

APPENDIX 1

Appendix 1: Parties' Proposed Constructions For Each Disputed Claim Term

Interval and the Defendants' proposed constructions for the disputed claim terms are presented in the table below.

Disputed Term	Interval's Construction	Defendants' Construction
1. "selectively displaying on the display device . . . an image or images generated from the set of content data" ['652 Claims 4-8, 11; '314 Claims 10, 13]	[choose/choosing] and display[ing] one or more "images generated from the set of content data"	[choose/choosing] and display[ing] one or more "images generated from the set of content data" according to predetermined scheduling information
2. "images generated from a set of content data" [All Claims]	audio and/or visual output that is generated from data within a set of related data	audio and/or visual output defined by a content provider that is generated from data within a set of related data
3. "in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus" ['652 Claims 4-8, 11] "in an unobtrusive manner that does not distract a user of the display device or an apparatus associated with the display device from a primary interaction with the display device or apparatus" ['314 Claims 1, 3, 7, 10, 13]	during a user's primary interaction with the apparatus and unobtrusively such that the images generated from the set of content data are displayed in addition to the display of images resulting from the user's primary interaction	As written, this term is inherently subjective and therefore indefinite. Alternatively, this must be limited such that the images are displayed either when the attention manager [or system] detects that the user is not engaged in a primary interaction or as a background of the computer screen
4. "primary interaction" ['652 Claims 4, 34, 35; '314 Claims 1, 3, 7, 10, 13]	any operation of the computer (or other apparatus with which the user is engaging in an interaction) other than operation that is part of the system for engaging the peripheral attention of the user	any operation of the computer (or other apparatus with which the user is engaging in an interaction) other than operation that is part of the attention manager according to the invention

Disputed Term	Interval's Construction	Defendants' Construction
<p>5. “means for selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data” [’652 Claims 4-8, 11]</p>	<p><u>Function</u>: Selectively displaying an image or images generated from the set of content data on the display device in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus,</p> <p><u>Structure</u>: One or more digital computers programmed to identify the next set of content data in the schedule and display the next set of content data in the schedule in an “unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus”</p>	<p>As set forth above, this term includes a phrase that is indefinite within the recited function; thus this term is indefinite.</p> <p><u>Function</u>: “selectively displaying on the display device, in an unobtrusive manner that does not distract a user of the apparatus from a primary interaction with the apparatus, an image or images generated from the set of content data” [as construed herein]</p> <p>To the extent there is any structure disclosed that could fulfill the recited function, it is:</p> <p><u>Structure</u>: A conventional digital computer programmed with a screen saver application program, activated by the detection of an idle period, or a wallpaper application program, that “selectively displays ... image or images generated from the set of content data” [as construed herein]</p>
<p>6. “each content provider provides its content data to [a/the] content display system independently of each other content provider” [’314 All Claims]</p>	<p>no construction needed; in the alternative: each content provider provides its content data to the content display system without being influenced or controlled by any other content provider</p>	<p>Each content provider transmits its content data to [a/the] content display system without being transmitted through, by or under the influence or control of any other content provider</p>

Disputed Term	Interval's Construction	Defendants' Construction
7. "user interface installation instructions for enabling provision of a user interface that allows a person to request the set of content data from the specified information source" ['652 Claims 15-18]	"instructions" for enabling provision of an interface that enables a person to request the set of content data from a specific source of information	"instructions" that enable content providers to install a user interface in the content provider's information environment so that users can request a particular set of content data representing the image(s) to be displayed from the specified content provider
8. "during operation of an attention manager" ['652 Claims 15-18]	during the operation of a system for engaging at least a part of the user's attention that is not occupied by the user's primary interaction with the apparatus	during operation of a system that displays images to a user either when the program detects that the user is not engaged in a primary interaction or as a background of the computer screen
9. "means for acquiring a set of content data from a content providing system" ['652 Claim 4]	<p>FUNCTION: acquiring a set of content data from a content providing system</p> <p>STRUCTURE: A digital computer capable of communicating with a content providing system via a network and programmed to perform at least the following steps: (1) providing a user with an interface to directly request a particular set of content data, (2) indicating to the content provider the particular set of content data requested by the user, and (3) obtaining the particular set(s) of content data requested by the user at the content display system</p>	<p><u>Function</u>: acquiring a set of content data from a content providing system</p> <p><u>Structure</u>: A digital computer connected to a content providing system via a network and programmed to perform the steps: (1) providing a user with an interface to directly request a particular set of content data, (2) indicating to the content provider the particular set of content data requested by the user, (3) receiving a set of instructions at the content display system that identify the site from which the set of content data is to be acquired, (4) downloading the particular set(s) of content data requested by the user at the content display system.</p>
10. "content provider" ['314 All Claims]	No construction necessary; in the alternative: a system that provides one or more "sets of content data"	An entity that formulates one or more "sets of content data"

Disputed Term	Interval's Construction	Defendants' Construction
11. "content data scheduling instructions for providing temporal constraints on the display of the image or images generated from the set of content data" ['652 Claims 15, 17, 18]	"instructions" that affect the duration, order, timing, and/or frequency of the display of the "image or images generated from the set of content data"	instructions that can be tailored by a content provider that specify the time(s) at which image(s) generated from a set of content data may be displayed.
12. "content data update instructions for enabling acquisition of an updated set of content data from an information source that corresponds to a previously acquired set of content data" ['652 Claim 18]	"instructions" that specify when to obtain an updated version of a set of content data and the location from which to obtain such updated version	"instructions" that can be tailored by the content provider that specify when to obtain an updated version of a previously acquired set of content data and the location from which to obtain such updated version
13. "content display system scheduling instructions for scheduling the display of the image or images on the display device" ['652 Claim 18]	"instructions" that implement a display schedule by determining which image or images generated from the "set(s) of content data" will be displayed and mediating conflicts between the display requirements of multiple "sets of content data"	"instructions" that implement a display schedule for a particular content display system by determining the display order and display duration for image(s) generated from each available set of content data
14. "instructions" ['652 Claim 15, 16, 17, 18; '314 All Claims]	Either (a) data related to the accomplishment of a function and/or (b) a statement or expression that can be interpreted by a computer that specifies a function to be performed by a system	A statement in a programming language that specifies a function to be performed by a system

Disputed Term	Interval's Construction	Defendants' Construction
<p>15. “means for displaying one or more control options with the display device while the means for selectively displaying is operating” [’652 Claim 4]</p>	<p><u>Function</u>: displaying one or more control options with the display device while the means for selectively displaying is operating</p> <p><u>Structure</u>: One or more digital computers programmed to provide a dialog box that includes a list of one or more of the following control options: (1) terminate the operation of the attention manager, (2) begin display of the next scheduled set of content data, (3) begin display of the previous scheduled set of content data, (4) remove a set of content data from the display schedule, (5) prevent a set of content data from being displayed until it has been updated, (6) modify the display schedule in response to a user’s identified satisfaction with a set of content data, (7) establish a link with an information source, (8) provide an overview of all of the content data available for display by the attention manager, (9) maintain display of the current set of content data, or (10) remove the control option interface and structural equivalents.</p>	<p><u>Function</u>: displaying one or more control options with the display device while the means for selectively displaying is operating</p> <p><u>Structure</u>: one or more digital computers programmed to provide a dialog box that includes a list of one or more of the following control options: perform at least one of steps 501 (Want to display the next set of content data in the schedule?), 502 (Want to display the previous set of content data in the schedule?), 503 (Want to remove the current set of content data from the schedule?), 504 (Want to prevent display of the current set of content data until that set of content data has been updated?), and 505 (Want to specify a satisfaction level for the current set of content data?), and structural equivalents</p>