**IN THE UNITED STATES DISTRICT COURT**
**FOR THE EASTERN DISTRICT OF TEXAS**
**MARSHALL DIVISION**

| | | |
|---|---|---|
| AVANT LOCATION TECHNOLOGIES LLC, | § | Case No. 2:23-cv-00354-JRG-RSP |
| Plaintiff, | § | **JURY TRIAL DEMANDED** |
| v. | § | |
| ECOBEE TECHNOLOGIES ULC d/b/a ECOBEE, | § | |
| Defendant. | § | |

**JOINT CLAIM CONSTRUCTION CHART UNDER P.R. 4-5(d)**

Pursuant to Local Patent Rule 4-5(d) Plaintiff Avant Location Technologies, LLC ("ALT" or "Plaintiff) and Defendant Ecobee Technologies ULC d/b/a ecobee ("ecobee" or "Defendant"), jointly submit this Joint Claim Construction Chart containing the agreed and disputed claim terms, phrases, or clauses of U.S. Patent Nos. 8,738,040 (the "'040 Patent"); 10,009,720 (the "'720 Patent"); 9,119,030 (the "'030 Patent"); 9,485,621 (the "'621 Patent"); and 9,622,032 (the "'032 Patent"). A chart with constructions for each of the claim terms to which the parties have agreed and disputed is attached below, listing the complete language of claims with terms in bold type and separate columns for each party's proposed construction of each term, pursuant to P.R. 4-5(d).

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| 1. | <u>'040 Patent</u><br>1. A method for monitoring the presence of a mobile station in one or more special areas associated with the mobile station, the method comprising:<br>(a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that at least partially defines one of the special areas by its coverage,<br>(b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br>(c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of | "checking data"<br>'040 Patent, Claims 1, 4, 10-11, and 13-14<br>'030 Patent, Claims 1 and 7<br>'621 Patent, Claims 1, 5, 10, and 14<br>'032 Patent, Claims 1 and 3 | [AGREED] | [AGREED] | "data that the mobile station compares against information from a received signal to determine whether the received signal is a distinctive defining signal" |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | the special areas, and determines whether or not the mobile station is present in one or more of the special areas,<br><br>(d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area,<br><br>(e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | least one operating parameter taking into account the presence of the mobile station in each of the special areas,<br><br>(f) associating the special areas with the mobile station by transmitting a **checking data** to the mobile station, this **checking data** being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the mobile station.<br><br>4. The method according to claim 1, wherein at least one radio communication defining device is a wireless device whose radio distinctive defining signal is a distinctive wireless | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | signal transmitted by the wireless device in a frequency range outside the frequency range allocated for the mobile telephone network, the distinctive wireless signal containing wireless device identification data and reliable information confirming that the wireless device is effectively located into a predetermined environment, and the **checking data** associated with this wireless device including the wireless device identification data.<br><br>10. The method according to claim 1 further comprising, receiving by the mobile station the **checking data** from the mobile telephone network or a signal of at least one radio device or from manual input.<br><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile station, said system comprising:<br><br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that at least partially defines one of the special areas in at least one channel,<br><br>special operating means for adapting the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, and<br><br>a mobile station, comprising:<br><br>storage for storing a **checking data**,<br><br>observing means for observing said at least one channel, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **checking data** whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area,<br><br>and the mobile station further comprising<br><br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the special areas from the processing means to the special operating means.<br><br>13. A mobile station, comprising:<br><br>observing means to observe a channel and process any received signal in order to | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | determine whether or not it is receiving a defining signal,<br><br>a processor to process any received defining signal and to determine, based on a previously obtained **checking data**, whether or not the defining signal received is a distinctive defining signal that at least partially defines a special area,<br><br>to determine whether or not it is present in one or more special areas, and to send an updating signal at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area to a mobile telephone network about its presence in one or more of the special areas, where said updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | about its presence in the special areas.<br><br>14. A non-transitory computer readable medium storing computer readable program code for causing a computer to perform a method, the method comprising:<br><br>(a) observing a channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br><br>(b) processing any received defining signal by the mobile station and the mobile station determines, based on a previously obtained **checking data**, whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and determines whether or not the mobile station is present in one or more of the special areas,<br><br>(c) sending an updating signal from the mobile station to a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area.<br><br><u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | least partly defines a first special area by its coverage, the method comprising:<br><br>electronically storing in one or more memories data capable of linking the mobile station to the first special area, the data including a **checking data** of the first radio communication defining device and a first identifier related to the mobile station,<br><br>transmitting via a mobile telephone network to the mobile station at least a portion of the **checking data**,<br><br>receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in at least the first special area, the updating signal including a second identifier related to the mobile station, | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the first special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the first special area.<br><br>7. The method according to claim 1, wherein the storing of the **checking data** in the one or more memories comprises electronically receiving from the mobile station the **checking data**.<br><br><u>'621 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a **checking data** of the first radio communication defining device and an identifier related to the mobile station, the provider of presence related services being different than the mobile telephone network,<br><br>receiving in the one or more servers of the provider of presence related services from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | establishment that identifies the mobile station's presence in the special area,<br><br>the one or more servers of the provider of presence related services deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the special area.<br><br>5. The method according to claim 1, wherein the storing of the **checking data** in the one or more servers of the provider of presence related services comprises electronically receiving from the mobile station the **checking data**.<br><br>10. A method associated with a provider of presence related | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a **checking data** of the first radio communication defining device and an identifier related to the mobile station, the provider of presence related services being different than the mobile telephone network,<br><br>transmitting to the mobile station from the one or more | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | servers at least a portion of the **checking data**,<br><br>receiving in the one or more servers from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area, the updating signal including the identifier or other identifier related to the mobile station,<br><br>the one or more servers deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the special area. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | 14. The method according to claim 10, wherein the storing of the **checking data** in the one or more servers of the provider of presence related services comprises electronically receiving from the mobile station the **checking data**.<br><br><u>'032 Patent</u><br><br>1. A method associated with a provider of presence related services and a mobile station that stores in a memory first **checking data** and uses the first **checking data** to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | signal that identifies the mobile station's presence in the special area, the provider of presence related services being different than the mobile telephone network; and<br><br>storing in the one or more servers a parameters database having an operating parameter whose value is determined at least in part by the updating signal received from the mobile station; and<br><br>sending from the one or more servers to the mobile station second **checking data** different from the first **checking data** to modify the special area.<br><br>3. A method associated with the use of a mobile station that stores and uses **checking data** to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | special area by its coverage, the method comprising:<br>sending from the mobile station to at least one server of a provider of presence related services an updating signal via a mobile telephone network that identifies the mobile station's presence in the special area, the updating signal being indicative of the mobile station's presence in the special area, the provider of presence related services being different than the mobile telephone network; and<br>receiving in the mobile station from the at least one server second **checking data** different from the first **checking data** to modify the special area. | | | | |
| 2. | <u>'040 Patent</u><br>1. A method for monitoring the presence of a mobile station in one or more **special areas** associated with the mobile station, the method comprising: | "special area"<br>'040 Patent, Claims 1, 7, 9, 11-14<br>'720 Patent, Claims 1, 2 | [AGREED] | [AGREED] | "area within the coverage of at least one distinctive defining signal" |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | (a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that at least partially defines one of the **special areas** by its coverage,<br><br>(b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br><br>(c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the **special areas**, and determines whether or not the mobile station is present in one or more of the **special areas**,<br><br>(d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station | '030 Patent, 1-2, 10-11<br><br>'621 Patent, Claims 1-2, 8, 10-11, 17<br><br>'032 Patent, Claims 1, 3 | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | presence in one or more of the **special areas**, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the **special areas**, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the **special areas**, and (iii) when the mobile station remains into a **special area**,<br><br>(e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter taking into account the presence of the mobile station in each of the **special areas**,<br><br>(f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | checking data being sent to any mobile station whose presence in the **special areas** is monitored and being used by the mobile station for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the **special areas** associated with the mobile station.<br><br>7. The method according to claim 1, wherein the special operating means comprise a parameters database linking the **special area** to the mobile station and to a set of one or more operating parameters; and a value of at least one operational parameter of this set is adapted when an updating signal signaling that the mobile station exits or enters the **special area** is received.<br><br>9. The method according to claim 1, wherein the updating signal includes a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | request to access a service or multimedia content and the mobile telephone network routes this request to a part of the special operating means that allow or forbid the provision of this service or multimedia content depending on whether or not the mobile station is into the **special area**.<br><br>11. A mobile system for monitoring the presence of a mobile station in one or more **special areas** defined for this mobile station, said system comprising:<br><br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that at least partially defines one of the **special areas** in at least one channel,<br><br>special operating means for adapting the value of at least one operating parameter taking into account the presence of the | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile station in each of the **special areas**, and<br><br>a mobile station, comprising:<br><br>storage for storing a checking data,<br><br>observing means for observing said at least one channel, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the **special area**,<br><br>and the mobile station further comprising<br><br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the **special areas**, and (iii) | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | when the mobile station remains into a **special area** an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the **special areas** from the processing means to the special operating means.<br><br>12. The system according to claim 11, wherein the mobile system comprises **special area** location monitoring means for monitoring the correct location of at least a part of one or more of the **special areas**.<br><br>13. A mobile station, comprising:<br><br>observing means to observe a channel and process any received signal in order to determine whether or not it is receiving a defining signal,<br><br>a processor to process any received defining signal and to determine, based on a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | previously obtained checking data, whether or not the defining signal received is a distinctive defining signal that at least partially defines a **special area**,<br><br>to determine whether or not it is present in one or more special areas, and to send an updating signal at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the **special areas**, and (iii) when the mobile station remains into a **special area** to a mobile telephone network about its presence in one or more of the **special areas**, where said updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in the **special areas**.<br><br>14. A non-transitory computer readable medium storing computer readable program | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | code for causing a computer to perform a method, the method comprising:<br>(a) observing a channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br>(b) processing any received defining signal by the mobile station and the mobile station determines, based on a previously obtained checking data, whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the **special areas**, and determines whether or not the mobile station is present in one or more of the **special areas**,<br>(c) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the **special areas**, where the updating signal sending is | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the **special areas**, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the **special areas**, and (iii) when the mobile station remains into a **special area**.<br><br><u>'720 Patent</u><br><br>1. A method associated with the use of a mobile station and a radio communication defining device that transmits a distinctive defining signal, the method comprising:<br><br>receiving and processing the distinctive defining signal in the mobile station, the distinctive defining signal at least defining a **special area** by one or more of: (1) a coverage area of the distinctive defining signal; (2) a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | portion of the coverage area that intersects with another area of coverage of another radio communication defining device; and (3) a sum of the area of coverage and the another area of coverage, the distinctive defining signal including information indicating whether or not the radio communication defining device is in a predetermined environment; and<br><br>sending from the mobile station via a mobile telephone network the updating signal to one or more servers of a provider of presence related services about the mobile station's presence in the **special area**, the updating signal being useable by the one or more servers of the provider of presence related services to adjust an operating parameter, which comprises one or more of a tariff and a service flag, to adjust, activate, or deactivate the presence related services provided to the mobile station, | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | and the updating signal comprising the information indicative of whether or not the radio communication defining device is located in the predetermined environment.<br><br>2. The method according to claim 1, wherein the sending of the updating signal is uncorrelated to any mobile station phone call establishment, the updating signal being sent at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exists from the **special area**, and (iii) when the mobile station remains in the **special area**.<br><br><u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station and at least a first radio communication defining device that transmits a first distinctive defining signal, the first | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | distinctive defining signal at least partly defines a first **special area** by its coverage, the method comprising:<br><br>electronically storing in one or more memories data capable of linking the mobile station to the first **special area**, the data including a checking data of the first radio communication defining device and a first identifier related to the mobile station,<br><br>transmitting via a mobile telephone network to the mobile station at least a portion of the checking data,<br><br>receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in at least the first **special area**, the updating signal including a second identifier related to the mobile station, | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the first **special area**; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the first **special area**.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to at least a portion of the data and updates at least one operating parameter in a database of the provider of presence related services depending on the presence of the mobile station in the first **special area**.<br><br>10. The method according to claim 1, wherein the updating signal is received via | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | the mobile telephone network from the mobile station at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exists from the first **special area**, and (iii) when the mobile station remains in the first **special area**.<br><br>11. The method according to claim 1, wherein the updating signal comprises a request to access to a service or to a multimedia content and the provider of presence related services enables or disables the provision of the service or multimedia content depending on the presence of the mobile station in the first **special area**.<br><br><u>'621 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a **special area** by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, the provider of presence related services being different than the mobile telephone network,<br><br>receiving in the one or more servers of the provider of presence related services from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile station's presence in the **special area**,<br><br>the one or more servers of the provider of presence related services deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the **special area**; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the **special area**.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to at least a portion of the data and updates at least one operating parameter in a database of the provider of presence related services depending on the presence of the mobile station in the **special area**. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | 8. The method according to claim 1, wherein the updating signal is received in the one or more servers of the provider of presence related services via the mobile telephone network from the mobile station at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exits from the **special area**, and (iii) when the mobile station remains in the **special area**.<br><br>10. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a **special area** by its coverage, the provider of presence related services having one or more servers, the method comprising: | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, the provider of presence related services being different than the mobile telephone network,<br><br>transmitting to the mobile station from the one or more servers at least a portion of the checking data,<br><br>receiving in the one or more servers from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the **special area**, the updating signal including the identifier or other | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | identifier related to the mobile station,<br><br>the one or more servers deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the **special area**; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the **special area**.<br><br>11. The method according to claim 10, wherein the one or more processing devices has access to at least a portion of the data and updates at least one operating parameter in a database of the provider of presence related services depending on the presence of the mobile station in the **special area**. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | 17. The method according to claim 10, wherein the updating signal is received in the one or more servers of the provider of presence related services via the mobile telephone network from the mobile station at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exits from the **special area**, and (iii) when the mobile station remains in the **special area**.<br><br><u>'032 Patent</u><br><br>1. A method associated with a provider of presence related services and a mobile station that stores in a memory first checking data and uses the first checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a **special** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **area** by its coverage, the method comprising:<br><br>one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal that identifies the mobile station's presence in the **special area**, the provider of presence related services being different than the mobile telephone network; and<br><br>storing in the one or more servers a parameters database having an operating parameter whose value is determined at least in part by the updating signal received from the mobile station; and<br><br>sending from the one or more servers to the mobile station second checking data different from the first checking data to modify the **special area**.<br><br>3. A method associated with the use of a mobile station that stores and uses checking data to | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a **special area** by its coverage, the method comprising:<br><br>sending from the mobile station to at least one server of a provider of presence related services an updating signal via a mobile telephone network that identifies the mobile station's presence in the **special area**, the updating signal being indicative of the mobile station's presence in the **special area**, the provider of presence related services being different than the mobile telephone network; and<br><br>receiving in the mobile station from the at least one server second checking data different from the first checking data to modify the **special area**. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| 3. | <u>'040 Patent</u><br>1. A method for monitoring the presence of a mobile station in one or more special areas associated with the mobile station, the method comprising:<br>(a) repeatedly transmitting from at least one **radio communication defining device** a radio distinctive defining signal in at least one channel that at least partially defines one of the special areas by its coverage,<br>(b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br>(c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and | "radio communication defining device"<br>'040 Patent, Claims 1, 4, 11<br>'720 Patent, Claim 1<br>'030 Patent, Claim 1<br>'621 Patent, Claim 1, 10<br>'032 Patent, Claims 1, 3 | [AGREED] | [AGREED] | "device capable of at least wirelessly transmitting radio distinctive defining signals that by their coverage define a special area" |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | determines whether or not the mobile station is present in one or more of the special areas,<br>(d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area,<br>(e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | taking into account the presence of the mobile station in each of the special areas,<br><br>(f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this checking data being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the mobile station.<br><br>4. The method according to claim 1, wherein at least one **radio communication defining device** is a wireless device whose radio distinctive defining signal is a distinctive wireless signal transmitted by the wireless device in a frequency range outside the frequency range allocated for the mobile | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | telephone network, the distinctive wireless signal containing wireless device identification data and reliable information confirming that the wireless device is effectively located into a predetermined environment, and the checking data associated with this wireless device including the wireless device identification data.<br><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this mobile station, said system comprising:<br><br>at least one **radio communication defining device** for repeatedly transmitting a radio distinctive defining signal that at least partially defines one of the special areas in at least one channel,<br><br>special operating means for adapting the value of at least | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | one operating parameter taking into account the presence of the mobile station in each of the special areas, and<br><br>a mobile station, comprising:<br><br>storage for storing a checking data,<br><br>observing means for observing said at least one channel, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area,<br><br>and the mobile station further comprising<br><br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the special areas from the processing means to the special operating means.<br><br><u>'720 Patent</u><br><br>1. A method associated with the use of a mobile station and a **radio communication defining device** that transmits a distinctive defining signal, the method comprising:<br><br>receiving and processing the distinctive defining signal in the mobile station, the distinctive defining signal at least defining a special area by one or more of: (1) a coverage area of the distinctive defining signal; (2) a portion of the coverage area that intersects with another area | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | of coverage of another **radio communication defining device**; and (3) a sum of the area of coverage and the another area of coverage, the distinctive defining signal including information indicating whether or not the **radio communication defining device** is in a predetermined environment; and<br><br>sending from the mobile station via a mobile telephone network the updating signal to one or more servers of a provider of presence related services about the mobile station's presence in the special area, the updating signal being useable by the one or more servers of the provider of presence related services to adjust an operating parameter, which comprises one or more of a tariff and a service flag, to adjust, activate, or deactivate the presence related services provided to the mobile station, and the updating signal comprising the information | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | indicative of whether or not the **radio communication defining device** is located in the predetermined environment.<br><br><u>'621 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first **radio communication defining device** that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first **radio communication defining** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **device** and an identifier related to the mobile station, the provider of presence related services being different than the mobile telephone network,<br><br>receiving in the one or more servers of the provider of presence related services from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area,<br><br>the one or more servers of the provider of presence related services deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | station's presence or non-presence in the special area.<br><br>10. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first **radio communication defining device** that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first **radio communication defining device** and an identifier related to the mobile station, the provider of presence related | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | services being different than the mobile telephone network,<br><br>transmitting to the mobile station from the one or more servers at least a portion of the checking data,<br><br>receiving in the one or more servers from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area, the updating signal including the identifier or other identifier related to the mobile station,<br><br>the one or more servers deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | devices a presence related service based upon the mobile station's presence or non-presence in the special area.<br><br><u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services and a mobile station that stores in a memory first checking data and uses the first checking data to determine whether or not a defining signal received from a **radio communication defining device** is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal that identifies the mobile station's presence in the special area, the provider of presence related services being different | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | than the mobile telephone network; and<br><br>storing in the one or more servers a parameters database having an operating parameter whose value is determined at least in part by the updating signal received from the mobile station; and<br><br>sending from the one or more servers to the mobile station second checking data different from the first checking data to modify the special area.<br><br>3. A method associated with the use of a mobile station that stores and uses checking data to determine whether or not a defining signal received from a **radio communication defining device** is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>sending from the mobile station to at least one server of a provider of presence related | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | services an updating signal via a mobile telephone network that identifies the mobile station's presence in the special area, the updating signal being indicative of the mobile station's presence in the special area, the provider of presence related services being different than the mobile telephone network; and<br><br>receiving in the mobile station from the at least one server second checking data different from the first checking data to modify the special area. | | | | |
| 4. | <u>'040 Patent</u><br><br>1. A method for monitoring the presence of a mobile station in one or more special areas associated with the mobile station, the method comprising:<br><br>(a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that **at least partially defines** | "at least partially defines one of the special areas" / "at least partially defines a special area"<br><br>'040 Patent, Claims 1, 11, 13, 14 | Plain and ordinary meaning | at least partially defines one of the special areas by its coverage / at least partially defines a special area by its coverage | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **one of the special areas** by its coverage,<br>(b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br>(c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that **at least partially defines one of the special areas**, and determines whether or not the mobile station is present in one or more of the special areas,<br>(d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area,<br><br>(e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas,<br><br>(f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this checking data being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the mobile station.<br><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this mobile station, said system comprising:<br><br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that **at least partially defines one of the special areas** in at least one channel,<br><br>special operating means for adapting the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, and<br><br>a mobile station, comprising: | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | storage for storing a checking data,<br><br>observing means for observing said at least one channel, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area,<br><br>and the mobile station further comprising<br><br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | establishment, regarding the presence of the mobile station in one or more of the special areas from the processing means to the special operating means.<br><br>13. A mobile station, comprising:<br><br>observing means to observe a channel and process any received signal in order to determine whether or not it is receiving a defining signal,<br><br>a processor to process any received defining signal and to determine, based on a previously obtained checking data, whether or not the defining signal received is a distinctive defining signal that **at least partially defines a special area**,<br><br>to determine whether or not it is present in one or more special areas, and to send an updating signal at least one of (i) periodically, (ii) when the mobile station enters into or | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | exits from one of the special areas, and (iii) when the mobile station remains into a special area to a mobile telephone network about its presence in one or more of the special areas, where said updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in the special areas.<br><br>14. A non-transitory computer readable medium storing computer readable program code for causing a computer to perform a method, the method comprising:<br><br>(a) observing a channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br><br>(b) processing any received defining signal by the mobile station and the mobile station | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | determines, based on a previously obtained checking data, whether or not the defining signal received is a distinctive defining signal that **at least partially defines one of the special areas**, and determines whether or not the mobile station is present in one or more of the special areas,<br><br>(c) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | station remains into a special area.<br><br><u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station and at least a first **radio communication defining device** that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a first special area by its coverage, the method comprising:<br><br>electronically storing in one or more memories data capable of linking the mobile station to the first special area, the data including a checking data of the first **radio communication defining device** and a first identifier related to the mobile station,<br><br>transmitting via a mobile telephone network to the | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile station at least a portion of the checking data,<br><br>receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in at least the first special area, the updating signal including a second identifier related to the mobile station,<br><br>deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the first special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the first special area. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| 5. | <u>'040 Patent</u><br>1. A method for monitoring the presence of a mobile station in one or more special areas associated with the mobile station, the method comprising:<br>(a) repeatedly transmitting from at least one radio communication defining device a radio **distinctive defining signal** in at least one channel that at least partially defines one of the special areas by its coverage,<br>(b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br>(c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a **distinctive defining signal** that at least partially defines one of the special areas, and | "distinctive defining signal"<br>'040 Patent, Claims 1, 4, 11, 13, 14<br>'720 Patent, Claims 1, 4, 6, 7, 9, 11<br>'030 Patent, Claim 1<br>'621 Patent, Claims 1, 10<br>'032 Patent, Claims 1, 3 | Plain and ordinary meaning | a signal sent from a radio communication defining device that includes an identifier associated with the radio communication defining device or a mobile telephone network identification code | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | determines whether or not the mobile station is present in one or more of the special areas,<br>(d) sending an updating signal from the mobile station to a mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area,<br>(e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | taking into account the presence of the mobile station in each of the special areas,<br><br>(f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this checking data being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal received is a **distinctive defining signal** that defines, alone or with other **distinctive defining signals**, one or more of the special areas associated with the mobile station.<br><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this mobile station, said system comprising:<br><br>at least one radio communication defining device for repeatedly transmitting a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | radio **distinctive defining signal** that at least partially defines one of the special areas in at least one channel,<br><br>special operating means for adapting the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, and<br><br>a mobile station, comprising:<br><br>storage for storing a checking data,<br><br>observing means for observing said at least one channel, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a **distinctive defining signal** and whether or not the mobile | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | station is present in the special area,<br>and the mobile station further comprising<br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the special areas from the processing means to the special operating means.<br>13. A mobile station, comprising:<br>observing means to observe a channel and process any received signal in order to determine whether or not it is receiving a defining signal, | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | a processor to process any received defining signal and to determine, based on a previously obtained checking data, whether or not the defining signal received is a **distinctive defining signal** that at least partially defines a special area,<br><br>to determine whether or not it is present in one or more special areas, and to send an updating signal at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area to a mobile telephone network about its presence in one or more of the special areas, where said updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in the special areas. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | 14. A non-transitory computer readable medium storing computer readable program code for causing a computer to perform a method, the method comprising:<br>(a) observing a channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br>(b) processing any received defining signal by the mobile station and the mobile station determines, based on a previously obtained checking data, whether or not the defining signal received is a **distinctive defining signal** that at least partially defines one of the special areas, and determines whether or not the mobile station is present in one or more of the special areas,<br>(c) sending an updating signal from the mobile station to a mobile telephone network about the mobile station | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area.<br><br><u>'720 Patent</u><br><br>1. A method associated with the use of a mobile station and a radio communication defining device that transmits a **distinctive defining signal**, the method comprising:<br><br>receiving and processing the **distinctive defining signal** in the mobile station, the **distinctive defining signal** at | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | least defining a special area by one or more of: (1) a coverage area of the **distinctive defining signal**; (2) a portion of the coverage area that intersects with another area of coverage of another radio communication defining device; and (3) a sum of the area of coverage and the another area of coverage, the **distinctive defining signal** including information indicating whether or not the radio communication defining device is in a predetermined environment; and<br><br>sending from the mobile station via a mobile telephone network the updating signal to one or more servers of a provider of presence related services about the mobile station's presence in the special area, the updating signal being useable by the one or more servers of the provider of presence related services to adjust an operating parameter, which comprises one or more of a tariff and a service flag, to | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | adjust, activate, or deactivate the presence related services provided to the mobile station, and the updating signal comprising the information indicative of whether or not the radio communication defining device is located in the predetermined environment.<br><br>4. The method according to claim 1, wherein the frequency of the updating signal is different from the frequency of the **distinctive defining signal**.<br><br>6. The method according to claim 1, wherein the **distinctive defining signal** comprises a signal with a frequency that is outside a frequency range allocated for the mobile telephone network.<br><br>7. A method comprising:<br><br>wirelessly receiving, in a radio communication defining device, first information from a radio transmitting device; | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | the radio communication defining device using the first information to determine whether or not the radio communication defining device is in a predetermined environment; and<br><br>transmitting from the radio communication defining device to a mobile station a **distinctive defining signal** that at least defines a special area by one or more of: (1) a coverage area of the **distinctive defining signal**; (2) a portion of the coverage area that intersects with another coverage area of another radio communication defining device; and (3) a sum of the coverage area and the another coverage area,<br><br>wherein the **distinctive defining signal** includes second information indicating whether or not the radio communication defining device is located in a predetermined environment and the second information allowing the mobile station to | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | generate an updating signal that enables presence related services for the mobile station to be adjusted based on one or more of tariffs and service flags generated based on the updating signal.<br><br>9. The method according to claim 7, wherein the **distinctive defining signal** is coded.<br><br>11. The method according to claim 7, wherein the **distinctive defining signal** comprises a signal with a frequency that is outside a frequency range allocated for a mobile telephone network associated with the mobile station.<br><br><u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station and at least a first radio communication defining device that transmits a first **distinctive** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **defining signal**, the first **distinctive defining signal** at least partly defines a first special area by its coverage, the method comprising:<br><br>electronically storing in one or more memories data capable of linking the mobile station to the first special area, the data including a checking data of the first radio communication defining device and a first identifier related to the mobile station,<br><br>transmitting via a mobile telephone network to the mobile station at least a portion of the checking data,<br><br>receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in at least the first special area, the updating signal including a second | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | identifier related to the mobile station,<br><br>deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the first special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the first special area.<br><br><u>'032 Patent</u><br><br>1. A method associated with a provider of presence related services and a mobile station that stores in a memory first checking data and uses the first checking data to determine whether or not a defining signal received from a radio communication defining device is a **distinctive defining signal**, the **distinctive defining signal** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | at least partly defines a special area by its coverage, the method comprising:<br><br>one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal that identifies the mobile station's presence in the special area, the provider of presence related services being different than the mobile telephone network; and<br><br>storing in the one or more servers a parameters database having an operating parameter whose value is determined at least in part by the updating signal received from the mobile station; and<br><br>sending from the one or more servers to the mobile station second checking data different from the first checking data to modify the special area.<br><br>3. A method associated with the use of a mobile station that | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | stores and uses checking data to determine whether or not a defining signal received from a radio communication defining device is a **distinctive defining signal**, the **distinctive defining signal** at least partly defines a special area by its coverage, the method comprising:<br><br>sending from the mobile station to at least one server of a provider of presence related services an updating signal via a mobile telephone network that identifies the mobile station's presence in the special area, the updating signal being indicative of the mobile station's presence in the special area, the provider of presence related services being different than the mobile telephone network; and<br><br>receiving in the mobile station from the at least one server second checking data different from the first checking data to modify the special area. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| 6. | <u>'040 Patent</u><br>4. The method according to claim 1, wherein at least one radio communication defining device is a wireless device whose radio distinctive defining signal is a distinctive wireless signal transmitted by the wireless device in a frequency range outside the frequency range allocated for the mobile telephone network, the distinctive wireless signal containing wireless device identification data and reliable information confirming that the wireless device is effectively located into a **predetermined environment**, and the checking data associated with this wireless device including the wireless device identification data.<br><u>'720 Patent</u><br>1. A method associated with the use of a mobile station and a radio communication defining device that transmits a | "predetermined environment"<br>'040 Patent, Claim 4<br>'720 Patent, Claims 1, 5, 7, 10 | environment defined before the radio communication defining device transmits the distinctive defining signal | a location defined by an operator of a mobile telephone network before the radio communication defining device transmits the distinctive defining signal | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | distinctive defining signal, the method comprising:<br><br>receiving and processing the distinctive defining signal in the mobile station, the distinctive defining signal at least defining a special area by one or more of: (1) a coverage area of the distinctive defining signal; (2) a portion of the coverage area that intersects with another area of coverage of another radio communication defining device; and (3) a sum of the area of coverage and the another area of coverage, the distinctive defining signal including information indicating whether or not the radio communication defining device is in a **predetermined environment**; and<br><br>sending from the mobile station via a mobile telephone network the updating signal to one or more servers of a provider of presence related services about the mobile station's presence in the special area, the updating | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | signal being useable by the one or more servers of the provider of presence related services to adjust an operating parameter, which comprises one or more of a tariff and a service flag, to adjust, activate, or deactivate the presence related services provided to the mobile station, and the updating signal comprising the information indicative of whether or not the radio communication defining device is located in the **predetermined environment**.<br><br>5. The method according to claim 1, wherein the **predetermined environment** comprises one or more of: (1) one or more specific geographic locations; (2) a physical environment; (3) an environment defined by an operator of the mobile telephone network; and (4) an area defined by a fixed network.<br><br>7. A method comprising: | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | wirelessly receiving, in a radio communication defining device, first information from a radio transmitting device;<br><br>the radio communication defining device using the first information to determine whether or not the radio communication defining device is in a **predetermined environment**; and<br><br>transmitting from the radio communication defining device to a mobile station a distinctive defining signal that at least defines a special area by one or more of: (1) a coverage area of the distinctive defining signal; (2) a portion of the coverage area that intersects with another coverage area of another radio communication defining device; and (3) a sum of the coverage area and the another coverage area,<br><br>wherein the distinctive defining signal includes second information indicating whether | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | or not the radio communication defining device is located in a **predetermined environment** and the second information allowing the mobile station to generate an updating signal that enables presence related services for the mobile station to be adjusted based on one or more of tariffs and service flags generated based on the updating signal.<br><br>10. The method according to claim 7, wherein the **predetermined environment** comprises one or more of: (1) one or more specific geographic locations; (2) a physical environment; (3) an environment defined by an operator of a mobile telephone network associated with the mobile station; and (4) an area defined by a fixed network. | | | | |
| 7. | <u>'040 Patent</u><br><br>1. A method for monitoring the presence of a **mobile station** in one or more special areas | "mobile station" | [AGREED] | [AGREED] | "a mobile device such as a mobile phone or PDA" |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | associated with the **mobile station**, the method comprising:<br>(a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that at least partially defines one of the special areas by its coverage,<br>(b) observing the channel and processing any received signal by the **mobile station** in order to determine whether or not it is receiving a defining signal,<br>(c) processing any received defining signal by the **mobile station** and the **mobile station** determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and determines whether or not the **mobile station** is present in one or more of the special areas,<br>(d) sending an updating signal from the **mobile station** to a | '040 Patent, Claims 1, 3, 7-11, 13, 14<br>'720 Patent, Claims 1, 2, 3, 7, 10, 11<br>'030 Patent, Claims 1-5, 7, 10, 11<br>'621 Patent, Claims 1-5, 8, 10-14, 17<br>'032 Patent, Claims 1-6 | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile telephone network about the **mobile station** presence in one or more of the special areas, where the updating signal sending is uncorrelated to **any mobile station** phone call establishment and is based on the last determination performed by the **mobile station** about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the **mobile station** enters into or exits from one of the special areas, and (iii) when the **mobile station** remains into a special area,<br><br>(e) routing the updating signal from the mobile telephone network to special operating means that adapt the value of at least one operating parameter taking into account the presence of the **mobile station** in each of the special areas,<br><br>(f) associating the special areas with the **mobile station** by | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | transmitting a checking data to the **mobile station**, this checking data being sent to any **mobile station** whose presence in the special areas is monitored and being used by the **mobile station** for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the **mobile station**.<br><br>3. The method according to claim 1 further comprising, acknowledging the reception of the updating signal by the special operating means and transmitting an acknowledgement signal from the special operating means to the **mobile station**.<br><br>7. The method according to claim 1, wherein the special operating means comprise a parameters database linking the special area to the **mobile station** and to a set of one or | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | more operating parameters; and a value of at least one operational parameter of this set is adapted when an updating signal signaling that the **mobile station** exits or enters the special area is received.<br><br>8. The method according to claim 1, wherein the operating parameter is a tariff flag or a service flag that enables or disables a special tariff or a service for the **mobile station**.<br><br>9. The method according to claim 1, wherein the updating signal includes a request to access a service or multimedia content and the mobile telephone network routes this request to a part of the special operating means that allow or forbid the provision of this service or multimedia content depending on whether or not the **mobile station** is into the special area. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | 10. The method according to claim 1 further comprising, receiving by the **mobile station** the checking data from the mobile telephone network or a signal of at least one radio device or from manual input.<br><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this **mobile station**, said system comprising:<br><br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that at least partially defines one of the special areas in at least one channel,<br><br>special operating means for adapting the value of at least one operating parameter taking into account the presence of the **mobile station** in each of the special areas, and<br><br>a **mobile station**, comprising: | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | storage for storing a checking data,<br><br>observing means for observing said at least one channel, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the **mobile station** is present in the special area,<br><br>and the mobile station further comprising<br><br>transmission means for sending, at least one of (i) periodically, (ii) when the **mobile station** enters into or exits from one of the special areas, and (iii) when the **mobile station** remains into a special area an updating signal, that is uncorrelated to any **mobile station** phone call | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | establishment, regarding the presence of the **mobile station** in one or more of the special areas from the processing means to the special operating means.<br><br>13. A **mobile station**, comprising:<br><br>observing means to observe a channel and process any received signal in order to determine whether or not it is receiving a defining signal,<br><br>a processor to process any received defining signal and to determine, based on a previously obtained checking data, whether or not the defining signal received is a distinctive defining signal that at least partially defines a special area,<br><br>to determine whether or not it is present in one or more special areas, and to send an updating signal at least one of (i) periodically, (ii) when the **mobile station** enters into or | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | exits from one of the special areas, and (iii) when the **mobile station** remains into a special area to a mobile telephone network about its presence in one or more of the special areas, where said updating signal sending is uncorrelated to any **mobile station** phone call establishment and is based on the last determination performed by the **mobile station** about its presence in the special areas.<br><br>14. A non-transitory computer readable medium storing computer readable program code for causing a computer to perform a method, the method comprising:<br><br>(a) observing a channel and processing any received signal by the **mobile station** in order to determine whether or not it is receiving a defining signal,<br><br>(b) processing any received defining signal by the **mobile station** and the **mobile station** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | determines, based on a previously obtained checking data, whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and determines whether or not the **mobile station** is present in one or more of the special areas,<br><br>(c) sending an updating signal from the **mobile station** to a mobile telephone network about the **mobile station** presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the **mobile station** about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the **mobile station** enters into or exits from one of the special areas, and (iii) when the **mobile** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **station** remains into a special area.<br><br><u>'720 Patent</u><br><br>1. A method associated with the use of a **mobile station** and a radio communication defining device that transmits a distinctive defining signal, the method comprising:<br><br>receiving and processing the distinctive defining signal in the **mobile station**, the distinctive defining signal at least defining a special area by one or more of: (1) a coverage area of the distinctive defining signal; (2) a portion of the coverage area that intersects with another area of coverage of another radio communication defining device; and (3) a sum of the area of coverage and the another area of coverage, the distinctive defining signal including information indicating whether or not the radio communication defining | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | device is in a predetermined environment; and<br><br>sending from the **mobile station** via a mobile telephone network the updating signal to one or more servers of a provider of presence related services about the **mobile station**'s presence in the special area, the updating signal being useable by the one or more servers of the provider of presence related services to adjust an operating parameter, which comprises one or more of a tariff and a service flag, to adjust, activate, or deactivate the presence related services provided to the **mobile station**, and the updating signal comprising the information indicative of whether or not the radio communication defining device is located in the predetermined environment.<br><br>2. The method according to claim 1, wherein the sending of the updating signal is uncorrelated to any mobile | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | station phone call establishment, the updating signal being sent at least one of (i) periodically, (ii) at times recent to when the **mobile station** enters into or exists from the special area, and (iii) when the **mobile station** remains in the special area.<br><br>3. The method according to claim 1, wherein the updating signal comprises the result of a previous determination performed by the **mobile station** about the mobile station's presence in the special area.<br><br>7. A method comprising:<br><br>wirelessly receiving, in a radio communication defining device, first information from a radio transmitting device;<br><br>the radio communication defining device using the first information to determine whether or not the radio communication defining device | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | is in a predetermined environment; and<br><br>transmitting from the radio communication defining device to a **mobile station** a distinctive defining signal that at least defines a special area by one or more of: (1) a coverage area of the distinctive defining signal; (2) a portion of the coverage area that intersects with another coverage area of another radio communication defining device; and (3) a sum of the coverage area and the another coverage area,<br><br>wherein the distinctive defining signal includes second information indicating whether or not the radio communication defining device is located in a predetermined environment and the second information allowing the mobile station to generate an updating signal that enables presence related services for the **mobile station** to be adjusted based on one or more of tariffs and service flags | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | generated based on the updating signal.<br><br>10. The method according to claim 7, wherein the predetermined environment comprises one or more of: (1) one or more specific geographic locations; (2) a physical environment; (3) an environment defined by an operator of a mobile telephone network associated with the **mobile station**; and (4) an area defined by a fixed network.<br><br>11. The method according to claim 7, wherein the distinctive defining signal comprises a signal with a frequency that is outside a frequency range allocated for a mobile telephone network associated with the **mobile station**.<br><br><u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a **mobile station** and at | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a first special area by its coverage, the method comprising:<br><br>electronically storing in one or more memories data capable of linking the **mobile station** to the first special area, the data including a checking data of the first radio communication defining device and a first identifier related to the **mobile station**,<br><br>transmitting via a mobile telephone network to the **mobile station** at least a portion of the checking data,<br><br>receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any **mobile station** phone call establishment that identifies the **mobile station**'s presence in at | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | least the first special area, the updating signal including a second identifier related to the **mobile station**,<br><br>deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the **mobile station** is present in the first special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the **mobile station's** presence or non-presence in the first special area.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to at least a portion of the data and updates at least one operating parameter in a database of the provider of presence related services depending on the presence of | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | the **mobile station** in the first special area.<br><br>3. The method according to claim 2, wherein the operating parameter is a tariff flag or a service flag that enables or disables a special tariff or a service for the **mobile station**.<br><br>4. The method according to claim 1, wherein the first and second identifiers related to the **mobile station** are the same.<br><br>5. The method according to claim 1, wherein the enabling or disabling of the presence related service includes transmitting via the mobile telephone network a signal to the **mobile station** that is capable of being used to enable or disable one or more related functions in the **mobile station**.<br><br>7. The method according to claim 1, wherein the storing of the checking data in the one or more memories comprises electronically receiving from | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | the **mobile station** the checking data.<br><br>10. The method according to claim 1, wherein the updating signal is received via the mobile telephone network from the **mobile station** at least one of (i) periodically, (ii) at times recent to when the **mobile station** enters into or exists from the first special area, and (iii) when the **mobile station** remains in the first special area.<br><br>11. The method according to claim 1, wherein the updating signal comprises a request to access to a service or to a multimedia content and the provider of presence related services enables or disables the provision of the service or multimedia content depending on the presence of the **mobile station** in the first special area.<br><br><u>'621 Patent</u><br><br>1. A method associated with a provider of presence related | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | services in connection with the use of a **mobile station** that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the **mobile station** to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the **mobile station**, the provider of presence related services being different than the mobile telephone network,<br><br>receiving in the one or more servers of the provider of presence related services from | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | the **mobile station** via the mobile telephone network an updating signal uncorrelated to any **mobile station** phone call establishment that identifies the **mobile station's** presence in the special area,<br><br>the one or more servers of the provider of presence related services deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the **mobile station** is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the **mobile station's** presence or non-presence in the special area.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to at least a portion of the data and updates at least one operating parameter in a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | database of the provider of presence related services depending on the presence of the **mobile station** in the special area.<br><br>3. The method according to claim 2, wherein the operating parameter is a tariff flag or a service flag that enables or disables a special tariff or a service for the **mobile station**.<br><br>4. The method according to claim 1, wherein the enabling or disabling of the presence related service includes transmitting via the mobile telephone network a signal to the **mobile station** that is capable of being used to enable or disable one or more related functions in the **mobile station**.<br><br>5. The method according to claim 1, wherein the storing of the checking data in the one or more servers of the provider of presence related services comprises electronically | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | receiving from the **mobile station** the checking data.<br><br>8. The method according to claim 1, wherein the updating signal is received in the one or more servers of the provider of presence related services via the mobile telephone network from the **mobile station** at least one of (i) periodically, (ii) at times recent to when the **mobile station** enters into or exits from the special area, and (iii) when the **mobile station** remains in the special area.<br><br>10. A method associated with a provider of presence related services in connection with the use of a **mobile station** that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the **mobile station** to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the **mobile station**, the provider of presence related services being different than the mobile telephone network,<br><br>transmitting to the **mobile station** from the one or more servers at least a portion of the checking data,<br><br>receiving in the one or more servers from the **mobile station** via the mobile telephone network an updating signal uncorrelated to any **mobile station** phone call establishment that identifies the **mobile station's** presence in the special area, the updating | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | signal including the identifier or other identifier related to the **mobile station**,<br><br>the one or more servers deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the **mobile station** is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the **mobile station's** presence or non-presence in the special area.<br><br>11. The method according to claim 10, wherein the one or more processing devices has access to at least a portion of the data and updates at least one operating parameter in a database of the provider of presence related services depending on the presence of the **mobile station** in the special area. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | 12. The method according to claim 11, wherein the operating parameter is a tariff flag or a service flag that enables or disables a special tariff or a service for the **mobile station**.<br><br>13. The method according to claim 10, wherein the enabling or disabling of the presence related service includes transmitting via the mobile telephone network a signal to the **mobile station** that is capable of being used to enable or disable one or more related functions in the **mobile station**.<br><br>14. The method according to claim 10, wherein the storing of the checking data in the one or more servers of the provider of presence related services comprises electronically receiving from the **mobile station** the checking data.<br><br>17. The method according to claim 10, wherein the | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | updating signal is received in the one or more servers of the provider of presence related services via the mobile telephone network from the **mobile station** at least one of (i) periodically, (ii) at times recent to when the **mobile station** enters into or exits from the special area, and (iii) when the **mobile station** remains in the special area.<br><br><u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services and a **mobile station** that stores in a memory first checking data and uses the first checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising: | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | one or more servers of a provider of presence related services receiving from the **mobile station** via a mobile telephone network an updating signal that identifies the **mobile station's** presence in the special area, the provider of presence related services being different than the mobile telephone network; and<br><br>storing in the one or more servers a parameters database having an operating parameter whose value is determined at least in part by the updating signal received from the **mobile station**; and<br><br>sending from the one or more servers to the **mobile station** second checking data different from the first checking data to modify the special area.<br><br>2. The method according to claim 1, wherein the operating parameter is a tariff flag or a service flag that enables or disables a special | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | tariff or a service for the **mobile station**.<br><br>3. A method associated with the use of a **mobile station** that stores and uses checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>sending from the **mobile station** to at least one server of a provider of presence related services an updating signal via a mobile telephone network that identifies the **mobile station's** presence in the special area, the updating signal being indicative of the **mobile station's** presence in the special area, the provider of presence related services being different than the mobile telephone network; and<br><br>receiving in the **mobile station** from the at least one server | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | second checking data different from the first checking data to modify the special area.<br><br>4. The method according to claim 3, further comprising the **mobile station** retransmitting the updating signal upon not receiving the acknowledgement from the at least one server.<br><br>5. The method according to claim 1, further comprising:<br><br>determining when the **mobile station** is switched off; and<br><br>upon determining that the **mobile station** is switched off setting the value of the operating parameter to an initial value.<br><br>6. The method according to claim 3, further comprising receiving in the **mobile station** from the at least one server of the provider of presence related services an acknowledgement of a reception of the updating signal. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| 8. | '040 Patent<br>4. The method according to claim 1, wherein at least one radio communication defining device is a **wireless device** whose radio distinctive defining signal is a distinctive wireless signal transmitted by the **wireless device** in a frequency range outside the frequency range allocated for the mobile telephone network, the distinctive wireless signal containing **wireless device** identification data and reliable information confirming that the **wireless device** is effectively located into a predetermined environment, and the checking data associated with this **wireless device** including the **wireless device** identification data. | "wireless device"<br>'040 Patent, Claim 4 | Plain and ordinary meaning | a WIFI, Bluetooth, or DECT device separate from the mobile station | |
| 9. | '040 Patent<br>1. A method for monitoring the presence of a mobile station in one or more special areas | "special operating means [that adapt] / [for adapting] the value of at least | Function: adapting the value of at least one operating parameter taking into account the presence of the mobile | Function (Claims 1 and 11): adapting the value of at least one operating parameter taking | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | associated with the mobile station, the method comprising:<br>(a) repeatedly transmitting from at least one radio communication defining device a radio distinctive defining signal in at least one channel that at least partially defines one of the special areas by its coverage,<br>(b) observing the channel and processing any received signal by the mobile station in order to determine whether or not it is receiving a defining signal,<br>(c) processing any received defining signal by the mobile station and the mobile station determines whether or not the defining signal received is a distinctive defining signal that at least partially defines one of the special areas, and determines whether or not the mobile station is present in one or more of the special areas,<br>(d) sending an updating signal from the mobile station to a | one operating parameter taking into account the presence of the mobile station in each of the special areas"<br>'040 Patent, Claims 1, 11 | station in each of the special areas<br>Structure: at least one server storing a database linking a special area, a mobile station, and one or more parameters | into account the presence of the mobile station in each of the special areas<br>Structure: at least one server storing a database linking a special area, a mobile station, and one or more parameters, wherein the database links the mobile station (MSISDN number (Fig. 6, column 610/660)) to the special areas (base station or wireless device ID codes (Fig. 6, column 610/606)) and one or more parameters (Fig. 6, columns 611/606-624/606) so that any of the one or more parameters may be adapted, i.e., | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile telephone network about the mobile station presence in one or more of the special areas, where the updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in each of the special areas, and said updating signal being sent at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area,<br><br>(e) routing the updating signal from the mobile telephone network to **special operating means that adapt the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas,** | | | "enabled ('+') or disabled ('-') . . . depending on" information received from the mobile station, as disclosed in Fig. 6, Col. 5:8-15, Col. 17:54-19:19. | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | (f) associating the special areas with the mobile station by transmitting a checking data to the mobile station, this checking data being sent to any mobile station whose presence in the special areas is monitored and being used by the mobile station for determining whether or not the defining signal received is a distinctive defining signal that defines, alone or with other distinctive defining signals, one or more of the special areas associated with the mobile station.<br><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this mobile station, said system comprising:<br><br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that at least partially defines | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | one of the special areas in at least one channel,<br><br>**special operating means for adapting the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas**, and<br><br>a mobile station, comprising:<br><br>storage for storing a checking data,<br><br>observing means for observing said at least one channel, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area, | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | and the mobile station further comprising<br><br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the special areas from the processing means to the special operating means. | | | | |
| 10. | <u>'040 Patent</u><br><br>3. The method according to claim 1 further comprising, **acknowledging the reception of the updating signal by the special operating means and transmitting an acknowledgement signal from the special operating means to the mobile station**. | "acknowledging the reception of the updating signal by the special operating means and transmitting an acknowledgement signal from the special operating | Additive Function to Claim 1: acknowledging in reception of the updating signal and transmitting an acknowledgement signal to the mobile station<br><br>Structure: at least one server storing a | Function (Claim 3): acknowledging the reception of the updating signal and transmitting an acknowledgement signal to the mobile station<br><br>Structure: at least one server storing a database linking a | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | | means to the mobile station"<br>'040 Patent, Claim 3 | database linking a special area, a mobile station, and one or more parameters | special area, a mobile station, and one or more parameters, wherein the database links the mobile station (MSISDN number (Fig. 6, column 610/660)) to the special areas (base station or wireless device ID codes (Fig. 6, column 610/606)) and one or more parameters (Fig. 6, columns 611/606-624/606) so that any of the one or more parameters may be adapted, i.e., "enabled ('+') or disabled ('-') . . . depending on" information received from the mobile station, as disclosed in Fig. 6, | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | | | | Col. 5:8-15, Col. 17:54-19:19. | |
| 11. | <u>'040 Patent</u><br>7. The method according to claim 1, wherein the **special operating means comprise a parameters database linking the special area to the mobile station and to a set of one or more operating parameters**; and a value of at least one operational parameter of this set is adapted when an updating signal signaling that the mobile station exits or enters the special area is received. | "special operating means comprise a parameters database linking the special area to the mobile station and to a set of one or more operating parameters"<br>'040 Patent, Claim 7 | Additive Function to Claim 1: none<br>Structure: at least one server storing a database linking a special area, a mobile station, and one or more parameters | Function (Claim 7): linking the special area to the mobile station and to a set of one or more operating parameters<br>Structure: at least one server storing a database linking a special area, a mobile station, and one or more parameters, wherein the database links the mobile station (MSISDN number (Fig. 6, column 610/660)) to the special areas (base station or wireless device ID codes (Fig. 6, column 610/606)) and one or more parameters (Fig. 6, columns | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | | | | 611/606-624/606) so that any of the one or more parameters may be adapted, i.e., "enabled ('+') or disabled ('-') . . . depending on" information received from the mobile station, as disclosed in Fig. 6, Col. 5:8-15, Col. 17:54-19:19. | |
| 12. | <u>'040 Patent</u><br>9. The method according to claim 1, wherein the updating signal includes a request to access a service or multimedia content and the mobile telephone network routes this request to a part of **the special operating means that allow or forbid the provision of this service or multimedia content depending on whether or not** | "the special operating means that allow or forbid the provision of this service or multimedia content depending on whether or not the mobile station is into the special area" | Function: allow or forbid the provision of a service or multimedia content depending on whether or not the mobile station is into the special area<br>Structure: at least one server storing a database linking a special area, a mobile station, and one or more parameters | Function (Claim 9): allow or forbid the provision of a service or multimedia content depending on whether or not the mobile station is into the special area<br>Structure: at least one server storing a database linking a special area, a mobile station, and | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **the mobile station is into the special area.** | '040 Patent, Claim 9 | | one or more parameters, wherein the database links the mobile station (MSISDN number (Fig. 6, column 610/660)) to the special areas (base station or wireless device ID codes (Fig. 6, column 610/606)) and one or more parameters (Fig. 6, columns 611/606-624/606) so that any of the one or more parameters may be adapted, i.e., "enabled ('+') or disabled ('-') . . . depending on" information received from the mobile station, as disclosed in Fig. 6, Col. 5:8-15, Col. 17:54-19:19. | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| 13. | <u>'040 Patent</u><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this mobile station, said system comprising:<br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that at least partially defines one of the special areas in at least one channel,<br>special operating means for adapting the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, and<br>a mobile station, comprising:<br>storage for storing a checking data,<br>observing means for observing said at least one channel, and | "processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area,"<br>'040 Patent, Claim 11 | [AGREED] | [AGREED] | Function: processing any received signal in order to determine whether or not a signal received is a defining signal and determining based on checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in a special area<br><br>Structure: a processor that executes software for performing the claimed functions, as disclosed in Fig. 5, Col. 12:31-40, Col. 12:48-52, Col. 12:55-59, Col. 15:37-41, Col. 19:38-45, Col. |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area,**<br>and the mobile station further comprising<br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the special areas from the processing | | | | 19:50-53, Col. 22:41-45 |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | means to the special operating means. | | | | |
| 14. | <u>'040 Patent</u><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this mobile station, said system comprising:<br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that at least partially defines one of the special areas in at least one channel,<br>special operating means for adapting the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, and<br>a mobile station, comprising:<br>storage for storing a checking data, | "observing means [for observing said at least one] / [to observe a] channel"<br>'040 Patent, Claims 11, 13 | [AGREED] | [AGREED] | Subject to 112 p. 6<br>Function for claim 11: observing at least one channel<br>Function for claim 13: observing a channel and processing any received signal to determine whether or not a defining signal is received<br>Structure for claim 11: a processor that executes software for observing at least one channel, as disclosed by steps 510, 512, 514, and 516 of Figure 5, Col. 15:5-10, Col. 15:20-22, Col. 12:31-40, Col. 12:48-52, Col. 12:55-60; Col. |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **observing means for observing said at least one channel**, and<br><br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area,<br><br>and the mobile station further comprising<br><br>transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the | | | | 19:38-53, Col. 22:41-45<br><br>Structure for claim 13: a processor that executes software for observing a channel and processing any received signal to determine whether or not a defining signal is received, as disclosed by steps 510, 512, 514, and 516 of Figure 5, Col. 15:5-10, Col. 15:20-22, Col. 12:31-40, Col. 12:48-52, Col. 12:55-59; Col. 19:38-53, Col. 22:41-45 |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | presence of the mobile station in one or more of the special areas from the processing means to the special operating means.<br><br>13. A mobile station, comprising:<br><br>**observing means to observe a channel and process any received signal in order to determine whether or not it is receiving a defining signal,**<br><br>a processor to process any received defining signal and to determine, based on a previously obtained checking data, whether or not the defining signal received is a distinctive defining signal that at least partially defines a special area,<br><br>to determine whether or not it is present in one or more special areas, and to send an updating signal at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | areas, and (iii) when the mobile station remains into a special area to a mobile telephone network about its presence in one or more of the special areas, where said updating signal sending is uncorrelated to any mobile station phone call establishment and is based on the last determination performed by the mobile station about its presence in the special areas. | | | | |
| 15. | <u>'040 Patent</u><br>11. A mobile system for monitoring the presence of a mobile station in one or more special areas defined for this mobile station, said system comprising:<br>at least one radio communication defining device for repeatedly transmitting a radio distinctive defining signal that at least partially defines one of the special areas in at least one channel, | "transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to | [AGREED] | [AGREED] | Subject to 112 p. 6<br>Function: sending, at least one of periodically, when the mobile station enters into or exits from a special area, and when the mobile station remains into a special area an updating signal<br>Structure: a transmitter and processor that |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | special operating means for adapting the value of at least one operating parameter taking into account the presence of the mobile station in each of the special areas, and<br>a mobile station, comprising:<br>storage for storing a checking data,<br>observing means for observing said at least one channel, and<br>processing means for processing any received signal in order to determine whether or not the signal received is a defining signal and, if the signal received is a defining signal, for determining based on the checking data whether or not the signal received is a distinctive defining signal and whether or not the mobile station is present in the special area,<br>and the mobile station further comprising | any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the special areas from the processing means to the special operating means"<br>'040 Patent, Claim 11 | | | executes software for sending an updating signal, as disclosed by Figs. 1-3, 5 (step 526), Col. 12:31-40, Col. 12:48-52, Col. 12:55-59, Col. 15:54-56, Col. 15:57-61, Col. 17:44-49, Col. 19:38-45, Col. 19:50-53, Col. 22:41-45 |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **transmission means for sending, at least one of (i) periodically, (ii) when the mobile station enters into or exits from one of the special areas, and (iii) when the mobile station remains into a special area an updating signal, that is uncorrelated to any mobile station phone call establishment, regarding the presence of the mobile station in one or more of the special areas from the processing means to the special operating means.** | | | | |
| 16. | <u>'040 Patent</u><br>12. The system according to claim 11, wherein the mobile system comprises **special area location monitoring means for monitoring the correct location of at least a part of one or more of the special areas.** | "special area location monitoring means for monitoring the correct location of at least a part of one or more of the special areas"<br>'040 Patent, Claim 12 | [AGREED] | [AGREED] | Subject to 112 p. 6<br>Function: monitoring the correct location of at least a part of one or more special areas<br>Structure: a processor that executes software for performing the claimed function by |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | | | | | monitoring the correct location of a special area by searching "reliable information," as disclosed in Col. 5:19-24, Col. 5:28-35, Col. 12:31-40, Col. 12:48-52, Col. 12:55-59, Col. 15:28-35, Col. 19:38-45, Col. 19:50-53, Col. 22:41-45 |
| 17. | <u>'032 Patent</u><br>4. The method according to claim 3, further comprising the mobile station retransmitting the updating signal upon not receiving **the acknowledgement** from the at least one server. | "the acknowledgment"<br>'032 Patent, Claim 4 | an acknowledgement | Indefinite | |
| 18. | <u>'720 Patent</u><br>1. A method associated with the use of a mobile station and a radio communication defining device that transmits a | "presence related service[s]"<br>'720 Patent, Claims 1, 7 | [AGREED] | [AGREED] | "services provided to a mobile station depending on its presence in a special area" |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | distinctive defining signal, the method comprising:<br><br>receiving and processing the distinctive defining signal in the mobile station, the distinctive defining signal at least defining a special area by one or more of: (1) a coverage area of the distinctive defining signal; (2) a portion of the coverage area that intersects with another area of coverage of another radio communication defining device; and (3) a sum of the area of coverage and the another area of coverage, the distinctive defining signal including information indicating whether or not the radio communication defining device is in a predetermined environment; and<br><br>sending from the mobile station via a mobile telephone network the updating signal to one or more servers of a provider of **presence related services** about the mobile station's presence in the special area, the | '030 Patent, Claims 1, 2, 5, 6, 11<br><br>'621 Patent, Claims 1, 2, 4, 5, 8, 10, 11, 13, 14, 17<br><br>'032 Patent, Claims 1, 3, 6 | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | updating signal being useable by the one or more servers of the provider of **presence related services** to adjust an operating parameter, which comprises one or more of a tariff and a service flag, to adjust, activate, or deactivate the **presence related services** provided to the mobile station, and the updating signal comprising the information indicative of whether or not the radio communication defining device is located in the predetermined environment.<br><br>7. A method comprising:<br><br>wirelessly receiving, in a radio communication defining device, first information from a radio transmitting device;<br><br>the radio communication defining device using the first information to determine whether or not the radio communication defining device is in a predetermined environment; and | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | transmitting from the radio communication defining device to a mobile station a distinctive defining signal that at least defines a special area by one or more of: (1) a coverage area of the distinctive defining signal; (2) a portion of the coverage area that intersects with another coverage area of another radio communication defining device; and (3) a sum of the coverage area and the another coverage area,<br><br>wherein the distinctive defining signal includes second information indicating whether or not the radio communication defining device is located in a predetermined environment and the second information allowing the mobile station to generate an updating signal that enables **presence related services** for the mobile station to be adjusted based on one or more of tariffs and service flags generated based on the updating signal. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | '030 Patent<br>1. A method associated with a provider of **presence related services** in connection with the use of a mobile station and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a first special area by its coverage, the method comprising:<br>electronically storing in one or more memories data capable of linking the mobile station to the first special area, the data including a checking data of the first radio communication defining device and a first identifier related to the mobile station,<br>transmitting via a mobile telephone network to the mobile station at least a portion of the checking data,<br>receiving from the mobile station via the mobile telephone | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in at least the first special area, the updating signal including a second identifier related to the mobile station,<br><br>deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the first special area; and<br><br>enabling or disabling by use of the one or more processing devices a **presence related service** based upon the mobile station's presence or non-presence in the first special area.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to at least a portion of the data and updates at least one | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | operating parameter in a database of the provider of **presence related services** depending on the presence of the mobile station in the first special area.<br><br>5. The method according to claim 1, wherein the enabling or disabling of the **presence related service** includes transmitting via the mobile telephone network a signal to the mobile station that is capable of being used to enable or disable one or more related functions in the mobile station.<br><br>6. The method according to claim 1, wherein the one or more memories and the one or more processing devices reside in one or more servers of the provider of **presence related services** and/or in one or more servers of the mobile telephone network.<br><br>11. The method according to claim 1, wherein the updating signal comprises a | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | request to access to a service or to a multimedia content and the provider of **presence related services** enables or disables the provision of the service or multimedia content depending on the presence of the mobile station in the first special area.<br><br><u>'621 Patent</u><br><br>1. A method associated with a provider of **presence related services** in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of **presence related services** having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of **presence related services** data capable of linking the | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, the provider of **presence related services** being different than the mobile telephone network,<br><br>receiving in the one or more servers of the provider of **presence related services** from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area,<br><br>the one or more servers of the provider of **presence related services** deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | enabling or disabling by use of the one or more processing devices a **presence related service** based upon the mobile station's presence or non-presence in the special area.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to at least a portion of the data and updates at least one operating parameter in a database of the provider of **presence related services** depending on the presence of the mobile station in the special area.<br><br>4. The method according to claim 1, wherein the enabling or disabling of the **presence related service** includes transmitting via the mobile telephone network a signal to the mobile station that is capable of being used to enable or disable one or more related functions in the mobile station. | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | 5. The method according to claim 1, wherein the storing of the checking data in the one or more servers of the provider of **presence related services** comprises electronically receiving from the mobile station the checking data.<br><br>8. The method according to claim 1, wherein the updating signal is received in the one or more servers of the provider of **presence related services** via the mobile telephone network from the mobile station at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exits from the special area, and (iii) when the mobile station remains in the special area.<br><br>10. A method associated with a provider of **presence related services** in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of **presence related services** having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of **presence related services** data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, the provider of **presence related services** being different than the mobile telephone network,<br><br>transmitting to the mobile station from the one or more servers at least a portion of the checking data,<br><br>receiving in the one or more servers from the mobile station via the mobile telephone | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area, the updating signal including the identifier or other identifier related to the mobile station,<br><br>the one or more servers deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a **presence related service** based upon the mobile station's presence or non-presence in the special area.<br><br>11. The method according to claim 10, wherein the one or more processing devices has access to at least a portion of the data and updates at least one | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | operating parameter in a database of the provider of **presence related services** depending on the presence of the mobile station in the special area.<br><br>13. The method according to claim 10, wherein the enabling or disabling of the **presence related service** includes transmitting via the mobile telephone network a signal to the mobile station that is capable of being used to enable or disable one or more related functions in the mobile station.<br><br>14. The method according to claim 10, wherein the storing of the checking data in the one or more servers of the provider of **presence related services** comprises electronically receiving from the mobile station the checking data.<br><br>17. The method according to claim 10, wherein the updating signal is received in | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | the one or more servers of the provider of **presence related services** via the mobile telephone network from the mobile station at least one of (i) periodically, (ii) at times recent to when the mobile station enters into or exits from the special area, and (iii) when the mobile station remains in the special area.<br><br><u>'032 Patent</u><br><br>1. A method associated with a provider of **presence related services** and a mobile station that stores in a memory first checking data and uses the first checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>one or more servers of a provider of **presence related** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **services** receiving from the mobile station via a mobile telephone network an updating signal that identifies the mobile station's presence in the special area, the provider of **presence related services** being different than the mobile telephone network; and<br><br>storing in the one or more servers a parameters database having an operating parameter whose value is determined at least in part by the updating signal received from the mobile station; and<br><br>sending from the one or more servers to the mobile station second checking data different from the first checking data to modify the special area.<br><br>3. A method associated with the use of a mobile station that stores and uses checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>sending from the mobile station to at least one server of a provider of **presence related services** an updating signal via a mobile telephone network that identifies the mobile station's presence in the special area, the updating signal being indicative of the mobile station's presence in the special area, the provider of **presence related services** being different than the mobile telephone network; and<br><br>receiving in the mobile station from the at least one server second checking data different from the first checking data to modify the special area.<br><br>6. The method according to claim 3, further comprising receiving in the mobile station from the at least one server of the provider of **presence related services** an | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | acknowledgement of a reception of the updating signal. | | | | |
| 19. | <u>'621 Patent</u><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the | "the provider of presence related services being different than the mobile telephone network"<br>'621 Patent, Claims 1, 10<br>'032 Patent, Claims 1, 3 | [AGREED] | [AGREED] | "the provider of presence related services being different than a provider of the mobile telephone network." |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | mobile station, **the provider of presence related services being different than the mobile telephone network**,<br><br>receiving in the one or more servers of the provider of presence related services from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area,<br><br>the one or more servers of the provider of presence related services deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | station's presence or non-presence in the special area.<br><br>10. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, **the provider of presence related services** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **being different than the mobile telephone network**,<br><br>transmitting to the mobile station from the one or more servers at least a portion of the checking data,<br><br>receiving in the one or more servers from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area, the updating signal including the identifier or other identifier related to the mobile station,<br><br>the one or more servers deriving from the updating signal by one or more processing devices having access to at least a portion of the data whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | devices a presence related service based upon the mobile station's presence or non-presence in the special area.<br><br><u>'032 Patent</u><br><br>1. A method associated with a provider of presence related services and a mobile station that stores in a memory first checking data and uses the first checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>one or more servers of a provider of presence related services receiving from the mobile station via a mobile telephone network an updating signal that identifies the mobile station's presence in the special area, **the provider of presence related services being** | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | **different than the mobile telephone network**; and<br><br>storing in the one or more servers a parameters database having an operating parameter whose value is determined at least in part by the updating signal received from the mobile station; and<br><br>sending from the one or more servers to the mobile station second checking data different from the first checking data to modify the special area.<br><br>3. A method associated with the use of a mobile station that stores and uses checking data to determine whether or not a defining signal received from a radio communication defining device is a distinctive defining signal, the distinctive defining signal at least partly defines a special area by its coverage, the method comprising:<br><br>sending from the mobile station to at least one server of a provider of presence related | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | services an updating signal via a mobile telephone network that identifies the mobile station's presence in the special area, the updating signal being indicative of the mobile station's presence in the special area, **the provider of presence related services being different than the mobile telephone network**; and<br><br>receiving in the mobile station from the at least one server second checking data different from the first checking data to modify the special area. | | | | |
| 20. | <u>'030 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a first | "at least a portion of the data"<br><br>'030 Patent, Claims 1, 2<br><br>'621 Patent, Claims 1, 2, 10, 11 | at least a portion of the data including a checking data of the first radio communication defining device and [a first]/[an] identifier related to the mobile station | Indefinite. | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | special area by its coverage, the method comprising:<br><br>electronically storing in one or more memories data capable of linking the mobile station to the first special area, the data including a checking data of the first radio communication defining device and a first identifier related to the mobile station,<br><br>transmitting via a mobile telephone network to the mobile station at least a portion of the checking data,<br><br>receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in at least the first special area, the updating signal including a second identifier related to the mobile station,<br><br>deriving from the updating signal by one or more | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | processing devices having access to **at least a portion of the data** whether or not the mobile station is present in the first special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the first special area.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to **at least a portion of the data** and updates at least one operating parameter in a database of the provider of presence related services depending on the presence of the mobile station in the first special area.<br><br><u>'621 Patent</u><br><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station that is | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, the provider of presence related services being different than the mobile telephone network,<br><br>receiving in the one or more servers of the provider of presence related services from the mobile station via the mobile telephone network an | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area,<br><br>the one or more servers of the provider of presence related services deriving from the updating signal by one or more processing devices having access to **at least a portion of the data** whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the special area.<br><br>2. The method according to claim 1, wherein the one or more processing devices has access to **at least a portion of the data** and updates at least one operating parameter in a database of the provider of presence related services | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | depending on the presence of the mobile station in the special area.<br><br>10. A method associated with a provider of presence related services in connection with the use of a mobile station that is operable within a mobile telephone network, and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a special area by its coverage, the provider of presence related services having one or more servers, the method comprising:<br><br>electronically storing in the one or more servers of the provider of presence related services data capable of linking the mobile station to the special area, the data including a checking data of the first radio communication defining device and an identifier related to the mobile station, the provider of presence related services being | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | different than the mobile telephone network,<br><br>transmitting to the mobile station from the one or more servers at least a portion of the checking data,<br><br>receiving in the one or more servers from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in the special area, the updating signal including the identifier or other identifier related to the mobile station,<br><br>the one or more servers deriving from the updating signal by one or more processing devices having access to **at least a portion of the data** whether or not the mobile station is present in the special area; and<br><br>enabling or disabling by use of the one or more processing | | | | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | devices a presence related service based upon the mobile station's presence or non-presence in the special area.<br>11. The method according to claim 10, wherein the one or more processing devices has access to **at least a portion of the data** and updates at least one operating parameter in a database of the provider of presence related services depending on the presence of the mobile station in the special area. | | | | |
| 21. | <u>'030 Patent</u><br>1. A method associated with a provider of presence related services in connection with the use of a mobile station and at least a first radio communication defining device that transmits a first distinctive defining signal, the first distinctive defining signal at least partly defines a first | "first identifier"<br>'030 Patent, Claims 1, 4 | Plain and ordinary meaning | Indefinite<br>Alternatively, "an identifier related to the mobile station and associated with special tariffs and/or services which may be or not be available for the mobile station depending on the presence of such mobile station into a | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | special area by its coverage, the method comprising:<br><br>electronically storing in one or more memories data capable of linking the mobile station to the first special area, the data including a checking data of the first radio communication defining device and a **first identifier** related to the mobile station,<br><br>transmitting via a mobile telephone network to the mobile station at least a portion of the checking data,<br><br>receiving from the mobile station via the mobile telephone network an updating signal uncorrelated to any mobile station phone call establishment that identifies the mobile station's presence in at least the first special area, the updating signal including a second identifier related to the mobile station,<br><br>deriving from the updating signal by one or more | | | given special area (and also depending on whether such tariffs and/or services are enabled or disabled into the parameters database for such mobile station.)" | |

| # | Claim Language | Claim Term(s), Phrase(s), or Clause(s) | Plaintiff's Proposed Construction | Defendant's Proposed Construction | Court's Construction |
|---|---|---|---|---|---|
| | processing devices having access to at least a portion of the data whether or not the mobile station is present in the first special area; and<br><br>enabling or disabling by use of the one or more processing devices a presence related service based upon the mobile station's presence or non-presence in the first special area.<br><br>4. The method according to claim 1, wherein the **first** and second **identifiers** related to the mobile station are the same. | | | | |

Dated: October 31, 2025

Respectfully submitted,

*/s/ Peter Lambrianakos*

Alfred R. Fabricant
NY Bar No. 2219392
Email: ffabricant@fabricantllp.com
Peter Lambrianakos
NY Bar No. 2894392
Email: plambrianakos@fabricantllp.com
Vincent J. Rubino, III
NY Bar No. 4557435
Email: vrubino@fabricantllp.com
**FABRICANT LLP**
411 Theodore Fremd Avenue, Suite 206 South
Rye, New York 10580
Telephone: (212) 257-5797
Facsimile: (212) 257-5796

William E. Davis, III
Texas Bar No. 24047416
Email: bdavis@davisfirm.com
Ty Wilson Texas
State Bar No. 24106583
Email: twilson@davisfirm.com
**DAVIS FIRM PC**
213 N. Fredonia Street, Suite 230
Longview, Texas 75601
Telephone: (903) 230-9090
Facsimile: (903) 230-9661

***ATTORNEYS FOR PLAINTIFF***
***AVANT LOCATION TECHNOLOGIES, LLC***

*/s/ Eric R. Chad*
Thomas J. Leach (*pro hac vice*) – Lead Counsel
Michael A. Erbele (*pro hac vice*)
Eric R. Chad (*pro hac vice*)
Joseph Dubis (*pro hac vice*)
MERCHANT & GOULD P.C.
150 South Fifth Street, Suite 2200
Minneapolis, MN 55402
Telephone: (612) 332-5300
E-mail: tleach@merchantgould.com
E-mail: merbele@merchantgould.com
E-mail: echad@merchantgould.com
E-mail: jdubis@merchantgould.com

Jennifer Parker Ainsworth
TX State Bar No. 00784720
jainsworth@wilsonlawfirm.com
WILSON ROBERTSON & VANDEVENTER, P.C.
909 ESE Loop 323, Suite 400
Tyler, TX 72701
Telephone: (903) 509-5000
Facsimile: (903) 509-5091

***Attorneys for Defendant ecobee Technologies ULC***

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 31, 2025, a true and correct copy of the above and foregoing document has been served on all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

*/s/ Peter Lambrianakos*
Peter Lambrianakos