein said comparing component is operable to generate the comparison signal based on a comparison of the detected field signature and the second detected field signature” / “generating, via a comparing component, a comparison signal ... wherein said generating a comparison signal comprises generating the comparison signal based on a comparison of the detected field signature and the second detected field signature” (’946 patent, claims 1, 8, 15)
- “an identifying component operable to identify one of an item and a location based on the comparison signal” / “identifying, via an identifying component, one of an item and a location based on the comparison signal” (’946 patent, claims 1, 8, 15)

In addition to the “component” terms listed above, CMT contends that the construction of the following terms will be most significant to the resolution of the case and/or will be case or claim dispositive or substantially conducive to promoting settlement:

- “in-vehicle signal” (’952 patent, claims 1, 7, 13)
- “wherein said mode-determining component is further operable to generate a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal” / “generating, via the mode-determining component, a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal”¹ (’952 patent, claims 1, 7, 13)

Sfara objects below to CMT arguments that certain terms of the Sfara patents are indefinite and/or should be construed under 35 U.S.C. § 112(f), most of which are that claims including those terms are invalid as indefinite under § 112(f) for failure to disclose sufficient structure for performing the claimed functions. Sfara argues that CMT should have identified these arguments in CMT’s Rule 3.3 Invalidity Contentions served October 26, 2023. These invalidity grounds necessarily arise out of the claim construction process, however, and therefore are timely. In addition, Sfara also raised a new indefiniteness argument for the first time during the claim construction process as part of its Local Patent Rule 4.1 disclosure.² (Sfara dropped its new indefiniteness argument after reviewing CMT’s response to Sfara’s objection.) In any event, given that both parties had an opportunity to address all arguments during the initial claim construction

¹ Like the other “component” terms, CMT contends that this limitation is a means-plus-function limitation governed by § 112(f). However, rather than asserting indefiniteness under § 112(f), CMT contends that the structure for this limitation should be the specific algorithm(s) disclosed in the specification. See Ex. A at 10.

² Sfara also failed to timely disclose the proposed functions and structures for terms that CMT identified as being means-plus-function limitations. See L. Pat. R. 4.2 (requiring that each party, “for each term which any party contends is governed by 35 U.S.C. § 112(6), identify the structure(s), act(s), or material(s) corresponding to that term’s function”).

exchanges and will further submit briefing and expert declarations, there is no prejudice to either side and the Court should overrule Sfara's objections.

Sfara's Position: As a threshold matter, Sfara objects to CMT's belated contention that any claim terms are either indefinite and/or subject to 35 U.S.C. § 112(6) because those arguments were not preserved in CMT's Local Patent Rule 3.3 disclosures.

Pursuant to Local Patent Rule 4.3(c), Sfara identifies the following claim terms as most significant to the resolution of the case and potentially dispositive of CMT's patent infringement claims, because a proper construction of such terms will establish that Sfara does not practice any asserted claim of CMT's asserted patents.

- “telematics data” (’037 Patent, claims 1, 2, 4, 5, 9, 10, 20, 23, 26, and 27)
- “metrics” (’037 Patent, claims 1, 8, 20, 22, and 23)
- “automatically generating” (’037 Patent, claims 1 and 10)
- “human-readable prose documentation” (’037 Patent, claims 1 and 20)
- “narrative” (’037 Patent, claims 1, 17, and 20)
- “features of the vehicle crash” (’037 Patent, claims 1, 10-16, 18, and 20)
- “operate the plurality of sensors” / “operating a plurality of sensors” (’368 Patent, claims 1 and 17)
- “additional data” (’368 Patent, claims 1, 5, 6, 7, 9, 16, 17, 18, and 20).

While the other terms identified for construction may be dispositive regarding the particular claims that they appear in, the above-identified terms affect all claims and construction of those claims may be most conducive to resolving key issues in this litigation.

IV. ANTICIPATED LENGTH OF CLAIM CONSTRUCTION HEARING

In accordance with L. Pat. R. 4.3(d), the parties currently anticipate that the claim construction hearing will require up to one day, with equal time apportioned to each side. In accordance with L. Pat R. 4.6 and the letter order extending deadlines (ECF No. 68), on May 24, 2024, which is after the completion of claim construction briefing, the parties will meet and confer and propose a schedule for the claim construction hearing, including a revised estimate for the length of the hearing that takes into account the final list of issues in in dispute.

At the claim construction hearing, the parties propose that each side address each disputed term before moving on to the next disputed term, until all disputed terms are covered.

The parties further propose that, one week before the claim construction hearing, the Court hold a two-hour hearing for a technology tutorial, with each side presenting for up to one hour.

V. IDENTIFICATION OF CLAIM CONSTRUCTION WITNESSES AND TESTIMONY

In accordance with L. Pat. R. 4.3(e), the parties agree that neither side will call any live witnesses at the claim construction hearing. As set forth in Exhibits A–D, the parties may rely upon expert testimony to support their respective claim construction positions; such testimony will be in the form of expert declarations and/or expert deposition testimony.

Dated: March 1, 2024

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EXHIBIT A

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“a mode-determining component operable to detect whether the device is in the vehicle and to generate an in-vehicle signal”</p> <p>“detecting, via a mode-determining component, whether the mode-determining component is in the vehicle; generating, via the mode-determining component, an in-vehicle signal”</p> <p>(’952 patent, claims 1, 7, 13)</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect whether the device is in the vehicle and to generate an in-vehicle signal</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’952 patent, claims 1, 7, 13</p> <p>’952 patent at Abstract, 2:63–64, 14:40–42</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect whether the device is in the vehicle; to generate an in-vehicle signal; and to generate a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal (claim 1)</p> <p><u>Function:</u> detecting whether the mode-determining component is in the vehicle; generating an in-vehicle signal; and generating a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal (claims 7, 13)</p> <p><u>Structure:</u> the structure(s) disclosed at 5:9-6:31; 6:40-7:6; 7:18-28; 7:37-8:7; 11:42-56; 12:45-52; 13:8-40; 14:40-42 in ’952 Patent, including device 202 having controller 228, field detector 212, parameter detector 222, comparator 218, identifier 220, access 216, database 204, and communication lines as shown in Figure 2, and the corresponding description thereof; Figure 3 and corresponding description thereof; the structure(s) disclosed at [0019]-[0021], [0023]-[0024], [0026], Figures 1-3 of U.S. Provisional</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>Application No. 61/740,814; the structure(s) disclosed at [0017]-[0019], [0021] of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; the structure(s) disclosed at [0015]-[0017] of U.S. Provisional Application No. 61/745,677; the structure(s) disclosed at [0028]-[0031], [0035]-[0037], [0040]-[00101], Figures 5-7 of U.S. Patent Application Publication No. 2014/0179348; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’952 Patent at claims 1, 7, 13; Abstract; 1:63-2:39; 2:63-64; 3:2-5, 30-47; 4:27-35; 5:9-6:31; 6:40-7:6; 7:18-28; 7:36-8:10; 14:40-42; Figures 2, 3</p> <p>U.S. Provisional Application No. 61/740,814 at [0002], [0019]-[0021], [0023]-[0024], [0026], Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0017]-[0019], [0021] (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>U.S. Patent Application Publication No. 2014/0179348 at [0021], [0028]-[0031], [0033], [0035]-[000037], [0040]-[00101], Figures 3-7</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“a first detecting component operable detect a first parameter and to generate a first detector signal based on the first detected parameter”</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect a first parameter and to generate a first detector signal based on the first detected parameter</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“detecting, via a first detecting component, a first parameter; generating, via the first detecting component, a first detector signal based on the first detected parameter”</p> <p>(’952 patent, claims 1, 7, 13)</p>	<p>Structure: None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’952 patent, claims 1, 7, 13</p> <p>’952 patent at Abstract, Fig. 4, 8:11–57, 9:15–23</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Function:</u> to detect a first parameter; and to generate a first detector signal based on the first detected parameter</p> <p><u>Structure:</u> the structure(s) disclosed at 5:9-59; 6:8-31; 6:51-7:6, 8:13-40; 9:15-36; 9:49-10:21; 10:26-34 in the ’952 Patent, including device 202 having field detector 212, parameter detector 222 in Figure 2 and corresponding description thereof; parameter detector 222 in Figure 4 and corresponding description thereof; the structure(s) disclosed at [0019]-[0022], Figures 1-3 of US. Provisional Application No. 61/740,814; the structure(s) disclosed at [0016]-[0019], [0021], Figures 1-2 of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’952 Patent at claim 1, 7, 13; Abstract; 2:64-66; 3:30-47; 3:56-4:15; 4:27-55; 4:59-5:5; 5:9-59; 6:8-31; 6:51-7:6, 7:41-62; 8:12-40; 8:52-9:36; 9:49-11:31; 12:23-44; 13:65-67; 14:42-56; 14:59-67; Figures 1-5</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
“a second detecting component operable detect a second parameter and to generate a	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p>	<p><u>Proposed Construction:</u></p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>second detector signal based on the second detected parameter”</p> <p>“detecting, via a second detecting component, a second parameter; generating, via the second detecting component, a second detector signal based on the second detected parameter”</p> <p>(’952 patent, claims 1, 7, 13)</p>	<p><u>Function</u>: To detect a second parameter and to generate a second detector signal based on the second detected parameter</p> <p><u>Structure</u>: None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support</u>:</p> <p><u>Intrinsic evidence</u>:</p> <p><i>See, e.g.</i>:</p> <p>’952 patent, claims 1, 7, 13</p> <p>’952 patent at Abstract, Fig. 4, 8:11–57, 9:15–23</p> <p><u>Extrinsic evidence</u>:</p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function</u>: to detect a second parameter and to generate a second detector signal based on the second detected parameter</p> <p><u>Structure</u>: the structure(s) disclosed at 5:9-59; 6:8-31; 6:51-7:6; 8:13-40; 9:15-36; 9:49-10:21; 10:26-34 in the ’952 Patent, including device 202 having field detector 212, parameter detector 222 in Figure 2 and corresponding description thereof; parameter detector 222 in Figure 4 and corresponding description thereof; the structure(s) disclosed at [0019]-[0022], Figures 1-3 of US. Provisional Application No. 61/740,814; the structure(s) disclosed at [0016]-[0019], [0021], Figures 1-2 of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p> <p><u>Evidentiary Support</u>:</p> <p>’952 Patent at claim 1, 7, 13; Abstract; 2:65-3:2; 3:30-47; 3:56-4:15; 4:27-55; 4:59-5:5; 5:9-59; 6:8-31; 6:51-7:6; 7:41-62; 8:12-9:36; 9:49-</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>11:31; 12:23-44; 13:65-67; 14:42-56; 14:59-67; 15:10-15; Figures 1-5</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“in-vehicle signal” (’952 patent, claims 1, 7, 13)	<p><u>Proposed Construction:</u> A signal indicating that the device is in a vehicle</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 1, 7, 13 ’952 patent at Abstract, 8:4–7, 14:40–54 12/29/2014 Response to Non-Final Office Action at 2, 3, 5, 8–10 1/28/2015 Notice of Allowance at 2–3 ’952 patent at 1:63–2:39, 4:29–35 Provisional Application No. 61/740,814 at [0009]–[0010] Provisional Application No. 61/740,851 at [0011]–[0012], [0026] <u>Extrinsic evidence:</u> Sfara’s response to CMT’s invalidity contentions, Ex. A-01 CMT may submit expert testimony of Dr. David McNamara in connection with claim</p>	<p>reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “in-vehicle signal” is “a signal that indicates whether the device is in a vehicle”</p> <p><u>Evidentiary Support:</u> ’952 Patent at claims 1, 7, 13; Abstract; 1:63–2:39; 2:63–64; 4:27–35; 7:36–41, 63–65; 8:4–10; 14:40–56; Figure 3 U.S. Provisional Application No. 61/740,814 at [0002], [0020]–[0021], [0026], Figures 1–3 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0017], [0021] (SFARA_001927-SFARA_001957) U.S. Provisional Application No. 61/740,851 at [0020]–[0027], Figures 1–3 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0015]–[0017] (SFARA_001990-SFARA_002020) Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p>and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“first detector signal” (’952 patent, claims 1, 4, 7, 10, 13, 16)</p>	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 1, 4, 7, 10, 13, 16 ’952 patent at Abstract, 2:6–3:4, 14:46–54</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the</p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “first detector signal” is “a signal that corresponds to a first detected parameter”</p> <p><u>Evidentiary Support:</u> ’952 Patent at claims 1, 4, 7, 10, 13, 16; Abstract; 2:64-66; 6:15-31; 6:60-7:6; 8:11-40; 9:3-14; 9:49-10:21; 10:24-11:31; 11:33-65; 12:45-47, 55-65; 13:41-55; 14:42-56; Figures 3, 4, 5 U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026], Figures 1-3 (SFARA_001893-SFARA_001926)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.	<p>U.S. Provisional Application No. 61/740,831 at [0016]-[0018], [0021] (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027] (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
“second detector signal” (’952 patent, claims 1, 7, 13)	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u></p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “second detector signal” is “a signal that corresponds to a second detected parameter”</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’952 patent, claims 1, 7, 13</p> <p>’952 patent at Abstract, 2:6–3:4, 14:46–54</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p><u>Evidentiary Support:</u></p> <p>’952 Patent at claims 1, 7, 13; Abstract; 2:66–3:2; 6:15–31; 6:60–7:6; 8:13–42; 9:3–14; 9:49–10:21; 10:24–11:31; 11:33–65; 12:45–47, 55–65; 13:41–55; 14:42–56; Figures 3, 4, 5</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]–[0022], [0024], [0026], Figures 1–3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]–[0018], [0021] (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]–[0027] (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]–[0017] (SFARA_001990-SFARA_002020)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“crash mode signal” (’952 patent, claims 1, 6, 7, 12, 13, 18)</p>	<p><u>Proposed Construction:</u> signal that indicates determination of a vehicle crash</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 1, 6, 7, 12, 13, 18 ’952 patent at Abstract, Fig. 3, 14:33–58, 16:4–9 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p>as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “crash mode signal” is “a signal that indicates detection of a vehicle crash”</p> <p><u>Evidentiary Support:</u> ’952 Patent at claims 1, 6, 7, 12, 13, 18; Abstract; 3:2-4, 48-49; 4:27-42; 4:67-5:5; 11:32-56; 14:25-39, 48-56; 16:45-55; Figure 3 U.S. Provisional Application No. 61/740,831 at [0002], [0007], [0017]-[0018], [0021], Figures 1-3 (SFARA_001927-SFARA_001957) Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“wherein said mode-determining component is further operable to generate a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal” “generating, via the mode-determining component, a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal” (’952 patent, claims 1, 7, 13)	<p><u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To generate a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal <u>Structure:</u> The specific algorithm(s) disclosed in the ’952 patent specification at Fig. 3, 11:42–56, 12:45–52, 13:8–40 <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 1, 7, 13 ’952 patent at Fig. 2, Fig. 3, 4:67–5:8, 11:42–56, 12:45–65, 13:8–40 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the</p>	<p>how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6) To the extent that § 112, ¶ 6 applies, <u>Function:</u> to detect whether the device is in the vehicle; to generate an in-vehicle signal; and to generate a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal (claim 1) <u>Function:</u> detecting whether the mode-determining component is in the vehicle; generating an in-vehicle signal; and generating a crash mode signal based on the in-vehicle signal, the first detector signal and the second detector signal (claims 7, 13) <u>Structure:</u> the structure(s) disclosed at 5:9-6:31; 6:40-7:6; 7:18-28; 7:37-8:7; 11:42-56; 12:45-52; 13:8-40; 14:40-42 in ’952 Patent, including device 202 having controller 228, field detector 212, parameter detector 222, comparator 218, identifier 220, access 216, database 204, and communication lines as shown in Figure 2 and the corresponding description thereof; Figure 3</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.	<p>and corresponding description thereof; the structure(s) disclosed at [0019]-[0021], [0023]-[0024], [0026], Figures 1-3 of U.S. Provisional Application No. 61/740,814; the structure(s) disclosed at [0017]-[0019], [0021] of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; the structure(s) disclosed at [0015]-[0017] of U.S. Provisional Application No. 61/745,677; the structure(s) disclosed at [0028]-[0031], [0035]-[0037], [0040]-[00101], Figures 5-7 of U.S. Patent Application Publication No. 2014/0179348; and the equivalents thereof .</p> <p><u>Evidentiary Support:</u></p> <p>’952 Patent at claims 1, 7, 13; Abstract; 1:63-2:39; 2:63-64; 3:2-5, 30-47; 4:27-35; 5:9-6:31; 6:40-7:6; 7:18-28; 7:36-8:10; 11:42-14:56; Figures 2, 3</p> <p>U.S. Provisional Application No. 61/740,814 at [0002], [0019]-[0021], [0023]-[0024], [0026], Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0017]-[0019], [0021] (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>U.S. Patent Application Publication No. 2014/0179348 at [0021], [0028]-[0031], [0033], [0035]-[000037], [0040]-[00101], Figures 3-7</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
“first mode” (’952 patent, claims 6, 12, 13, 18)	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u></p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “first mode” is “a first mode of operation”</p> <p><u>Evidentiary Support:</u></p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>See, e.g.:</p> <p>’952 patent, claims 6, 12, 13, 18</p> <p>’952 patent at Fig. 3, 16:9–29</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p>’952 Patent at claims 6, 12, 13, 18; 3:48-55; 4:54-55; 5:3; 14:25-39; 16:4-30</p> <p>U.S. Provisional Application No. 61/740,814 at [0002], [0020]-[0024], Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0002], [0017]-[0019], Figures 1-3 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0002], [0021]-[0026], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0002], [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Concise Oxford American Dictionary – definition of “mode” (SFARA_001755-SFARA_001757)</p> <p>Dictionary of Computer and Internet Terms – definition of “mode”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.
<p>“second mode”</p> <p>’952 patent, claims 6, 12, 13, 18</p>	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 6, 12, 13, 18 ’952 patent at Fig. 3, 16:9–29</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “second mode” is “a second mode of operation”</p> <p><u>Evidentiary Support:</u> ’952 Patent at claims 6, 12, 13, 18; 3:48-55; 4:54-55; 5:3; 14:25-39; 16:10-19 U.S. Provisional Application No. 61/740,814 at [0002], [0020]-[0024], Figures 1-3 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0002], [0017]-[0019], Figures 1-3 (SFARA_001927-SFARA_001957) U.S. Provisional Application No. 61/740,851 at [0002], [0021]-[0026], Figures 1-3 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0002], [0015]-[0017] (SFARA_001990-SFARA_002020)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>Concise Oxford American Dictionary – definition of “mode” (SFARA_001755-SFARA_001757)</p> <p>Dictionary of Computer and Internet Terms – definition of “mode”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
“wherein said first detecting component is operable to detect, as the first parameter, one of the group consisting of magnetic fields in any of three dimensions, electric fields in any of three dimensions, electro-magnetic fields in any of three dimensions, velocity in any of three dimensions, acceleration in any of three dimensions, angular velocity in any of three dimensions,	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect, as the first parameter, one of the group consisting of magnetic fields in any of three dimensions, electric fields in any of three dimensions, electro-magnetic fields in any of three dimensions, velocity in any of three dimensions, acceleration in any of three dimensions, angular velocity in any of three dimensions,</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect a first parameter; to generate a first detector signal based on the first detected parameter; and to detect, as the first parameter,</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
acceleration in any of three dimensions, angular velocity in any of three dimensions, any angular acceleration in any of three dimensions, geodetic position, sound, temperature, vibrations in any of three dimensions, pressure in any of three dimensions, biometrics, contents of surrounding atmosphere, a change in electric fields in any of three dimensions, a change in magnetic fields in any of three dimensions, a change in electro-magnetic fields in any of three dimensions, a change in velocity in any of three dimensions, a change in acceleration in any of three dimensions, a change in angular velocity in any of three dimensions, a change in geodetic position in any of three dimensions, a change in pressure in any of three dimensions, a change in sound, a change in temperature, a change in vibrations in any of three dimensions, a change in angular velocity in any of three dimensions, a change in acceleration in any of three dimensions, a change in angular velocity in any of three dimensions, a change in geodetic position in any of three dimensions, a change in pressure in any of three dimensions, a change in biometrics, a change in contents of surrounding atmosphere and combinations thereof	<p>dimensions, angular acceleration in any of three dimensions, geodetic position, sound, temperature, vibrations in any of three dimensions, pressure in any of three dimensions, biometrics, contents of surrounding atmosphere, a change in electric fields in any of three dimensions, a change in electro-magnetic fields in any of three dimensions, a change in velocity in any of three dimensions, a change in acceleration in any of three dimensions, a change in angular velocity in any of three dimensions, a change in angular acceleration in any of three dimensions, a change in geodetic position in any of three dimensions, a change in pressure in any of three dimensions, a change in sound, a change in temperature, a change in vibrations in any of three dimensions, a change in angular velocity in any of three dimensions, a change in acceleration in any of three dimensions, a change in angular velocity in any of three dimensions, a change in geodetic position in any of three dimensions, a change in pressure in any of three dimensions, a change in biometrics, a change in contents of surrounding atmosphere and combinations thereof</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’952 patent, claims 2, 8, 14</p>	<p>one of the group consisting of magnetic fields in any of three dimensions, electric fields in any of three dimensions, electro-magnetic fields in any of three dimensions, velocity in any of three dimensions, acceleration in any of three dimensions, angular velocity in any of three dimensions, angular acceleration in any of three dimensions, geodetic position, sound, temperature, vibrations in any of three dimensions, pressure in any of three dimensions, biometrics, contents of surrounding atmosphere, a change in electric fields in any of three dimensions, a change in magnetic fields in any of three dimensions, a change in electro-magnetic fields in any of three dimensions, a change in velocity in any of three dimensions, a change in acceleration in any of three dimensions, a change in angular velocity in any of three dimensions, a change in angular acceleration in any of three dimensions, a change in geodetic position in any of three dimensions, a change in pressure in any of three dimensions, a change in sound, a change in temperature, a change in vibrations in any of three dimensions, a change in angular velocity in any of three dimensions, a change in acceleration in any of three dimensions, a change in angular velocity in any of three dimensions, a change in geodetic position in any of three dimensions, a change in pressure in any of three dimensions, a change in biometrics, a change in contents of surrounding atmosphere and combinations thereof</p> <p><u>Structure:</u> the structure(s) disclosed at 5:9-59; 6:8-31; 6:51-7:6; 8:13-40; 9:15-36; 9:49-10:21;</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>dimensions, a change in pressure in any of three dimensions, a change in biometrics, a change in contents of surrounding atmosphere and combinations thereof”</p> <p>“said detecting a first parameter comprises detecting one of the group consisting of magnetic fields in any of three dimensions ...”</p> <p>(’952 patent, claims 2, 8, 14)</p>	<p>’952 patent at Abstract, Fig. 4, 8:11–57, 9:15–23</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>10:26-34 in the ’952 Patent, including device 202 having field detector 212, parameter detector 222 in Figure 2 and corresponding description thereof; parameter detector 222 in Figure 4 and corresponding description thereof; the structure(s) disclosed at [0019]-[0022], Figures 1-3 of US. Provisional Application No. 61/740,814; the structure(s) disclosed at [0016]-[0019], [0021], Figures 1-2 of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’952 Patent at claim 1, 7, 13; Abstract; 2:64-66; 3:30-47; 3:56-4:15; 4:27-55; 4:59-5:5; 5:9-59; 6:8-31; 6:51-7:6; 7:41-62; 8:12-40; 8:52-9:36; 9:49-11:31; 12:23-44; 13:65-67; 14:42-56; 14:59-67; Figures 1-5</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“wherein said first detecting component is operable to detect, as the first parameter, a parameter associated with deployment of an airbag within the vehicle”</p> <p>“wherein said detecting a first parameter comprises detecting a parameter associated with</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect, as the first parameter, a parameter associated with deployment of an airbag within the vehicle</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect a first parameter; to generate a first detector signal based on the first detected parameter; and to detect, as the first parameter,</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>deployment of an airbag within the vehicle” (’952 patent, claims 3, 9, 15)</p>	<p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 3, 9, 15 ’952 patent at 4:59–5:5, 8:15–18, 8:52–9:14, 10:24–35, 11:14–27, 14:40–56 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>a parameter associated with deployment of an airbag within the vehicle Structure: the structure(s) disclosed at 5:9–59; 6:8–31; 6:51–7:6, 8:13–40; 9:15–36; 9:49–10:21; 10:26–34 in the ’952 Patent, including device 202 having field detector 212, parameter detector 222 in Figure 2 and corresponding description thereof; parameter detector 222 in Figure 4 and corresponding description thereof; the structure(s) disclosed at [0019]–[0022], Figures 1–3 of US. Provisional Application No. 61/740,814; the structure(s) disclosed at [0016]–[0019], [0021], Figures 1–2 of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]–[0027], Figures 1–3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof. <u>Evidentiary Support:</u> ’952 Patent at claim 1, 7, 13; Abstract; 2:64–66; 3:30–47; 3:56–4:15; 4:27–55; 4:59–5:5; 5:9–59; 6:8–31; 6:51–7:6, 7:41–62; 8:12–40; 8:52–9:36; 9:49–11:31; 12:23–44; 13:65–67; 14:42–56; 14:59–67; Figures 1–5 U.S. Provisional Application No. 61/740,814 at [0019]–[0022], [0024], [0026]; Figures 1–3 (SFARA_001893-SFARA_001926)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
“wherein said first detecting component is operable to detect, as the first parameter,	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p>	<p><u>Proposed Construction:</u></p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>acceleration along a single axis, and wherein said first detecting component is operable to generate the first detector signal when the detected acceleration along the single axis is equal to or greater than a predetermined value”</p> <p>“wherein said detecting a first parameter comprises detecting acceleration along a single axis, and wherein said generating a first detector signal comprises generating the first detector signal when the detected acceleration along the single axis is equal to or greater than a predetermined value”</p> <p>“said detecting a first parameter comprises detecting acceleration along a single axis, and said generating a first detector signal comprises generating the first detector signal when the detected acceleration along the single</p>	<p><u>Function:</u> To detect, as the first parameter, acceleration along a single axis, and wherein said first detecting component is operable to generate the first detector signal when the detected acceleration along the single axis is equal to or greater than a predetermined value</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’952 patent, claims 4, 10, 16</p> <p>’952 patent at Abstract, Fig. 4, 8:11–57, 9:15–23</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect a first parameter; to generate a first detector signal based on the first detected parameter; to detect, as the first parameter, acceleration along a single axis, and to generate the first detector signal when the detected acceleration along the single axis is equal to or greater than a predetermined value</p> <p><u>Structure:</u> the structure(s) disclosed at 5:9-59; 6:8-31; 6:51-7:6, 8:13-40; 9:15-36; 9:49-10:21; 10:26-34 in the ’952 Patent, including device 202 having field detector 212, parameter detector 222 in Figure 2 and corresponding description thereof; parameter detector 222 in Figure 4 and corresponding description thereof; the structure(s) disclosed at [0019]-[0022], Figures 1-3 of US. Provisional Application No. 61/740,814; the structure(s) disclosed at [0016]-[0019], [0021], Figures 1-2 of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
axis is equal to or greater than a predetermined value” (’952 patent, claims 4, 10, 16)		<p>’952 Patent at claim 1, 7, 13; Abstract; 2:64-66; 3:30-47; 3:56-4:15; 4:27-55; 4:59-5:5; 5:9-59; 6:8-31; 6:51-7:6; 7:41-62; 8:12-40; 8:52-9:36; 9:49-11:31; 12:23-44; 13:65-67; 14:42-56; 14:59-67; Figures 1-5</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“a communication component operable to wirelessly communicate with a network”</p> <p>“wirelessly communicating via a communication component, with a network”</p> <p>(’952 patent, claims 5, 11, 17)</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To wirelessly communicate with a network</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’952 patent, claims 5, 11, 17</p> <p>’952 patent at 5:22–43, 5:60–6:7, 7:7–12.</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the</p>	<p>the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to wirelessly communicate with a network</p> <p><u>Structure:</u> the structure(s) disclosed at 5:9-59; 7:7-12 in the ’952 patent; device 202 having communication 224 in Figure 2 and the corresponding description thereof; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’952 Patent at claims 5, 11, 17; 5:9-59; 7:7-12, 18-22, 29-32; Figure 2</p> <p>U.S. Provisional Application No. 61/740,814 at [0003], [0006], [0019], [0021], [0026], Figures 1, 3 (SFARA_001893-SFARA_001926)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	specification to recite structure to perform the recited function.	<p>U.S. Provisional Application No. 61/740,831 at [0003], [0006]-[0007], [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0004], [0008], [0020], [0027], Figure 1 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0003], [0006]-[0007], [0015], [0017]-[0019], Figures 1-2 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“an operating component operable to operate in a first mode and a second mode, wherein said operating component is operable to switch from operating in the first mode to operating in the second mode based on the crash mode signal”</p> <p>“operating an operating component in a first mode; and switching operation of the operating component from the first mode to a second mode based on the crash mode signal”</p> <p>“operating an operating component in a first mode; ... switching operation of the operating component from the first mode to a second mode based on the crash mode signal”</p> <p>“operating an operating component in a first mode; and switching operation of the operating component from the first mode to a second mode based on the crash mode signal”</p>	<p><u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To operate in a first mode and a second mode, wherein said operating component is operable to switch from operating in the first mode to operating in the second mode based on the crash mode signal <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 6, 12, 13, 18 ’952 patent at Fig. 3, 16:9–29 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Proposed Construction:</u> Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6) To the extent that § 112, ¶ 6 applies, <u>Function:</u> to operate in a first mode and a second mode; and to switch from operating in the first mode to operating in the second mode based on the crash mode signal <u>Structure:</u> the structure(s) disclosed at 4:54-55; 5:9-6:7; 9:37-48; 14:33-39; 16:10-18 in the ’952 Patent; including device 202 having controller 228 in Figure 2 and the corresponding description thereof; controller 410 in Figure 4 and the corresponding description thereof; and the equivalents thereof. <u>Evidentiary Support:</u> ’952 Patent at claims 6, 12, 13, 18; 4:54-55; 5:9-6:7; 9:37-48; 14:25-39; 16:10-21, Figures 2-4 U.S. Provisional Application No. 61/740,814 at [0002], [0020], [0026], Figures 1-3 (SFARA_001893-SFARA_001926)</p>

Exhibit A – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 8,989,952 (the “’952 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>based on the crash mode signal” (’952 patent, claims 6, 12, 13, 18)</p>		<p>U.S. Provisional Application No. 61/740,831 at [0002], [0017]-[0021], Figures 1-3 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0002], [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0002], [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’952 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>

EXHIBIT B

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“a field-detecting component operable to detect at least one of an electric field, a magnetic field and an electro-magnetic field and to generate a detected field signature based on the detected one of an electric field, a magnetic field and an electro-magnetic field ... wherein said field-detecting component is further operable to detect a second one of an electric field, a magnetic field and an electro-magnetic field and to generate a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field”</p> <p>“detecting, via a field-detecting component, at least one of an electric field, a magnetic field and an electro-magnetic field; generating, via the field-detecting component, a detected field signature based on the detected one of an</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect at least one of an electric field, a magnetic field and an electro-magnetic field and to generate a detected field signature based on the detected one of an electric field, a magnetic field and an electro-magnetic field and detect a second one of an electric field, a magnetic field and an electro-magnetic field and to generate a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’946 patent, claims 1, 8, 15</p> <p>’946 patent at Abstract, Fig. 5, 2:49–3:3, 6:10–33, 7:55–9:44, 14:64–15:17, 16:1–31</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect at least one of an electric field, a magnetic field and an electro-magnetic field and to generate a detected field signature based on the detected one of an electric field, a magnetic field and an electro-magnetic field; to detect a second one of an electric field, a magnetic field and an electro-magnetic field and to generate a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field</p> <p><u>Structure:</u> the structure(s) disclosed at 4:6-12, 26-42, 46-61; 5:10-61; 6:10-33; 7:55-62; 9:34-49; 10:45-51; 13:17-21; 14:25-29; 14:64-15:17; 15:30-51 in the ’946 Patent; including device 402 having field detector 412 in Figure 4 and the corresponding description thereof; the structure(s) disclosed at [0019]-[0022], [0024], [0026], Figures 1-3 of U.S. Provisional Application No. 61/740,814; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>electric field, a magnetic field and an electro-magnetic field;</p> <p>...</p> <p>detecting, via the field-detecting component, a second one of an electric field, a magnetic field and an electro-magnetic field; and generating, via the field-detecting component, a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field”</p> <p>(’946 patent, claims 1, 8, 15)</p>	<p>of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 1, 8, 15; Abstract; 2:49-57, 62-67; 4:6-42, 46-61; 5:10-61; 6:10-33; 7:55-8:42; 8:65-9:49; 10:45-51; 13:17-21; 14:25-29; 14:64-15:17; 15:30-51; Figures 3-12</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“an input component operable to input the detected field signature into the database”</p> <p>“inputting, via an input component, the detected field signature into the database”</p> <p>(’946 patent, claims 1, 8, 15)</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To input the detected field signature into the database</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’946 patent, claims 1, 8, 15</p> <p>’946 patent at Abstract, Fig. 4, Fig. 5, 2:57–58, 6:34–41, 9:45–62</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim</p>	<p>context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to input the detected field signature into the database</p> <p><u>Structure:</u> the structure(s) disclosed at 5:10-61; 6:34-41; 9:45-62; 10:7-22 in the ’946 Patent, including device 402 having input 414 in Figure 4 and the corresponding description thereof; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 1, 8, 15; Abstract; 2:49-53, 57-58; 5:10-61; 6:34-41; 7:24-29; 9:45-62; 10:7-22; Figures 4-5, 13</p> <p>U.S. Provisional Application No. 61/740,814 at [0019], Figure 1 (SFARA_001893-SFARA_001926)</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>U.S. Provisional Application No. 61/740,831 at [0016], Figure 1 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020], Figure 1 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component,” “graphical user interface,” “GUI,” “input device,” “input panel,” “input/output port,” “interface”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“an accessing component operable to access the detected field signature from the database”</p> <p>“accessing, via an accessing component, the detected field signature from the database” (’946 patent, claims 1, 8, 15)</p>	<p><u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To access the detected field signature from the database <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’946 patent, claims 1, 8, 15 ’946 patent at Abstract, Fig. 4, 2:58–60, 5:18–43, 5:62–6:9, 6:42–46 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Proposed Construction:</u> Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6) To the extent that § 112, ¶ 6 applies, <u>Function:</u> to access the detected field signature from the database <u>Structure:</u> the structure(s) disclosed at 5:10-61; 6:42-47; 16:1-6, 8-12, 17-21, 24-28, 34-43, 45-50 in the ’946 Patent, including device 402 having access 416 in Figure 4 and the corresponding description thereof; Figure 13 and the corresponding description thereof; and the equivalents thereof. <u>Evidentiary Support:</u> ’946 Patent at claims 1, 8, 15; Abstract; 2:49-53, 58-60; 5:10-61; 6:42-47; 7:24-29; 10:7-16; 16:1-6, 8-12, 17-21, 24-28, 34-43, 45-50; Figures 4, 13 U.S. Provisional Application No. 61/740,814 at [0019]-[0020], [0026], Figure 1 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0016]-[0017], [0021], Figure 1 (SFARA_001927-SFARA_001957)</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/740,851 at [0020], [0023]-[0025], [0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“a comparing component operable to generate a comparison signal ... wherein said comparing component is operable to generate the comparison signal based on a</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To generate a comparison signal, wherein said comparing component is operable to generate the comparison signal based on a</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p>

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comparison of the detected field signature and the second detected field signature” “generating, via a comparing component, a comparison signal ... wherein said generating a comparison signal comprises generating the comparison signal based on a comparison of the detected field signature and the second detected field signature” (’946 patent, claims 1, 8, 15)	<p>comparison of the detected field signature and the second detected field signature</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’946 patent, claims 1, 8, 15</p> <p>’946 patent at Abstract, 2:60–61, 2:67–3:3, 6:48–52</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Function:</u> to generate a comparison signal; and to generate the comparison signal based on a comparison of the detected field signature and the second detected field signature</p> <p><u>Structure:</u> the structure(s) disclosed at 5:10-61; 6:48-52; 16:7-12, 15-17, 34-43, 45-48 in the ’946 Patent, including device 402 having comparator 418 in Figure 4 and the corresponding description thereof; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 1, 8, 15; Abstract; 2:49-53, 60-61; 2:67-3:3; 5:10-61; 6:48-52; 7:63-8:64; 11:5-15:54; 16:1-17, 34-43, 45-48, Figures 3, 4, 13</p> <p>U.S. Provisional Application No. 61/740,814 at [0019], [0026], Figure 1 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “comparator,” “compare,” “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“an identifying component operable to identify one of an item and a location based on the comparison signal”</p> <p>“identifying, via an identifying component, one of an item and a location based on the comparison signal”</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To identify one of an item and a location based on the comparison signal</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to identify one of an item and a location based on the comparison signal</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>(’946 patent, claims 1, 8, 15)</p>	<p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’946 patent, claims 1, 8, 15</p> <p>’946 patent at Abstract, Fig. 4, 2:58–60, 5:18–43, 5:62–6:9, 6:42–46</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Structure:</u> the structure(s) disclosed at 4:26-45, 58-61; 5:10-61; 10:32-43; 10:52-12:5; 16:13-31, 34-45 in the ’946 Patent, including device 402 having identifier 420 in Figure 4 and the corresponding description thereof; Figure 13 and the corresponding description thereof; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 1, 8, 15; Abstract; 2:49-53, 61-62; 4:26-45, 58-61; 5:10-61; 10:23-43; 10:52-12:5; 16:13-31, 34-45, Figures 4, 13</p> <p>U.S. Provisional Application No. 61/740,814 at [0019], [0026], Figure 1 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.
“detected field signature” (’946 patent, claims 1, 6, 8, 13, 15, 20)	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence</u> <i>See, e.g.:</i> ’946 patent, claims 1, 6, 8, 13, 15, 20 ’946 patent at Abstract, 2:49–3:3 <u>Extrinsic evidence</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this</p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “detected field signature” is “properties, characteristics, or pattern of a detected field”</p> <p><u>Evidentiary Support:</u> ’946 Patent at claims 1, 6, 8, 13, 15, 20; Abstract; 2:53-60; 7:52-9:62; 10:7-10, 23-43; 11:5-15:16; 15:28-51; 15:65-16:55; 17:25-37; Figures 5, 12 U.S. Provisional Application No. 61/740,814 at [0019], [0026], Figure 1 (SFARA_001893-SFARA_001926)</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p> <p>Concise Oxford American Dictionary – definition of “signature” (SFARA_001775-SFARA_001777)</p> <p>Telecom Dictionary – definition of “signature” (SFARA_001778-SFARA_001780)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“second detected field signature” (’946 patent, claims 1, 6, 8, 13, 15, 20)</p>	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence</u></p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “second detected field signature” is “a second set of properties, characteristics, or pattern of a detected field”</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>See, e.g.:</p> <p>’946 patent, claims 1, 6, 8, 13, 15, 20</p> <p>’946 patent at Abstract, 2:49–3:3</p> <p><u>Extrinsic evidence</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 1, 6, 8, 13, 15, 20; Abstract; 2:62-67; 7:52-9:62; 10:7-10, 23-43; 11:5-15:16; 15:28-53; 15:65-16:55; 17:25-37; Figures 5, 12</p> <p>U.S. Provisional Application No. 61/740,814 at [0019], [0026], Figure 1 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p> <p>Concise Oxford American Dictionary – definition of “signature” (SFARA_001775-SFARA_001777)</p> <p>Telecom Dictionary – definition of “signature” (SFARA_001778-SFARA_001780)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“comparison signal” (’946 patent, claims 1, 8, 15)</p>	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence</u> <i>See, e.g.:</i> ’946 patent, claims 1, 8, 15 ’946 patent at Abstract, 2:46–3:3</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p>reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “comparison signal” is “a signal that corresponds to a comparison”</p> <p><u>Evidentiary Support:</u> ’946 Patent at claims 1, 8, 15; Abstract; 2:60–63; 2:67–3:3; 6:48–52; 7:63–8:64; 11:5–13:7; 13:22–14:62; 15:65–16:50, Figure 4 U.S. Provisional Application No. 61/740,851 at [0020]–[0027], Figures 1–2 (SFARA_001958–SFARA_001989) U.S. Provisional Application No. 61/740,814 at [0019], [0026], Figure 1 (SFARA_001893–SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0016], [0021], Figure 1 (SFARA_001927–SFARA_001957) U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990–SFARA_002020) Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.
“parameter signal” (’946 patent, claims 3, 10, 17)	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence</u> <i>See, e.g.,</i> ’946 patent, claims 3, 10, 17</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the</p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “parameter signal” is “a signal that corresponds to a parameter”</p> <p><u>Evidentiary Support:</u> ’946 Patent at claims 3, 10, 17; 6:53-7:9; 10:52-15:16; Figures 4, 6-11 U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026], Figures 1-3 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0016]-[0018], [0021] (SFARA_001927-SFARA_001957) U.S. Provisional Application No. 61/740,851 at [0020]-[0027] (SFARA_001958-SFARA_001989)</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	meaning of this claim term and the scope of the claimed invention.	U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020) Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.
“an association” (’946 patent, claims 6, 13, 20)	<p><u>Proposed Construction:</u> Indefinite under 35 U.S.C. § 112(b)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence</u> <i>See, e.g.:</i> ’946 patent, claims 6, 13, 20 ’946 patent at 9:50–10:22 <u>Extrinsic evidence:</u></p>	<p><u>Proposed Construction:</u> Plain-and-ordinary meaning, wherein the plain-and-ordinary meaning of “an association” is “a relationship”</p> <p><u>Evidentiary Support:</u> ’946 Patent at claims 6, 13, 20; 4:6-11; 5:1-7; 7:63-65; 8:25-27, 43-45, 65-67; 9:50-62; 10:7-22, 45-53, 58-62; 11:5-8, 38-54; 12:6-9, 20-22; 12:47-13:24; 13:49-14:19; 14:30-50; 14:64-15:27; 16:13-61; Figures 6-11</p>

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	<p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; the state of the art at the time of the claimed invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.</p>	<p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p> <p>Merriam-Webster Dictionary – definition of “association” (SFARA_001712-SFARA_001723)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“wherein said field-detecting component is operable to detect the at least one of an electric field, a magnetic field and an electro-magnetic field as a function over a period of time”</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect the at least one of an electric field, a magnetic field and an electro-magnetic field as a function over a period of time</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect at least one of an electric field, a magnetic field and an electro-magnetic</p>

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<p>“said detecting comprises detecting the at least one of an electric field, a magnetic field and an electro-magnetic field as a function over a period of time”</p> <p>(’946 patent, claims 2, 9, 16)</p>	<p>Structure: None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’946 patent, claims 2, 9, 16</p> <p>’946 patent at 6:10–33</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>field and to generate a detected field signature based on the detected one of an electric field, a magnetic field and an electro-magnetic field; to detect a second one of an electric field, a magnetic field and an electro-magnetic field and to generate a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field; and to detect the at least one of an electric field, a magnetic field and an electro-magnetic field as a function over a period of time</p> <p>Structure: the structure(s) disclosed at 4:6-12, 26-42, 46-61; 5:10-61; 6:10-33; 7:55-62; 9:34-49; 10:45-51; 13:17-21; 14:25-29; 14:64-15:17; 15:30-51 in the ’946 Patent; including device 402 having field detector 412 in Figure 4 and the corresponding description; the structure(s) disclosed at [0019]-[0022], [0024], [0026], Figures 1-3 of U.S. Provisional Application No. 61/740,814; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 2, 9, 16; Abstract; 2:49-57, 62-67; 4:6-42, 46-61; 5:10-61; 6:10-33;</p>

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		<p>7:55-8:42; 8:65-9:49; 10:45-51; 13:17-21; 14:25-29; 14:64-15:17; 15:30-51; Figures 3-12</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“a parameter-detecting component operable to detect a parameter and to generate a parameter signal based on the detected parameter”</p> <p>“detecting, via a parameter-detecting component, a parameter; and generating, via the parameter-detecting component, a parameter signal based on the detected parameter”</p> <p>(’946 patent, claims 3, 10, 17)</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect a parameter and to generate a parameter signal based on the detected parameter</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’946 patent, claims 3, 10, 17</p> <p>’946 patent at Fig. 4, 6:53–7:9, 10:53–11:3, 11:21–32, 12:6–19, 12:35–46, 13:8–21, 13:37–48, 14:16–29</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the</p>	<p>reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect a parameter and to generate a parameter signal based on the detected parameter</p> <p><u>Structure:</u> the structure(s) disclosed at 5:10-61; 6:53-7:9; 10:52-11:3; 12:6-15; 13:8-17; 14:16-25, 42-50; 14:64-15:16 in the ’946 Patent, including device 402 having parameter detector 422 and the corresponding description thereof; Figures 9-11 and the corresponding description thereof; the structure(s) disclosed at [0019]-[0022], Figures 1-3 of US. Provisional Application No. 61/740,814; the structure(s) disclosed at [0016]-[0019], [0021], Figures 1-2 of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	specification to recite structure to perform the recited function.	<p>’946 Patent at claims 3, 10, 17; 5:10-61; 6:53-7:9; 10:52-15:16, Figures 4, 9, 10, 11</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“wherein said identifying component is operable to identify the one of an item and a location based additionally on the parameter signal”</p> <p>“said identifying comprises identifying the one of an item and a location based additionally on the parameter signal”</p> <p>(’946 patent, claims 3, 10, 17)</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To identify the one of an item and a location based additionally on the parameter signal</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’946 patent, claims 3, 10, 17</p> <p>’946 patent at Abstract, Fig. 4, 2:58–60, 5:18–43, 5:62–6:9, 6:42–46</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the</p>	<p>reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to identify one of an item and a location based on the comparison signal; and to identify the one of an item and a location based additionally on the parameter signal</p> <p><u>Structure:</u> the structure(s) disclosed at 4:26-45, 58-61; 5:10-61; 10:32-43; 10:52-12:5; 16:13-31, 34-45 in the ’946 Patent, including device 402 having identifier 420 in Figure 4 and the corresponding description thereof; Figure 13 and the corresponding description thereof; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 3, 10, 17; 2:49-53, 61-62; 4:26-45, 58-61; 5:10-61; 10:23-43; 10:52-12:5; 16:13-31, 34-45, Figures 4, 13</p> <p>U.S. Provisional Application No. 61/740,814 at [0019], [0026], Figure 1 (SFARA_001893-SFARA_001926)</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	specification to recite structure to perform the recited function.	<p>U.S. Provisional Application No. 61/740,831 at [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
“wherein said parameter-detecting component is operable to detect, as the	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p>	<p><u>Proposed Construction:</u></p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
parameter, one of the group consisting of a velocity, acceleration, angular velocity, angular acceleration, geodetic position, sound, temperature, vibrations, pressure, biometrics, contents of surrounding atmosphere and combinations thereof” “said detecting a parameter comprises detecting, as the parameter, one of the group consisting of a velocity, acceleration, angular velocity, angular acceleration, geodetic position, sound, temperature, vibrations, pressure, biometrics, contents of surrounding atmosphere and combinations thereof” (*’946 patent, claims 4, 11, 18)	<p><u>Function:</u> To detect, as the parameter, one of the group consisting of a velocity, acceleration, angular velocity, angular acceleration, geodetic position, sound, temperature, vibrations, pressure, biometrics, contents of surrounding atmosphere and combinations thereof</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’946 patent, claims 4, 11, 18</p> <p>’946 patent at 6:53–7:9</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to detect a parameter and to generate a parameter signal based on the detected parameter; and to detect, as the parameter, one of the group consisting of a velocity, acceleration, angular velocity, angular acceleration, geodetic position, sound, temperature, vibrations, pressure, biometrics, contents of surrounding atmosphere and combinations thereof</p> <p><u>Structure:</u> the structure(s) disclosed at 5:10-61; 6:53-7:9; 10:52-11:3; 12:6-15; 13:8-17; 14:16-25, 42-50; 14:64-15:16 in the ’946 Patent, including device 402 having parameter detector 422 in Figure 4 and the corresponding description thereof; Figures 9-11 and the corresponding description thereof; the structure(s) disclosed at [0019]-[0022], Figures 1-3 of US. Provisional Application No. 61/740,814; the structure(s) disclosed at [0016]-[0019], [0021], Figures 1-2 of U.S. Provisional Application No. 61/740,831; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 4, 11, 18; 5:10-61; 6:53-7:9; 10:52-15:16, Figures 4, 9, 10, 11</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“a communication component operable to wirelessly communicate with a network”</p> <p>“wirelessly communicating via a communication component, with a network”</p> <p>(’946 patent, claims 5, 12, 19)</p>	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To wirelessly communicate with a network</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’946 patent, claims 5, 12, 19</p> <p>’946 patent at 5:18–6:9, 7:10–15</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the</p>	<p>as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to wirelessly communicate with a network</p> <p><u>Structure:</u> the structure(s) disclosed at 5:10-61; 7:10-15, 21-33 in the ’946 Patent, including device 402 having communication 424 in Figure 4 and the corresponding description thereof; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 5, 12, 19; 5:10-61; 7:10-15, 21-33; Figure 4</p> <p>U.S. Provisional Application No. 61/740,814 at [0003], [0006], [0019], [0021], [0026], Figures 1, 3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0003], [0006]-[0007], [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957)</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	specification to recite structure to perform the recited function.	<p>U.S. Provisional Application No. 61/740,851 at [0004], [0008], [0020], [0027], Figure 1 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0003], [0006]-[0007], [0015], [0017]-[0019], Figures 1-2 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
“wherein said field-detecting component is operable to detect a magnetic field ... wherein said field-detecting component is further operable to detect a second magnetic	<p><u>Proposed Construction:</u></p> <p>Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To detect a magnetic field and detect a second magnetic field and to generate a</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p>

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<p>field and to generate a second detected field signature based on the detected second magnetic field”</p> <p>“wherein said detecting, via a field-detecting component, at least one of an electric field, a magnetic field and an electro-magnetic field comprises detecting detect a magnetic field ... wherein said detecting a second one of an electric field, a magnetic field and an electro-magnetic field comprises detecting a second detected field signature based on the detected second magnetic field”</p> <p>(’946 patent, claims 6, 13, 20)</p>	<p>second detected field signature based on the detected second magnetic field</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’946 patent, claims 6, 13, 20</p> <p>’946 patent at Abstract, Fig. 5, 2:49–3:3, 6:10–33, 7:55–9:44, 14:64–15:17, 16:1–31</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Function:</u> to detect at least one of an electric field, a magnetic field and an electro-magnetic field and to generate a detected field signature based on the detected one of an electric field, a magnetic field and an electro-magnetic field; to detect a second one of an electric field, a magnetic field and an electro-magnetic field and to generate a second detected field signature based on the detected second one of an electric field, a magnetic field and an electro-magnetic field</p> <p><u>Structure:</u> the structure(s) disclosed at 4:6-12, 26-42, 46-61; 5:10-61; 6:10-33; 7:55-62; 9:34-49; 10:45-51; 13:17-21; 14:25-29; 14:64-15:17; 15:30-51 in the ’946 Patent; including device 402 having field detector 412 in Figure 4 and the corresponding description; the structure(s) disclosed at [0019]-[0022], [0024], [0026], Figures 1-3 of U.S. Provisional Application No. 61/740,814; the structure(s) disclosed at [0020]-[0027], Figures 1-3 of U.S. Provisional Application No. 61/740,851; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u></p> <p>’946 Patent at claims 6, 13, 20; Abstract; 2:49-57, 62-67; 4:6-42, 46-61; 5:10-61; 6:10-33;</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>7:55-8:42; 8:65-9:49; 10:45-51; 13:17-21; 14:25-29; 14:64-15:17; 15:30-51; Figures 3-12</p> <p>U.S. Provisional Application No. 61/740,814 at [0019]-[0022], [0024], [0026]; Figures 1-3 (SFARA_001893-SFARA_001926)</p> <p>U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“wherein said input component is further operable to input an association between a vehicle and the detected magnetic field” “inputting, via the input component is further operable to input an association; ... wherein said inputting an association comprises inputting an association between a vehicle and the detected magnetic field” (‘946 patent, claims 6, 13, 20)	<p><u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To input an association between a vehicle and the detected magnetic field <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’946 patent, claims 6, 13, 20 ’946 patent at Abstract, Fig. 4, Fig. 5, 2:57–58, 6:34–41, 9:45–62 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p>reasonable certainty, a POSITA about the scope of the claimed invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6) To the extent that § 112, ¶ 6 applies, <u>Function:</u> to input the detected field signature into the database; and to input an association between a vehicle and the detected magnetic field <u>Structure:</u> the structure(s) disclosed at 5:10-61; 6:34-41; 9:45-62; 10:7-22 in the ‘946 Patent, including device 402 having input 414 in Figure 4 and the corresponding description thereof; and the equivalents thereof. <u>Evidentiary Support:</u> ’946 Patent at claims 6, 13, 20; Abstract; 2:49-53, 57-58; 5:10-61; 6:34-41; 7:24-29; 9:45-62; 10:7-22; Figures 4-5, 13 U.S. Provisional Application No. 61/740,814 at [0019], Figure 1 (SFARA_001893-SFARA_001926)</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/740,831 at [0016], Figure 1 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020], Figure 1 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component,” “graphical user interface,” “GUI,” “input device,” “input panel,” “input/output port,” “interface”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“wherein said identifying component is further operable, based on the association, to identify the vehicle as the item”</p> <p>“wherein said identifying a vehicle comprises identifying, based on the association, the vehicle as the item”</p> <p>(’946 patent, claims 6, 13, 20)</p>	<p><u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f)</p> <p><u>Function:</u> To, based on the association, identify the vehicle as the item</p> <p><u>Structure:</u> None disclosed, i.e., indefinite under § 112(f)</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’946 patent, claims 6, 13, 20 ’946 patent at Abstract, Fig. 4, Fig. 5, 2:57–58, 6:34–41, 9:45–62</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance, including, but not limited to: the definition of a POSITA; the state of the art at the time of the claimed invention; whether a POSITA would understand the claim term to recite sufficiently definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.</p>	<p><u>Proposed Construction:</u> Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)</p> <p>To the extent that § 112, ¶ 6 applies,</p> <p><u>Function:</u> to identify one of an item and a location based on the comparison signal; and based on the association, to identify the vehicle as the item.</p> <p><u>Structure:</u> the structure(s) disclosed at 4:26-45, 58-61; 5:10-61; 10:32-43; 10:52-12:5; 16:13-31, 34-45 in the ’946 Patent, including device 402 having identifier 420 in Figure 4 and the corresponding description thereof; Figure 13 and the corresponding description thereof; and the equivalents thereof.</p> <p><u>Evidentiary Support:</u> ’946 Patent at claims 6, 13, 20; Abstract; 2:49-53, 61-62; 4:26-45, 58-61; 5:10-61; 10:23-43; 10:52-12:5; 16:13-31, 34-45, Figures 4, 13 U.S. Provisional Application No. 61/740,814 at [0019], [0026], Figure 1 (SFARA_001893-SFARA_001926)</p>

Exhibit B – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 9,333,946 (the “’946 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>U.S. Provisional Application No. 61/740,831 at [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957)</p> <p>U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989)</p> <p>U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020)</p> <p>Dictionary of Computer and Internet Terms – definition of “component”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’946 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA; and how the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>

EXHIBIT C

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“telematics data”</p> <p>(’037 patent, claims 1, 2, 5, 9, 10, 20, 23, 26, 27)</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, which is “any kind of captured or processed information about vehicle motion, vehicle state, operator state or behavior”</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’037 patent, claims 1, 2, 5, 9, 10, 20, 23, 26, 27</p> <p>’037 patent at 1:20–23, 1:32–35, 1:38–41, 1:46–49, 1:62–66, 2:14–25, 2:41–45, 3:24–26, 3:33–41, 3:52–64, 4:37–56, 5:10–19, 5:49–51, 5:66–6:8, 6:9–18, 6:52–57, 7:10–17, 7:53–59, 7:60–67, 11:33–35, 13:24–29, 14:41–44, 14:53–55, 15:8–12, 16:40–45, 21:7–11, 21:32–44</p> <p><u>Extrinsic evidence:</u></p> <p>Newton’s Telecom Dictionary, 31st Edition – definition of “telematics”</p> <p>Collins English Dictionary – definition of “telematics”</p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the</p>	<p><u>Proposed Construction:</u></p> <p>“information about vehicle motion, vehicle state, operator state or behavior, or other information captured at the vehicle, and communicated wirelessly to another device or location at or remote from the vehicle”</p> <p><u>Evidentiary Support:</u></p> <p>’037 Patent at claims 1, 2, 4, 5, 9, 10, 20, 23, 26, 27; 3:33-41; 5:10-13; 5:49-6:18; 6:52-57; 7:10-21; 7:53-59; Figures 5, 6, 7, 12B</p> <p>Merriam-Webster Dictionary - definitions of “telematics” and “data” (SFARA_002091-SFARA_002097; SFARA_001814-SFARA_001825)</p> <p>Dictionary of Computer and Internet Terms – definition of “telematics”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“a device” (’037 patent, claims 1, 20)</p>	<p>state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “a device”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 1, 20 ’037 patent at 2:41–49, 3:33–41, 3:52–64, 4:57–5:10, 5:42–47, 5:49–6:15, 6:52–64, 18:41–49, 18:50–19:3 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the</p>	<p>specification and prosecution history as it would be interpreted by a POSITA.</p> <p><u>Proposed Construction:</u> “an entity, remote from the processor”</p> <p><u>Evidentiary Support:</u> ’037 Patent at claims 1, 20; Abstract; 2:26–48; 3:33–41; 5:1–12; 6:52–7:23; 20:4–7; Figure 2 Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“metrics” (’037 patent, claims 1, 20, 22, 23)	<p>meaning of this claim term and the scope of the invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “measurements”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 1, 20, 22, 23 ’037 patent at 1:35–38, 1:60–62, 2:31–45, 3:42–51, 4:45–49, 6:52–57, 14:10–19, 14:20–40, 18:29–40</p> <p><u>Extrinsic evidence:</u> Newton’s Telecom Dictionary, 31st Edition – definition of “metric” CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the</p>	<p><u>Proposed Construction:</u> “any measure, figure of merit, or other value that characterizes any aspect or feature of a vehicle impact, vehicle crash, or a vehicle motion, vehicle state, operator state or behavior, or other information associated with a vehicle crash”</p> <p><u>Evidentiary Support:</u> ’037 Patent at claims 1, 8, 20, 22, 23; 2:26–41; 3:42–52; 14:10–40; 20:8–45; 20:56–21:6; Figures 4, 12A Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification as it would be interpreted by a POSITA.</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“automatically generating” / “automatic generation” (’037 patent, claims 1, 10, 20)	<p>meaning of this claim term and the scope of the invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “generating/generation by the processor”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 1, 10, 20 ’037 patent at 1:20–21, 1:28–30, 1:62–66, 2:14–25, 3:58–67, 4:49–5:5, 7:23–42, 18:29–40 <u>Extrinsic evidence:</u> <i>Whitserve, LLC v. Comput. Packages, Inc.</i>, 694 F.3d 10, 19 (Fed. Cir. 2012) <i>CollegeNet, Inc. v. ApplyYourself, Inc.</i>, 418 F.3d 1225, 1235 (Fed. Cir. 2005) CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the</p>	<p><u>Proposed Construction:</u> “generated without user input or interaction”</p> <p><u>Evidentiary Support:</u> ’037 Patent at claims 1, 10; 3:58-65; 4:49-56; 7:23-33; 18:29-40; Figure 4 ’037 Patent Prosecution History at 07/16/2018 Claims; 9/4/2018 Non-Final Rejection; 11/08/2018 Applicant Arguments/Remarks Made in an Amendment; 11/08/2018 Claims (CMT-SFARA-0000260- CMT-SFARA-0000263; CMT-SFARA-0000310- CMT-SFARA-0000324; CMT-SFARA-0000339- CMT-SFARA-0000351) U.S. Patent Application Publication No. 2015/0145695 (“Hyde”) (SFARA_001852-SFARA_001871) U.S. Patent Application Publication No. 2015/0091717 (“Dobra”) (SFARA_001826-SFARA_001838) U.S. Patent Application Publication No. 2010/0228432 (“Smith”) (SFARA_002057-SFARA_002090) Dictionary of Computer and Internet Terms – definition of “automatic”</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	meaning of this claim term and the scope of the invention.	Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.
“automatically provide” (’037 patent, claim 20)	<p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “provide by the processor”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claim 20 ’037 patent at 2:14–25, 3:58–67, 4:49–5:5, 7:23–42, 18:29–40 <u>Extrinsic evidence:</u> <i>Whitserve, LLC v. Comput. Packages, Inc.</i>, 694 F.3d 10, 19 (Fed. Cir. 2012)</p>	<p><u>Proposed Construction:</u> “provided without user input or interaction”</p> <p><u>Evidentiary Support:</u> ’037 Patent at claim 20; 3:58–65; 4:49–56; 7:23–33; 18:29–40; Figure 4 ’037 Patent Prosecution History at 07/16/2018 Claims; 9/4/2018 Non-Final Rejection; 11/08/2018 Applicant Arguments/Remarks Made in an Amendment; 11/08/2018 Claims (CMT-SFARA-0000260- CMT-SFARA-0000263; CMT-SFARA-0000310- CMT-SFARA-0000324; CMT-SFARA-0000339- CMT-SFARA-0000351)</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p><i>CollegeNet, Inc. v. ApplyYourself, Inc.</i>, 418 F.3d 1225, 1235 (Fed. Cir. 2005)</p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>U.S. Patent Application Publication No. 2015/0145695 (“Hyde”) (SFARA_ 001852-SFARA_ 001871)</p> <p>U.S. Patent Application Publication No. 2015/0091717 (“Dobra”) (SFARA_ 001826-SFARA_ 001838)</p> <p>U.S. Patent Application Publication No. 2010/0228432 (“Smith”) (SFARA_ 002057-SFARA_ 002090)</p> <p>Dictionary of Computer and Internet Terms – definition of “automatic”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>
<p>“human-readable prose documentation”</p> <p>(’037 patent, claims 1, 20)</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, which is “information or data that can be read by humans”</p>	<p><u>Proposed Construction:</u></p> <p>“written-language text document containing sentences and phrases that can be easily read and understood by humans”</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’037 patent, claims 1, 20</p> <p>’037 patent at Figs. 12A–D, 1:20–21, 1:28–30, 1:35–38, 2:8–13, 2:30–45, 4:49–56, 7:23–42, 16:15–23, 17:37–40, 17:55–62, 18:29–19:3, 20:9–45, 20:46–21:44</p> <p><u>Extrinsic evidence:</u></p> <p>Cambridge Dictionary – definition of “prose” (SFARA_001875)</p> <p>Concise Oxford American Dictionary – definition of “prose” (SFARA_001874)</p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p><u>Evidentiary Support:</u></p> <p>’037 Patent at claims 1, 20; 2:9–13; 16:11–23; 17:37–40; 18:29–37</p> <p>’037 Patent Prosecution History at 07/16/2018 Claims; 9/4/2018 Non-Final Rejection; 11/08/2018 Applicant Arguments/Remarks Made in an Amendment; 11/08/2018 Claims (CMT-SFARA-0000260- CMT-SFARA-0000263; CMT-SFARA-0000310- CMT-SFARA-0000324; CMT-SFARA-0000339- CMT-SFARA-0000351)</p> <p>U.S. Patent Application Publication No. 2015/0145695 (“Hyde”) (SFARA_001852-SFARA_001871)</p> <p>U.S. Patent Application Publication No. 2015/0091717 (“Dobra”) (SFARA_001826-SFARA_001838)</p> <p>U.S. Patent Application Publication No. 2010/0228432 (“Smith”) (SFARA_002057-SFARA_002090)</p> <p>Concise Oxford American Dictionary – definition of “prose” (SFARA_001872-SFARA_001874)</p> <p>Merriam-Webster Dictionary – definition of “prose” (SFARA_001886-SFARA_001892)</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		<p>Cambridge Dictionary – definition of “prose” (SFARA_001875-SFARA_001885)</p> <p>American Heritage Dictionary – definition of “prose”</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>
<p>“the narrative human-readable prose documentation” (’037 patent, claims 1, 20)</p>	<p><u>Proposed Construction:</u> Plain and ordinary meaning, which is a reference to the “human-readable prose documentation”</p> <p><u>Evidentiary Support:</u> Intrinsic evidence: <i>See, e.g.:</i> ’037 patent, claims 1, 20 ’037 patent at Figs. 12A–D, 1:20–21, 1:28–30, 1:35–38, 2:8–13, 2:30–45, 4:49–56, 7:23–42,</p>	<p><u>Proposed Construction:</u> Indefinite</p> <p><u>Evidentiary Support:</u> ’037 Patent at claims 1, 17, 20 Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>16:15–23, 17:37–40, 17:55–62, 18:29–19:53, 20:9–21:44, 22:4–23:4</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>the specification as read by a POSITA; the context of the asserted claims; whether a POSITA would understand the meaning of the claim term at the time of the ’037 Patent in light of the specification; and whether the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“the human-readable documentation”</p> <p>(’037 patent, claims 3, 10, 17, 18, 21, 23)</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, which is a reference to the “human-readable prose documentation”</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’037 patent, claims 3, 10, 17, 18, 21, 23</p> <p>’037 patent at Figs. 12A–D, 1:20–21, 1:28–30, 1:35–38, 2:8–13, 2:30–45, 4:49–56, 7:23–42,</p>	<p><u>Proposed Construction:</u></p> <p>Indefinite</p> <p><u>Evidentiary Support:</u></p> <p>’037 Patent at claims 3, 10, 17, 18, 21, 23</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>16:15–23, 17:37–40, 17:55–62, 18:29–19:53, 20:9–21:44, 22:4–23:4</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>context of the asserted claims; whether a POSITA would understand the meaning of the claim term at the time of the ’037 Patent in light of the specification; and whether the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>
<p>“narrative”</p> <p>(’037 patent, claims 1, 17, 20)</p>	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, which is “written or oral”</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p>See, e.g.:</p> <p>’037 patent, claims 1, 17, 20</p> <p>’037 patent at 12A–D, 1:35–38, 2:8–13, 19:4–17, 19:34–53, 20:46–55, 20:56–21:44, 22:4–23:4</p> <p><u>Extrinsic evidence:</u></p>	<p><u>Proposed Construction:</u></p> <p>“detailed story-like textual account/summary describing specific aspects of an event”</p> <p><u>Evidentiary Support:</u></p> <p>’037 Patent at claims 1, 17, 20; Abstract; 1:35–37; 1:64–2:13; 2:30–41; 3:5; 19:11–17; 19:26–20:3; 20:8–60; 21:42–44; 22:4–22:67; 23:1–5; Figures 4, 12A</p> <p>Merriam-Webster Dictionary – definition of “narrative” (SFARA_001764-SFARA_001774)</p> <p>American Heritage Dictionary – definition of “narrative” (SFARA_001758-SFARA_001760)</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>Concise Oxford American Dictionary – definition of “narrative” (SFARA_001761-SFARA_001763)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>
<p>“features of the vehicle crash” / “features of the crash” (’037 patent, claims 1, 10–16, 18, 20)</p>	<p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “information or data relating to the [vehicle] crash”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 1, 10–16, 18, 20 ’037 patent at 1:64–2:13, 11:49–59, 19:4–6, 19:34–38, 20:8–45, 21:32–44</p>	<p><u>Proposed Construction:</u> “a distinctive aspect, part or characteristic of the vehicle crash”</p> <p><u>Evidentiary Support:</u> ’037 Patent at claims 1, 10-16, 18, 20; 1:64-2:13; 7:60-8:61; 9:35-11:30; 11:49-67; 12:11-24; 19:4-20:3; 21:32-22:3, Figure 4 ’037 Patent Prosecution History at 07/16/2018 Claims; 9/4/2018 Non-Final Rejection; 11/08/2018 Applicant Arguments/Remarks Made in an Amendment; 11/08/2018 Claims (CMT-SFARA-0000260- CMT-SFARA-</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>0000263; CMT-SFARA-0000310- CMT-SFARA-0000324; CMT-SFARA-0000339-CMT-SFARA-0000351)</p> <p>U.S. Patent Application Publication No. 2015/0145695 (“Hyde”) (SFARA_001852-SFARA_001871)</p> <p>U.S. Patent Application Publication No. 2015/0091717 (“Dobra”) (SFARA_001826-SFARA_001838)</p> <p>U.S. Patent Application Publication No. 2010/0228432 (“Smith”) (SFARA_002057-SFARA_002090)</p> <p>Concise Oxford American Dictionary – definition of “feature” (SFARA_001709-SFARA_001711)</p> <p>Merriam-Webster Dictionary – definition of “feature” (SFARA_001727-SFARA_001740)</p> <p>Cambridge Dictionary – definition of “feature” (SFARA_001741-SFARA_001754)</p> <p>Concise Oxford American Dictionary – definition of “aspect” (SFARA_001724-SFARA_001726)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“common phrases” (’037 patent, claims 1, 20)	<p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “common phrases”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 1, 20 ’037 patent at Figs. 12A–D, 2:8–13, 20:46–55, 20:56–21:44, 22:4–23:4</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the</p>	<p>Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p> <p><u>Proposed Construction:</u> Indefinite</p> <p><u>Evidentiary Support:</u> ’037 Patent at claims 1, 20 Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; whether a POSITA would understand the meaning of the claim term at the time of the ’037 Patent in light of the specification; and whether the claim term adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.</p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“crash detection component” (’037 patent, claims 2, 26)	<p>meaning of this claim term and the scope of the invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “a component for crash detection”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 2, 26 ’037 patent at 1:32–35, 2:48–53, 6:27–44, 7:36–39, 7:43–53, 11:49–59I</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p><u>Proposed Construction:</u> “crash detection module remote from the telematics device”</p> <p><u>Evidentiary Support:</u> ’037 Patent at claims 2, 26; 6:23–51, Figure 3 Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>
“crash metrics component”	<u>Proposed Construction:</u>	<u>Proposed Construction:</u>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
(’037 patent, claim 5)	<p>Plain and ordinary meaning, which is “a component for crash metrics”</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’037 patent, claim 5</p> <p>’037 patent at 1:38–57, 3:42–51, 6:29–46</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>“crash metrics module remote from the telematics device”</p> <p><u>Evidentiary Support:</u></p> <p>’037 Patent at claim 5; 6:23-51, Figure 3</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>
“acceleration event”	<p><u>Proposed Construction:</u></p> <p>Plain and ordinary meaning, which is “event of acceleration”</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p>	<p><u>Proposed Construction:</u></p> <p>“a specific occurrence or grouping of peak acceleration values during a specified period of time”</p> <p><u>Evidentiary Support:</u></p>

Exhibit C – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 10,246,037 (the “’037 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
	<p>See, e.g.:</p> <p>’037 patent, claims 5, 6</p> <p>’037 patent at 1:49–62, 15:35–16:30</p> <p><u>Extrinsic evidence:</u></p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>’037 Patent at claims 5, 6; 15:35–16:23; Figures 8, 9</p> <p>Merriam-Webster Dictionary – definition of “event” (SFARA_001839-SFARA_001851)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’037 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>

EXHIBIT D

Exhibit D – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 11,587,368 (the “368 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“operate the plurality of sensors” / “operating a plurality of sensors” (’368 patent, claims 1, 17)</p>	<p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “use/using the plurality of sensors”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’368 patent, claims 1, 17 ’368 patent at 1:65–2:14, 4:35–41, 5:13–27, 5:59–67, 6:32–44, 7:19–28, 13:42–43 <u>Extrinsic evidence:</u> Dictionary.com – definition of “operate” CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p><u>Proposed Construction:</u> “control/controlling the functioning of a plurality of sensors”</p> <p><u>Evidentiary Support:</u> ’368 Patent at claims 1, 17; Abstract; 3:6–34; 5:59–67; 6:1–15, 31–35 ’368 Patent Prosecution History at 2/3/2021 Claims; 5/19/2021 Claims; 7/25/2022 Non-Final Rejection; 10/25/2022 Applicant Arguments/Remarks Made in an Amendment; 10/25/2022 Claims; 11/15/2022 Amendments to the Abstract (CMT-SFARA-0000417; CMT-SFARA-0000474-CMT-SFARA-0000482; CMT-SFARA-0000491- CMT-SFARA-0000502; CMT-SFARA-0000647- CMT-SFARA-0000665; CMT-SFARA-0000690-CMT-SFARA-0000698) U.S. Patent Application Publication No. 2015/0254781 (“Binion”) (SFARA_001781-SFARA_001813) U.S. Patent Application Publication No. 2013/0124084 (“Seo”) (SFARA_002021-SFARA_002056) Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and</p>

Exhibit D – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 11,587,368 (the “’368 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		needed for an understanding of the ’368 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.
“over a plurality of time intervals” (’368 patent, claims 1, 17)	<p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “over more than one time interval”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’368 patent, claims 1, 17 ’368 patent at 3:9–3:20, 5:59–67, 6:32–44, 7:29–41, 18:10–19 <u>Extrinsic evidence:</u> Collins English Dictionary – definition of “plural” CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and</p>	<p><u>Proposed Construction:</u> “over a plurality of time intervals occurring during a single trip”</p> <p><u>Evidentiary Support:</u> ’368 Patent at claims 1, 17; Abstract; 3:9-14; 7:29-32; 8:43-46 Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’368 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>

Exhibit D – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 11,587,368 (the “’368 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
<p>“driving data” (’368 patent, claims 1, 11, 13, 16, 17, 19, 20)</p>	<p>whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “information or data related to driving”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’368 patent, claims 1, 11, 13, 16, 17, 19, 20 ’368 patent at Figs 1–6G, 1:35–1:47, 3:21–34, 4:30–41, 5:42–67, 6:32–7:3, 7:42–51, 8:24–42, 9:36–59, 10:50–11:11, 11:55–12:11, 16:19–25, 18:61–19:31, 19:39–40</p> <p><u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the</p>	<p><u>Proposed Construction:</u> “sensor-derived measurements collected during the operation of a vehicle”</p> <p><u>Evidentiary Support:</u> ’368 Patent at claims 1, 11, 13, 16, 17, 19, 20; 6:31-35; 6:45-47; 7:29-41; 9:41-45 Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’368 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>

Exhibit D – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 11,587,368 (the “368 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
“driving event” / “driving events” (’368 patent, claims 1, 9, 13, 17, 19)	<p>meaning of this claim term and the scope of the invention.</p> <p><u>Proposed Construction:</u> Plain and ordinary meaning, which is “event(s) that occur(s) during a drive”</p> <p><u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’368 patent, claims 1, 9, 13, 17, 19 ’368 patent at Figs. 6A–6G, 6:45–61, 9:16–23, 11:12–26, 11:46–54, 12:1–11 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p><u>Proposed Construction:</u> “driving behavior that departs from a nominal or average value”</p> <p><u>Evidentiary Support:</u> ’368 Patent at claims 1, 9, 13, 17, 19; 9:20-23; 11:13-54; 13:12-16 Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’368 Patent; the knowledge of a POSITA at the relevant time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.</p>
“additional data”	<u>Proposed Construction:</u>	<u>Proposed Construction:</u>

Exhibit D – Parties’ Proposed Claim Constructions and Evidentiary Support for Disputed Claim Terms of U.S. Patent No. 11,587,368 (the “’368 patent”)

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
(’368 patent, claims 1, 5, 6, 7, 9, 16, 17, 18, 20)	<p>Plain and ordinary meaning, which is “additional data”</p> <p><u>Evidentiary Support:</u></p> <p><u>Intrinsic evidence:</u></p> <p><i>See, e.g.:</i></p> <p>’368 patent, claims 1, 5, 6, 7, 9, 16, 17, 18, 20</p> <p>’368 patent at Figs. 6A–6G, Fig. 8, 3:21–34, 3:48–58, 8:16–28, 8:38–42, 10:50–11:11, 11:55–12:11, 17:55–18:9</p> <p><u>Extrinsic evidence:</u></p> <p>Collins English Dictionary – definition of “additional”</p> <p>CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but not limited to: the plain and ordinary meaning of this term; the definition of a POSITA; and the state of the art at the time of the invention; and whether a POSITA would, in light of the specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the invention.</p>	<p>“information other than sensor-derived measurements”</p> <p><u>Evidentiary Support:</u></p> <p>’368 Patent at claims 1, 5, 6, 7, 9, 16, 17, 18, 20; 7:62-66; 8:34-41; 10:50-65; 17:65-18:9</p> <p>’368 Patent Prosecution History at 2/3/2021 Claims; 5/19/2021 Claims; 7/25/2022 Non-Final Rejection; 10/25/2022 Applicant Arguments/Remarks Made in an Amendment; 10/25/2022 Claims; 11/15/2022 Amendments to the Abstract (CMT-SFARA-0000417; CMT-SFARA-0000474-CMT-SFARA-0000482; CMT-SFARA-0000491- CMT-SFARA-0000502; CMT-SFARA-0000647- CMT-SFARA-0000665; CMT-SFARA-0000690-CMT-SFARA-0000698)</p> <p>U.S. Patent Application Publication No. 2015/0254781 (“Binion”) (SFARA_001781-SFARA_001813)</p> <p>U.S. Patent Application Publication No. 2013/0124084 (“Seo”) (SFARA_002021-SFARA_002056)</p> <p>Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context regarding the technology related to and needed for an understanding of the ’368 Patent; the knowledge of a POSITA at the relevant</p>

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Claim Terms of U.S. Patent No. 11,587,368 (the “’368 patent”)**

Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		time; the disclosure of the invention in the specification as read by a POSITA; the context of the asserted claims; and the meaning of the claim term consistent with the specification and prosecution history as it would be interpreted by a POSITA.