

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

CAMBRIDGE MOBILE TELEMATICS, INC.,

Plaintiff,

v.

SFARA, INC.

Defendant.

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

AMENDED 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 Amended Joint Claim Construction and Prehearing Statement regarding CMT’s asserted patents (U.S. Patent Nos. 10,246,037 (the “’037 patent”) and 11,5878,368 (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”)). The Amended Joint Claim Construction and Prehearing Statement reflects the parties’ agreement on the construction of two terms to be construed and their agreement to not seek a construction for several other terms.

I. CONSTRUCTION OF CLAIM TERMS ON WHICH THE PARTIES AGREE

In accordance with L. Pat. R. 4.3(a), the parties state that they agree on the construction of the following claim terms:

A. “in-vehicle signal” (’952 Patent, claims 1, 7, 13)

The parties agree to construe “in-vehicle signal” as “a signal that indicates whether the device is in a vehicle.”

B. “crash mode signal” (’952 Patent, claims 1, 6, 7, 12, 13, 18)

The parties agree to construe “crash mode signal” as “a signal that indicates detection of a vehicle crash.”

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 appear in each of the asserted independent claims in Sfara's '952 and '946 patents. Thus, if the Court agrees 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 communication component operable to wirelessly communicate with a network” / “wirelessly communicating, via a communication component, with a network” ('952 Patent, claims 5, 11, 17; '946 Patent, claims 5, 12, 19)
- “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)
- “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)
- “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:

- “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’s arguments that the component terms of the Sfara patents should be construed under 35 U.S.C. § 112(f) and are invalid as indefinite for failure to disclosure

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.

sufficient structure for performing the claimed functions. The parties have already fully briefed Sfara's Motion to Strike on this issue. See ECF Nos. 85–87. Moreover, the parties have an actual, material, and case-dispositive claim construction dispute as to whether the “component” terms in Sfara's patents are indefinite means-plus-function terms. Under *O2 Micro Int'l Ltd. v. Beyond Innovation Tech. Co.*, 521 F.3d 1351 (Fed. Cir. 2017), the parties' dispute should be heard on the merits.

In addition, Sfara improperly disclosed for the first time in its May 31, 2024 amended infringement contentions a new infringement theory regarding Bluetooth. Sfara's new Bluetooth infringement theory is late and improper, however, because according to the Court's Text Order the amended contentions must be “based solely on discovery produced in this matter.” ECF No. 98. To the contrary, CMT's use of Bluetooth has been widely available publicly available since at least September 2021,² long before Sfara served its original infringement contentions in August 2023. Sfara's late disclosure has unduly prejudiced CMT because, had this theory been timely disclosed, CMT could have selected additional terms to be construed and/or raised additional § 112 defenses in its invalidity contentions. For example, CMT would have raised enablement and written description arguments because there is zero disclosure in the '946 patent regarding Bluetooth.

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. Sfara filed a motion to strike

² See, e.g., <https://www.cmtelematics.com/drivewell-tag/> (CMT's DriveWell uses “Bluetooth Low Energy (BLE)” technology); <https://fcc.report/FCC-ID/2AFGD000620/5462420.pdf> (submitted to FCC on September 23, 2021; “The DriveWell Tag is a Bluetooth Low Energy (BLE) device with an embedded accelerometer and clock that is used to measure vehicle dynamics.”).

those belated contentions (D.I. 85-87), which has now been fully briefed and was set for April 1, 2024, for a decision on the papers. Resolution of that motion may substantially reduce (by more than half) the number of terms to be construed by the Court at the *Markman* hearing. *See* D.I. 104.

Moreover, there is nothing improper about Sfara’s disclosure in its amended infringement contentions of Bluetooth used in CMT’s Accused Products. In its initial infringement contentions served in August 2023 prior to *any* discovery, Sfara stated that examples of field detecting components for detecting electromagnetic signals within the meaning of the Sfara patents included *smartphone* sensors, sensor data, and mobile processors. Through discovery, including access to CMT’s source code and SDKs, Sfara learned that CMT’s Accused Products were using a *smartphone’s* Bluetooth sensors, Bluetooth data, and Bluetooth signatures (all utilizing electromagnetic fields) in an infringing manner. Including these specifics was exactly the point of serving amended infringement contentions (“Disclosure of Amended Infringement Contentions based solely on discovery produced in this matter shall be served.” D.I. 35, D.I. 98). The fact that CMT’s DriveWell *tag*—i.e. not a smartphone—uses Bluetooth Low Energy is of no moment here. Sfara only learned through discovery how CMT utilizes a *smartphone’s* Bluetooth functionality. Thus, Sfara’s amended infringement contentions are perfectly appropriate.

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. TERMS NOT INCLUDED IN CLAIM CONSTRUCTION BRIEFING

In order to narrow the number of terms to be addressed during claim construction, and in line with the general practice of courts in this District, which often defer briefing on indefiniteness arguments until summary judgment or trial, the parties have agreed, subject to Sfara’s Motion to Strike discussed above, that they need not address the claim terms below during claim construction and may instead address indefiniteness arguments for these terms, if they so choose, on summary judgment or at trial, as appropriate. *See, e.g., Horizon Pharma, Inc. v. Dr. Reddy’s Lab’s, Inc.*, No. CV 15-3324 (SRC), 2017 WL 5451748, at *5 (D.N.J. Nov. 14, 2017) (“This Court considers indefiniteness arguments on summary judgment or at trial, and not at claim construction.”).

’037 Patent	’952 Patent	’946 Patent
• “the narrative human-readable prose documentation” • “the human-readable documentation” • “common phrases”	• “first detector signal” • “second detector signal” • “first mode” • “second mode”	• “detected field signature” • “second detected field signature” • “comparison signal” • “parameter signal” • “an association”

V. 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-half of a 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), the parties held a meet and confer on May 28, 2024, and proposed 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. See ECF No. 102.

CMT's Position:

CMT proposes that the parties each propose up to five terms to be argued at the *Markman* hearing. CMT has requested that Sfara meet and confer on this issue.

Sfara's Position:

Sfara has agreed to meet and confer on ways to streamline the *Markman* hearing, but in the absence of any agreement and with no *Markman* hearing scheduled, Sfara believes it is premature to limit the number of terms to be argued at this time.

VI. 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: June 14, 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
“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)	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To detect whether the device is in the vehicle and to generate an in-vehicle signal <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 1, 7, 13 ’952 patent at Abstract, 2:63–64, 14:40–42 <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	<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

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	recite structure to perform the recited function.	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 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. <u>Evidentiary Support:</u> ’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 U.S. Provisional Application No. 61/740,814 at [0002], [0019]-[0021], [0023]-[0024], [0026], Figures 1-3 (SFARA_001893-SFARA_001926)

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Claim Term	CMT’s Proposed Construction and Evidentiary Support	Sfara’s Proposed Construction and Evidentiary Support
		U.S. Provisional Application No. 61/740,831 at [0017]-[0019], [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) U.S. Patent Application Publication No. 2014/0179348 at [0021], [0028]-[0031], [0033], [0035]-[000037], [0040]-[00101], Figures 3-7 Dictionary of Computer and Internet Terms – definition of “component” 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

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		adequately informs, with reasonable certainty, a POSITA about the scope of the claimed invention.
“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)	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To detect a first parameter and to generate a first detector signal based on the first detected parameter <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 1, 7, 13 ’952 patent at Abstract, Fig. 4, 8:11–57, 9:15–23 <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	<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 a first parameter; and to generate a first detector signal based on the first detected parameter <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

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	definite structure; whether a POSITA would understand the specification to recite structure to perform the recited function.	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) U.S. Provisional Application No. 61/740,831 at [0016]-[0019], [0021], Figures 1-2 (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) Dictionary of Computer and Internet Terms – definition of “component” Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the

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		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.
“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)	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To detect a second parameter and to generate a second detector signal based on the second detected parameter <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 1, 7, 13 ’952 patent at Abstract, Fig. 4, 8:11–57, 9:15–23	<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 a second parameter and to generate a second detector signal based on the second detected parameter <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

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	<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.	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; 2:65-3:2; 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; 9:49-11:31; 12:23-44; 13:65-67; 14:42-56; 14:59-67; 15:10-15; Figures 1-5 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]-[0019], [0021], Figures 1-2 (SFARA_001927-SFARA_001957)

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		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) Dictionary of Computer and Internet Terms – definition of “component” 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.
“a communication component operable to wirelessly communicate with a network”	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f)	<u>Proposed Construction:</u> Plain and ordinary meaning, no construction required (Not subject to 35 U.S.C. § 112, ¶ 6)

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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
“wirelessly communicating, via a communication component, with a network” (’952 patent, claims 5, 11, 17)	<u>Function:</u> To wirelessly communicate with a network <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’952 patent, claims 5, 11, 17 ’952 patent at 5:22–43, 5:60–6:7, 7:7–12. <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.	To the extent that § 112, ¶ 6 applies, <u>Function:</u> to wirelessly communicate with a network <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. <u>Evidentiary Support:</u> ’952 Patent at claims 5, 11, 17; 5:9–59; 7:7–12, 18–22, 29–32; Figure 2 U.S. Provisional Application No. 61/740,814 at [0003], [0006], [0019], [0021], [0026], Figures 1, 3 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0003], [0006]–[0007], [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957) U.S. Provisional Application No. 61/740,851 at [0004], [0008], [0020], [0027], Figure 1 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0003], [0006]–[0007],

**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
		[0015], [0017]-[0019], Figures 1-2 (SFARA_001990-SFARA_002020) Dictionary of Computer and Internet Terms – definition of “component” 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.
“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	<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>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,

**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
the in-vehicle signal, the first detector signal and the second detector signal” (’952 patent, claims 1, 7, 13)	<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 specification and the prosecution history, be informed with reasonable certainty about the meaning of this claim term and the scope of the claimed invention.	<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 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.

**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
		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 . <u>Evidentiary Support:</u> ’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 U.S. Provisional Application No. 61/740,814 at [0002], [0019]-[0021], [0023]-[0024], [0026], Figures 1-3 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0017]-[0019], [0021] (SFARA_001927-SFARA_001957) U.S. Provisional Application No. 61/740,851 at [0020]-[0027], Figures 1-3 (SFARA_001958-SFARA_001989)

**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
		U.S. Provisional Application No. 61/745,677 at [0015]-[0017] (SFARA_001990-SFARA_002020) U.S. Patent Application Publication No. 2014/0179348 at [0021], [0028]-[0031], [0033], [0035]-[000037], [0040]-[00101], Figures 3-7 Dictionary of Computer and Internet Terms – definition of “component” 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.

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
“a communication component operable to wirelessly communicate with a network” “wirelessly communicating, via a communication component, with a network” (’946 patent, claims 5, 12, 19)	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To wirelessly communicate with a network <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 5, 12, 19 ’946 patent at 5:18–6:9, 7:10–15 <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.	<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 wirelessly communicate with a network <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. <u>Evidentiary Support:</u> ’946 Patent at claims 5, 12, 19; 5:10-61; 7:10-15, 21-33; Figure 4 U.S. Provisional Application No. 61/740,814 at [0003], [0006], [0019], [0021], [0026], Figures 1, 3 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0003], [0006]-[0007], [0016], [0021], Figure 1 (SFARA_001927-SFARA_001957)

**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
		U.S. Provisional Application No. 61/740,851 at [0004], [0008], [0020], [0027], Figure 1 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0003], [0006]-[0007], [0015], [0017]-[0019], Figures 1-2 (SFARA_001990-SFARA_002020) Dictionary of Computer and Internet Terms – definition of “component” 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.
“a field-detecting component operable to detect at least one of an electric field, a	<u>Proposed Construction:</u>	<u>Proposed Construction:</u>

**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
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	Governed by 35 U.S.C. § 112(f) <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 <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. 5, 2:49–3:3, 6:10–33, 7:55–9:44, 14:64–15:17, 16:1–31 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. David McNamara in connection with claim construction on substance,	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 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 <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;

**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
magnetic field and an electro-magnetic field” (’946 patent, claims 1, 8, 15)	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.	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> ’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 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]-[0019], [0021], Figures 1-2 (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) Dictionary of Computer and Internet Terms – definition of “component”

**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
		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 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)	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To input the detected field signature into 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	<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 <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

**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
	’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.	input 414 in Figure 4 and the corresponding description thereof; and the equivalents thereof. <u>Evidentiary Support:</u> ’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 U.S. Provisional Application No. 61/740,814 at [0019], Figure 1 (SFARA_001893-SFARA_001926) U.S. Provisional Application No. 61/740,831 at [0016], Figure 1 (SFARA_001927-SFARA_001957) U.S. Provisional Application No. 61/740,851 at [0020], Figure 1 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020) Dictionary of Computer and Internet Terms – definition of “component,” “graphical user interface,” “GUI,” “input device,” “input panel,” “input/output port,” “interface” Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the

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
		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.
“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)	<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>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

**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
	<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.	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) U.S. Provisional Application No. 61/740,831 at [0016], Figure 1 (SFARA_001927-SFARA_001957) U.S. Provisional Application No. 61/740,851 at [0020], Figure 1 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020) Dictionary of Computer and Internet Terms –definition of “component,” “graphical user interface,” “GUI,” “input device,” “input panel,” “input/output port,” “interface” Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context

**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
		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 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)	<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> See, e.g.: ’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>	<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

**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
	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.	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) U.S. Provisional Application No. 61/740,851 at [0020], [0023]-[0025], [0027], Figures 1-2 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020) Dictionary of Computer and Internet Terms – definition of “component” Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the

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
		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.
“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)	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> 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 <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i>	<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 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 <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

**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
	’946 patent, claims 1, 8, 15 ’946 patent at Abstract, 2:60–61, 2:67–3:3, 6:48–52 <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.	402 having comparator 418 in Figure 4 and the corresponding description thereof; and the equivalents thereof. <u>Evidentiary Support:</u> ’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 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. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020) Dictionary of Computer and Internet Terms – definition of “comparator,” “compare,” “component” Dr. Alexandre Bayen may testify in support of Sfara’s proposed construction, including but not limited to, on the following: the background and context

**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
		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 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)	<u>Proposed Construction:</u> Governed by 35 U.S.C. § 112(f) <u>Function:</u> To identify one of an item and a location based on the comparison signal <u>Structure:</u> None disclosed, i.e., indefinite under § 112(f) <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> See, e.g.: ’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>	<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 identify one of an item and a location based on the comparison signal <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

**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
	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.	corresponding description thereof; and the equivalents thereof. <u>Evidentiary Support:</u> ’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 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. 61/740,851 at [0020]-[0027], Figures 1-2 (SFARA_001958-SFARA_001989) U.S. Provisional Application No. 61/745,677 at [0015], Figure 1 (SFARA_001990-SFARA_002020) Dictionary of Computer and Internet Terms – definition of “component” 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

**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
		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.

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
“telematics data” (’037 patent, claims 1, 2, 5, 9, 10, 20, 23, 26, 27)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “any kind of captured or processed information about vehicle motion, vehicle state, operator state or behavior” <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 1, 2, 5, 9, 10, 20, 23, 26, 27 ’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 <u>Extrinsic evidence:</u> Newton’s Telecom Dictionary, 31st Edition – definition of “telematics” Collins English Dictionary – definition of “telematics” CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim construction on substance, including, but	<u>Proposed Construction:</u> “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” <u>Evidentiary Support:</u> ’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 Merriam-Webster Dictionary - definitions of “telematics” and “data” (SFARA_002091-SFARA_002097; SFARA_001814-SFARA_001825) Dictionary of Computer and Internet Terms – definition of “telematics” 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

**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
	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.	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.
“a device” (’037 patent, claims 1, 20)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “a device” <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	<u>Proposed Construction:</u> “an entity, remote from the processor” <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

**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
	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.	prosecution history as it would be interpreted by a POSITA.
“metrics” (’037 patent, claims 1, 20, 22, 23)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “measurements” <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 <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	<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” <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

**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
	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.	consistent with the specification as it would be interpreted by a POSITA.
“automatically generating” / “automatic generation” (’037 patent, claims 1, 10, 20)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “generating/generation by the processor” <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	<u>Proposed Construction:</u> “generated without user input or interaction” <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)

**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 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.	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” 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.
“human-readable prose documentation” (’037 patent, claims 1, 20)	<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
	Plain and ordinary meaning, which is “information or data that can be read by humans” <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <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, 16:15–23, 17:37–40, 17:55–62, 18:29–19:3, 20:9–45, 20:46–21:44 <u>Extrinsic evidence:</u> Cambridge Dictionary – definition of “prose” (SFARA_001875) Concise Oxford American Dictionary – definition of “prose” (SFARA_001874) 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	“written-language text document containing sentences and phrases that can be easily read and understood by humans” <u>Evidentiary Support:</u> ’037 Patent at claims 1, 20; 2:9-13; 16:11-23; 17:37-40; 18:29-37 ’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) Concise Oxford American Dictionary – definition of “prose” (SFARA_001872-SFARA_001874)

**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
	about the meaning of this claim term and the scope of the invention.	Merriam-Webster Dictionary – definition of “prose” (SFARA_001886-SFARA_001892) Cambridge Dictionary – definition of “prose” (SFARA_001875-SFARA_001885) American Heritage Dictionary – definition of “prose” 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.
“narrative” (’037 patent, claims 1, 17, 20)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “written or oral” <u>Evidentiary Support:</u>	<u>Proposed Construction:</u> “detailed story-like textual account/summary describing specific aspects of an event” <u>Evidentiary Support:</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
	<u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’037 patent, claims 1, 17, 20 ’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 <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.	’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 Merriam-Webster Dictionary – definition of “narrative” (SFARA_001764-SFARA_001774) American Heritage Dictionary – definition of “narrative” (SFARA_001758-SFARA_001760) Concise Oxford American Dictionary – definition of “narrative” (SFARA_001761-SFARA_001763) 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.

**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
“features of the vehicle crash” / “features of the crash” (’037 patent, claims 1, 10–16, 18, 20)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “information or data relating to the [vehicle] crash” <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 <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.	<u>Proposed Construction:</u> “a distinctive aspect, part or characteristic of the vehicle crash” <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-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)

**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
		Concise Oxford American Dictionary – definition of “feature” (SFARA_001709-SFARA_001711) Merriam-Webster Dictionary – definition of “feature” (SFARA_001727-SFARA_001740) Cambridge Dictionary – definition of “feature” (SFARA_001741-SFARA_001754) Concise Oxford American Dictionary – definition of “aspect” (SFARA_001724-SFARA_001726) 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.
“crash detection 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, claims 2, 26)	Plain and ordinary meaning, which is “a component for crash detection” <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, 11:49–59l <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.	“crash detection module remote from the telematics device” <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.

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
“operate the plurality of sensors” / “operating a plurality of sensors” (’368 patent, claims 1, 17)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “use/using the plurality of sensors” <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.	<u>Proposed Construction:</u> “control/controlling the functioning of a plurality of sensors” <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

**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
		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.
“driving data” (’368 patent, claims 1, 11, 13, 16, 17, 19, 20)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “information or data related to driving” <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 <u>Extrinsic evidence:</u> CMT may submit expert testimony of Dr. Jeffrey Miller in connection with claim	<u>Proposed Construction:</u> “sensor-derived measurements collected during the operation of a vehicle” <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

**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
	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.	consistent with the specification and prosecution history as it would be interpreted by a POSITA.
“driving event” / “driving events” (’368 patent, claims 1, 9, 13, 17, 19)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “event(s) that occur(s) during a drive” <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	<u>Proposed Construction:</u> “driving behavior that departs from a nominal or average value” <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

**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
	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.	prosecution history as it would be interpreted by a POSITA.
“additional data” (’368 patent, claims 1, 5, 6, 7, 9, 16, 17, 18, 20)	<u>Proposed Construction:</u> Plain and ordinary meaning, which is “additional data” <u>Evidentiary Support:</u> <u>Intrinsic evidence:</u> <i>See, e.g.:</i> ’368 patent, claims 1, 5, 6, 7, 9, 16, 17, 18, 20 ’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 <u>Extrinsic evidence:</u> Collins English Dictionary – definition of “additional” 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	<u>Proposed Construction:</u> “information other than sensor-derived measurements” <u>Evidentiary Support:</u> ’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 ’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)

**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
	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.	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 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.