

**EXHIBIT A**

**Barkan’s Proposed Constructions and Supporting Evidence**

**Plaintiff’s P.R. 4-3(d) statement:** Barkan may have an expert, Corey Kirkendoll, provide a declaration with its claim construction briefing regarding the understanding that one of ordinary skill in the art would have had of a disputed term at the time of the invention. Barkan’s expert may opine as to the understanding that one of ordinary skill in the art would have had regarding the disclosure of functions and structures identified in the patents-in-suit. Barkan’s expert may opine as to the level of understanding of a person of ordinary skill in the art at the relevant time, and how such a person would understand the meaning and scope of the claim terms. Barkan’s expert may also opine as to whether the terms would be understandable to a person of ordinary skill in the art as of the priority dates of the asserted patents and whether the specification teaches one of ordinary skill in the art to make and use the claimed invention. Barkan’s expert may provide testimony regarding the understanding of one of ordinary skill in the art as to the meaning of the proposed terms for construction. Barkan’s expert may testify as to whether, based on teachings in the asserted patents and the knowledge of one of ordinary skill in the art, he understands what the “AP module” and “communication module” are as well as the scope of claims including the “AP module” and “communication module” terms. Barkan’s expert may opine as to whether the “AP module” and “communication module” limitations recite sufficiently definite structure for performing the functions described in the limitations. Barkan’s expert may opine as to whether a person having ordinary skill in the art, in view of the patent specification, would recognize the structural aspects of the limitations. Barkan’s expert may also provide rebuttal testimony to any opinions of Defendant’s expert, if any.

<b>Claim Term</b>	<b>Plaintiff’s Proposed Construction and Support (intrinsic references to ‘306 patent)</b>
a proxy server . . . such that the proxy server acts as a proxy of the given device;  a proxy server connected to the IP based network and adapted to act as a proxy of at least a subset of computing devices;  [the/a] proxy server, wherein the proxy server acts as a proxy of the [second/third]	<p><b><u>Proposal:</u></b>                      No construction necessary beyond construction of components: (1) proxy server; and (2) computing device.</p> <p>Proxy server: “a server (a computer system or an application) that acts as an intermediary for requests from clients seeking resources from other servers”.</p> <p>Alternatively: “a server (a computer system or an application) that mediates communications between a client application, such as a Web browser, and a real server. It handles requests to the real server to see if it can fulfill the requests itself, if not, it</p>

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<p>computing device</p> <p>[‘306: 1, 9, 16, 17, 19, 43] [‘369: 1]</p>	<p>forwards the requests to the real server. The proxy server can serve as a firewall component”.</p> <p>Otherwise:                      “a proxy server . . . such that the proxy server acts as a proxy of the given device” should be construed as “a proxy server . . . such that the proxy server acts as a proxy of one of the other wireless enabled computing devices”</p> <p>“a proxy server connected to the IP based network and adapted to act as a proxy of at least a subset of computing devices” should be construed as “a proxy server connected to the IP based network and acts as a proxy for one or more computing devices”</p> <p>“[the/a] proxy server, wherein the proxy server acts as a proxy of the [second/third] computing device” should be construed under its plain ordinary meaning (except for the “proxy server” term, which should be construed using Plaintiff’s proposal above.</p> <p><b>Support:</b>                      [‘306 patent] 6:35-53, 11:28-12:2, 14:35-15:19, 16:26-27, 20:49-21:17, 29:27-46, 29:57-65, Figs. 1-2.</p> <p><i>Proxy server</i>: Wikipedia (proxy server) available at <a href="http://en.wikipedia.org/wiki/Proxy_server">http://en.wikipedia.org/wiki/Proxy_server</a> (defining proxy server as “In computer networks, a proxy server is a server (a computer system or an application) that acts as an intermediary for requests from clients seeking resources from other servers. A client connects to the proxy server, requesting some service, such as a file, connection, web page, or other resource available from a different server and the proxy server evaluates the request as a way to simplify and control its complexity. Proxies were invented to add structure and encapsulation to distributed systems. Today, most proxies are web proxies, facilitating access to content on the World Wide Web and providing anonymity.”)</p> <p><i>SRI International, Inc. v. Internet Security Systems, Inc., et al.</i>, 2006 U.S. Dist. LEXIS 75355 (D. Del., Oct. 17, 2006) (construing “proxy server” as “server that mediates</p>

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	<p>communication between a client application, such as a Web browser, and a real server. It handles requests to the real server to see if it can fulfill the requests itself; if not, it forwards the requests to the real server. The proxy server can serve as a firewall component.")</p> <p>McGee Deposition 45:18-48:24</p>
<p>tunnel[] data traffic</p> <p>[‘306: 1, 16, 17, 24, 26, 34, 35, 43, 48, 51, 60, 61] [‘369: 1]</p>	<p><b><u>Proposal:</u></b> “wrap or encapsulate data traffic”</p> <p><b><u>Support:</u></b> [‘306 patent] 6:35-53, 14:35-15:19, 16:26-27, 20:49-21:17, Fig. 2.</p> <p><i>Tunnel:</i> Microsoft Computer Dictionary (5th ed. 2002) (defining <i>tunnel</i> as “vb. to encapsulate or wrap a packet or a message from one protocol in the packet for another. The wrapped packet is then transmitted over a network via the protocol of the wrapper. This method of packet transmission is used to avoid protocol restrictions. See also communications protocol, packet (definition 2).”</p> <p><i>Alcatel Internetworking, Inc. v. Cisco Systems, Inc.</i>, 2002 U.S. Dist. LEXIS 28372 (C.D. Cal, Aug. 27, 2002) (construing “tunnel” as “communication path between a remote client and a local network through an intermediary.”)</p> <p>McGee Deposition: 103:7-104:4.</p>
<p>access point (AP)</p> <p>[‘306: 1, 4, 5, 7, 8, 16, 17, 22, 24-26, 28-36, 43, 46, 48-50, 52, 53, 62] [‘369: 1, 3]</p>	<p><b><u>Proposal:</u></b> “a device that connects a computer to a network”</p> <p><b><u>Support:</u></b> [‘306 patent] 2:35-61, 3:3-16, 3:36-43, 4:7-54, 5:20-51, 6:26-34, 11:42-46, Figs. 1-2.</p> <p><i>Access Point:</i> Newton’s Telecom Dictionary (23rd ed. 2007) (defining <i>access point</i> as “AP. Basically a device that connects a computer to a network. It includes: a wired device that sends out wireless Ethernet signals to which you and I can connect to; a point</p>

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	<p>where connections may be made for testing or using particular communications circuits; a junction point in outside plant consisting of a semipermanent splice at a junction between a branch feeder cable and distribution cables; a cross-box where telephone cables are cross connected; network device that connects a wireless radio network to a wired LAN (local area network)".</p> <p><i>Agere Systems, Inc. v. Broadcom Corp.</i>, 2004 U.S. Dist. LEXIS 14992 (E.D. Pa., Aug. 2, 2004) (construing "access point" as "an element in a network that provides access to the network infrastructure.")</p> <p>McGee Deposition 10:16-13:17.</p>
<p>AP module adapted to: (1) provide a given device of the other wireless enabled computing devices with access to the IP based network by causing said computing device to serve the given device as a second AP having a second APID, distinct from the first APID, and provide the given device access to the network via the first AP; and (2) tunnel data traffic from the given device, through said computing device, through the first AP, through the IP network, to a proxy server, such that the proxy server acts as a proxy of the given device and the data traffic is secure from said computing device and first AP and the given device operates on the network [with/using] a [second] public IP address distinct from the first public IP address[, with the second public IP address associated with the given device]</p> <p>[‘306: 1, 6, 10, 14]</p>	<p><b><u>Proposal:</u></b>                      Not means-plus-function. No construction necessary beyond construction of components: (1) access point ("AP"); (2) wireless; (3) computing device; (4) tunnel; (5) proxy server. If the Court determines that a construction is necessary, then Plaintiff proposes "a component within another device that enables the device to operate as an access point".</p> <p>Alternatively, if the Court determines that the claim term is subject to § 112(f):</p> <p><b><u>Function:</u></b>                      Provide, within a wireless enabled computing server device, an intermediary function between a wireless computing client device and an IP based network by providing a second Access Point for connection to the wireless computing client device, and connecting to a first Access Point that provides connectivity to the IP based network to allow data to be tunneled from the wireless computing client device, through the IP based network to a proxy server, such that the proxy server acts as a proxy of the given device and the data traffic is secure from the wireless client and the first Access Point, and the wireless client uses a public IP address that is different from the public IP address used for the intermediary device.</p> <p><b><u>Structure:</u></b></p>



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<p>[‘369: 1, 3]</p>	<p>(1) communications interface to the wireless network interface card (“NIC”); (2) Network Address Translation (“NAT”) server; (3) Dynamic Host Configuration Protocol (“DHCP”) server.</p> <p><u>Terms used in Plaintiff’s proposed structure:</u></p> <p>(1) “wireless network interface card (“NIC”)” should be construed as “electronic circuitry for the purpose of connecting a computing device to a wireless network”.</p> <p>(2) “DHCP server” should be construed as “a server that assigns a temporary IP address to a host automatically when the host connects to the network”</p> <p><u>Support:</u></p> <p>[‘306 patent] 6:26-53, 11:28-12:2, 29:27-46, 31:22-35, Figs. 1-2.</p> <p>And incorporate by reference the support for underlying components: (1) access point (“AP”); (2) wireless; (3) computing device; (4) tunnel; (5) proxy server.</p> <p>Network Interface Card (“NIC”): Newton’s Telecom Dictionary (23rd ed. 2007) (defining <i>network interface card</i> as “Also called a NIC card. A printed circuit board comprising electronic circuitry for the purpose of connecting a workstation to a LAN. A NIC usually is in the form of a card that fits into one of the expansion slots inside a PC. Alternatively, it can fit into a slot of a MAU (Multistation Access Unit), which serves multiple LAN-attached devices, such as workstations and printers. In the context of IEEE standards, NICs operate at the MAC (Medium Access Control) layer. In the context of the OSI Reference Model, NICs operate at Layers 1 (Physical Layer) and 2 (Data Link Layer). The basic job of the NIC is to take data from the transmitting workstation, form it into the specific packet format demanded by the LAN protocol you are running (e.g., Ethernet or Token Ring), and present it to the shared medium (usually a cable). On the receiving end, the process is reversed, of course. Hard-coded into the NIC at the time of manufacture is a MAC address, unique in all the world to that NIC card; the MAC address effectively identifies the LAN-attached device with which it is associated. A NIC works with the network software and computer operating system to transmit and receive messages on the network.”</p>

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	<p>Dynamic Host Configuration Protocol ("DHCP"): Microsoft Computer Dictionary (5th ed. 2002) (defining DHCP as "n. Acronym for Dynamic Host Configuration Protocol. A TCP/IP protocol that enables a network connected to the Internet to assign a temporary IP address to a most automatically when the host connects to the network. <i>See also</i> IP address, TCP/IP. <i>Compare</i> dynamic SLIP."</p> <p>McGee Deposition 88:14-91:11.</p>
<p>communication module adapted to: (1) wirelessly connect said computing device to an IP based network via a first wireless access point (AP) having a first AP Identification (APID); and (2) wirelessly communicate with other wireless enabled computing devices</p> <p>[ '306: 1] [ '369: 1]</p>	<p><b><u>Proposal:</u></b> Not means-plus-function. No construction necessary beyond construction of components: (1) wirelessly connect; (2) computing device; (3) access point; (5) wirelessly communicate; (6) wireless enabled computing devices. If the Court determines that a construction is necessary, then Plaintiff proposes "a component that enables a device to wirelessly communicate with both a wireless access point that provides connectivity to an IP-based network, and also wirelessly communicate with other wireless computing devices using a communication protocol (e.g., WiFi, Bluetooth, cellular, etc.)"</p> <p>Alternatively, if the Court determines that the claim term is subject to § 112(f):</p> <p><b><u>Function:</u></b> Wirelessly communicate with both a wireless access point that provides connectivity to an IP-based network; and also wirelessly communicate with other wireless computing devices.</p> <p><b><u>Structure:</u></b> Wireless network interface card ("NIC").</p> <p><b><u>Terms used in Plaintiff's proposed structure:</u></b> (1) "wireless network interface card ("NIC")" should be construed as "electronic circuitry for the purpose of connecting a computing device to a wireless network".</p> <p><b><u>Support:</u></b></p>

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	<p data-bbox="800 233 1745 261">['306 patent] 6:26-53, 8:64-66, 11:28-12:2, 29:27-46, 31:22-35, Figs. 1-2.</p> <p data-bbox="800 269 1871 375">And incorporate by reference the support for underlying components: (1) wirelessly connect; (2) computing device; (3) access point; (5) wirelessly communicate; (6) wireless enabled computing devices.</p> <p data-bbox="800 415 1934 992">Network Interface Card ("NIC"): Newton's Telecom Dictionary (23rd ed. 2007) (defining <i>network interface card</i> as "Also called a NIC card. A printed circuit board comprising electronic circuitry for the purpose of connecting a workstation to a LAN. A NIC usually is in the form of a card that fits into one of the expansion slots inside a PC. Alternatively, it can fit into a slot of a MAU (Multistation Access Unit), which serves multiple LAN-attached devices, such as workstations and printers. In the context of IEEE standards, NICs operate at the MAC (Medium Access Control) layer. In the context of the OSI Reference Model, NICs operate at Layers 1 (Physical Layer) and 2 (Data Link Layer). The basic job of the NIC is to take data from the transmitting workstation, form it into the specific packet format demanded by the LAN protocol you are running (e.g., Ethernet or Token Ring), and present it to the shared medium (usually a cable). On the receiving end, the process is reversed, of course. Hard-coded into the NIC at the time of manufacture is a MAC address, unique in all the world to that NIC card; the MAC address effectively identifies the LAN-attached device with which it is associated. A NIC works with the network software and computer operating system to transmit and receive messages on the network."</p> <p data-bbox="800 1032 1251 1060">McGee Deposition: 122:20-129:21.</p> <p data-bbox="800 1109 1913 1214"><i>PalmTop Productions, Inc. v. LO-Q PLC, et al.</i>, 450 F. Supp. 2d 1344 (N.D. Ga. 2006) (construing "communications module" as "'a transmitter/receiver designed for data transmission.").</p> <p data-bbox="800 1255 1913 1360"><i>Seven Networks Inc. v. Visto Corp.</i>, 2006 U.S. Dist. LEXIS 93870 (E.D. Tex., Dec. 29, 2006) (construing "communications module" as "software routines on the client for communicating.")</p>
computing device	<b>Proposal:</b>

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<p>[‘306: 1, 2, 4-10, 14, 16, 17, 19, 21, 23-26, 35-37, 39, 41-46, 48, 56, 58, 61-63, 65, 67, 68 ]</p> <p>[‘369: 1-5, 7]</p>	<p>“a computer, including, but not limited to a tablet computer, laptop computer, or WiFi-enabled phone”</p> <p><b>Support:</b> [‘306 patent] 2:30-34, 2:41-42, 6:26-34, 7:1-7, 11:28-41, Fig. 12.</p> <p><i>Computing device:</i> FineDictionary (computing device) available at <a href="http://www.finedictionary.com/computing%20device.html">http://www.finedictionary.com/computing%20device.html</a> (defining computing device as “a machine for performing calculations automatically”).</p>
<p>wireless</p> <p>[‘306: 1, 7, 8, 16, 27, 28, 30, 31, 37, 43, 49, 50, 52, 53, 63]</p> <p>[‘369: 1]</p>	<p><b>Proposal:</b> “without the use of interconnecting wires or cables”</p> <p><b>Support:</b> <i>Wireless:</i> Microsoft Computer Dictionary (5th ed. 2002) (defining <i>wireless</i> as “<i>adj.</i> Of, pertaining to, or characteristic of communications that take place without the use of interconnecting wires or cables, such as by radio, microwave, or infrared light.”</p>
<p>wirelessly communicate;</p> <p>[‘306: 1, 16, 43]</p> <p>[‘369: 1]</p> <p>wirelessly connect; wirelessly connecting</p> <p>[‘306: 16, 43]</p> <p>[‘369: 1]</p>	<p><b>Proposal:</b> “communicate without the use of interconnecting wires or cables”</p> <p><b>Support:</b> <i>Wireless:</i> Microsoft Computer Dictionary (5th ed. 2002) (defining <i>wireless</i> as “<i>adj.</i> Of, pertaining to, or characteristic of communications that take place without the use of interconnecting wires or cables, such as by radio, microwave, or infrared light.”</p>
<p>wireless enabled computing device</p> <p>[‘306: 1, 16, 17, 37, 43, 63]</p> <p>[‘369: 7]</p>	<p><b>Proposal:</b> “a computing device that is able to wirelessly communicate”</p> <p><b>Support:</b> <i>Wireless:</i> Microsoft Computer Dictionary (5th ed. 2002) (defining <i>wireless</i> as “<i>adj.</i> Of, pertaining to, or characteristic of communications that take place without the use of interconnecting wires or cables, such as by radio, microwave, or infrared light.”</p>
<p>network address translation (NAT) service</p> <p>[‘306: 42, 68]</p>	<p><b>Proposal:</b> “NAT enables IP addresses used in one IP address space to be translated into different IP</p>



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	<p>addresses used in a second IP address space.”</p> <p>Alternatively: "NAT enables IP addresses used on one side of a device that performs NAT to be translated into different IP addresses used on another side of the device.”</p> <p><b>Support:</b></p> <p><i>Network address translation:</i> Wikipedia (network address translation) available at <a href="http://en.wikipedia.org/wiki/Network_address_translation">http://en.wikipedia.org/wiki/Network_address_translation</a> (“Network address translation (NAT) is a method of remapping one IP address space into another by modifying network address information in Internet Protocol (IP) datagram packet headers while they are in transit across a traffic routing device”) citing Network Protocols Handbook (2 ed.) Javvin Technologies Inc. 2005; p. 27.</p>