CLAIM 8

| Language from Claim 8	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The method of claim 1, wherein said locating and storing steps include locating the position of a plurality of cups and storing the position of each cup."	*Id.* at 876.	**How many courses can I store on the GPS Caddie II?** Up to 40 courses can be stored on the GPS Caddie II, including both iGolf.com courses and courses that you map yourself. Since all courses files can be stored on your PC, you can add or delete courses on your GPS Caddie II depending on where you plan to play. http://www.igolf.com/gps_caddie_demo/demo.html
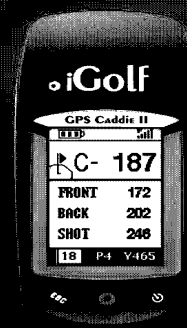
L1TECH000162

⑤ Play Golf

1. Proceed outside, away from tall buildings and trees, for clear view of GPS satellites.
2. Hold power button for 5 seconds, highlight "Play Golf" and press Enter.
3. Locate course you are playing and press Enter.
4. Select from list of available tee boxes and press Enter.
5. Scroll up/down to change screens or right/left to change holes.

Note: Initial satellite acquisition may take up to 5 minutes. Satellite strength may be diminished due to obstructions or cellular signals.
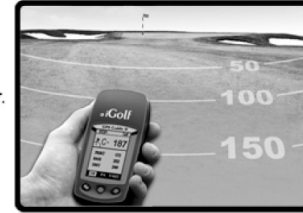
iGolf Caddie II QuickStart Guide

Play Menu

This menu allows the user to easily view status or modify settings being used for the current course.

1. Map Golf Hole
Allows the user to map the current hole being played without having to exit the game.

2. Battery Level
Displays a horizontal bar representing the power remaining in the batteries.

3. Satellites
Displays various column heights to show signal strength for all satellites being tracked.

4. Select Tee Box
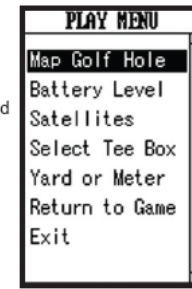Allows the user to change the current tee box selection.

5. Yard or Meter
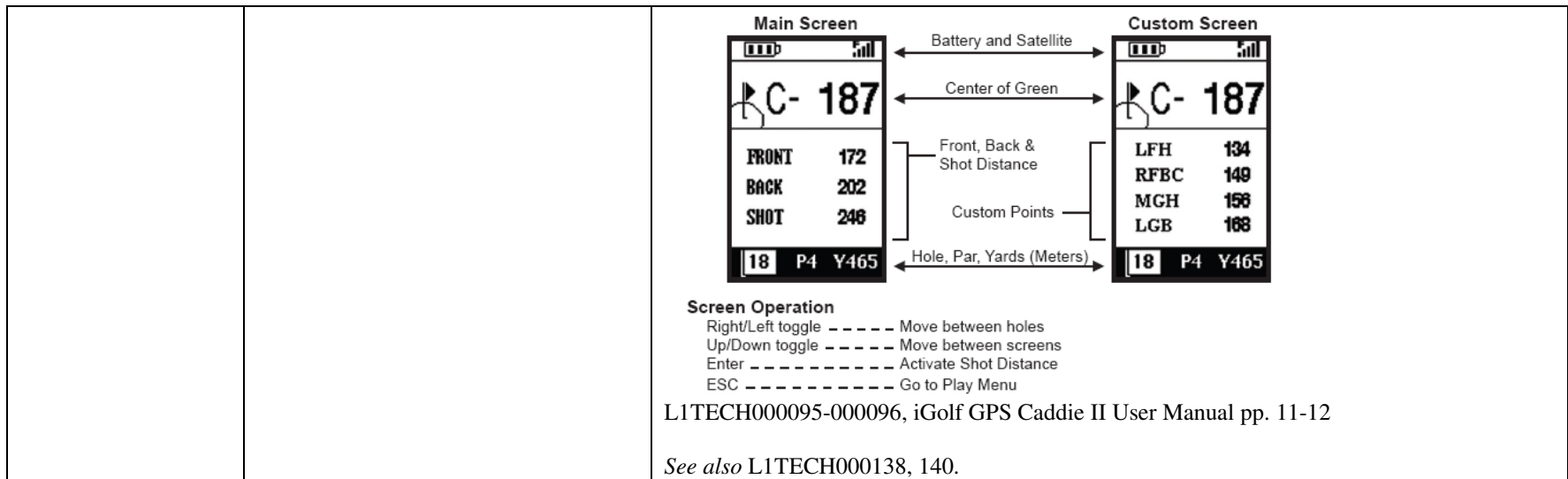Allows the user select the unit of measurement displayed.

6. Return to Game
Resumes play from previous screen.

7. Exit
Returns to Main Menu.

L1TECH000095-000096, iGolf GPS Caddie II User Manual pp. 11-12

See also L1TECH000138, 140.

CLAIM 9

Language from Claim 9	'093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The method of claim 1, wherein said locating step includes positioning a global positioning satellite system receiver near the cup and determining the apparent position of the receiver using the global positioning satellite system."	*Id.* at 876, 878.	**How do I map a golf course on my GPS Caddie II?** The Map Course feature allows you to professionally map any course while you play. First, you open the Map Course feature on the GPS Caddie II, enter the course name and select the hole # you wish to map. Then simply walk to the front of the green, select "Front" and register the coordinates for that spot. Then walk to the center of the green, and select "Center" and register that coordinate. Repeat this process for the back of the green and any other custom points on that hole you'd like to track measurements to. You may want to map the front and back of bunkers and water hazards, as well as any lay-up areas that come into play. Note: to submit a golf course you have mapped be added to the iGolf.com database, please contact support@l1inc.com for further instruction. http://www.igolf.com/gps_caddie_demo/demo.html

GPS Caddie $229.95

Front, Center, Back
8 Custom Points
Shot Distance Calculator
2 AA Batteries/Up to 14 Hours
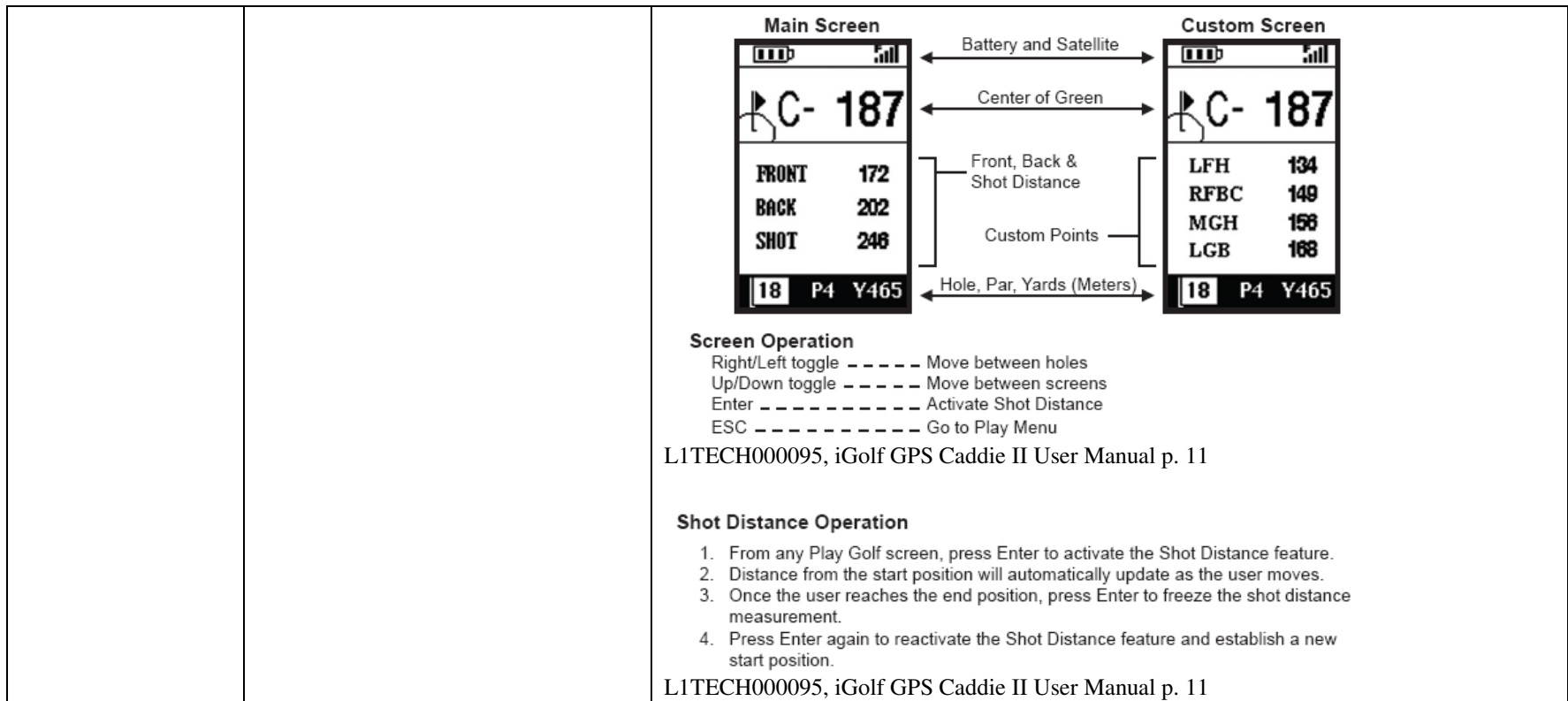Sirf Star II GPS Receiver
120 x 160 High-contrast LCD Screen
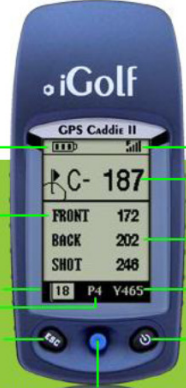Dimensions: 4.5" x 2.25" x 1.5"
Weight: 6 oz (With 2 AA Batteries)

L1TECH000206, Sharper Image Presentation at p. 3

App. 0039

Main Screen

Custom Screen

Battery and Satellite

C- 187

Center of Green

C- 187

FRONT 172
BACK 202
SHOT 246

Front, Back &
Shot Distance

LFH 134
RFBC 149
MGH 156
LGB 168

Custom Points

18 P4 Y465

Hole, Par, Yards (Meters)

18 P4 Y465

Screen Operation
Right/Left toggle – – – – – Move between holes
Up/Down toggle – – – – – Move between screens
Enter – – – – – – – – – – Activate Shot Distance
ESC – – – – – – – – – – Go to Play Menu

L1TECH000095, iGolf GPS Caddie II User Manual p. 11

Shot Distance Operation
1. From any Play Golf screen, press Enter to activate the Shot Distance feature.
2. Distance from the start position will automatically update as the user moves.
3. Once the user reaches the end position, press Enter to freeze the shot distance measurement.
4. Press Enter again to reactivate the Shot Distance feature and establish a new start position.

L1TECH000095, iGolf GPS Caddie II User Manual p. 11

App. 0040

CLAIM 10

Language from Claim 10	'093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The method of claim 1, including the step of displaying the distance between the remote receiver and the cup."		 http://www.igolf.com/gps_caddie_demo/demo.html *See also* L1TECH000066 **Shot Distance Operation** 1. From any Play Golf screen, press Enter to activate the Shot Distance feature. 2. Distance from the start position will automatically update as the user moves. 3. Once the user reaches the end position, press Enter to freeze the shot distance measurement. 4. Press Enter again to reactivate the Shot Distance feature and establish a new start position. L1TECH000095, iGolf GPS Caddie II User Manual p. 11 *See also* L1TECH000130, 134, 135, 138, 139, 140.

CLAIM 11

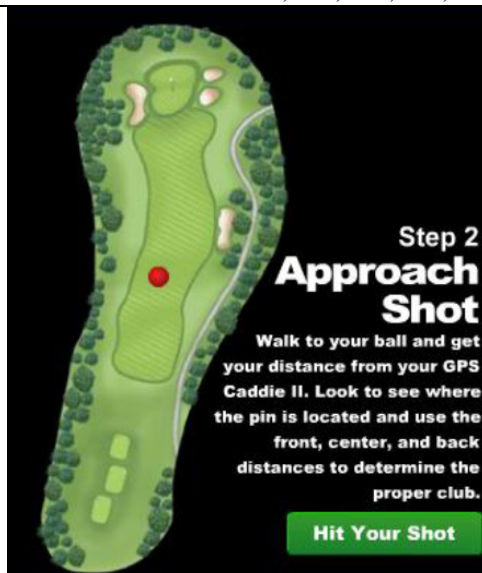| Language from Claim 11	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The method of claim **1**, said golf cup being located on a golf hole,"	*Id.* at 876, 878.	http://www.igolf.com/gps_caddie_demo/demo.html *See also* L1TECH000066

App. 0042

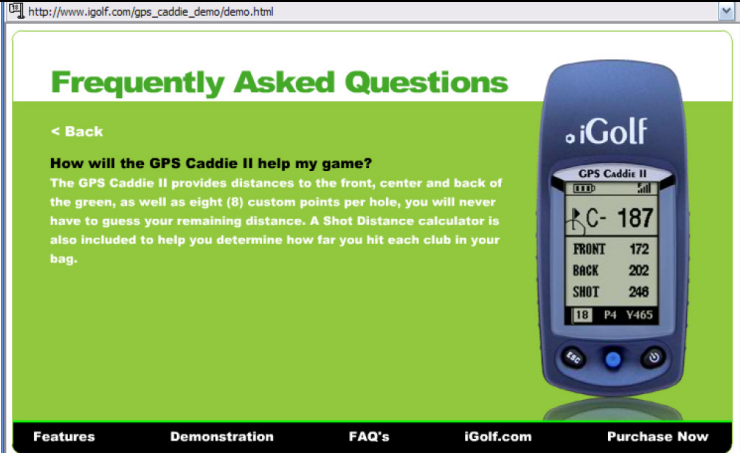|		
"the method including the step of displaying a golf hole layout for said golf hole,"		http://www.igolf.com/gps_caddie_demo/demo.html *See also* L1TECH000130, 134, 135, 138, 139, 140.
"the position of the cup on the layout,"		"Look to see where the pin is located and use the front, center, and back

App. 0043

		distance to determine the proper club."
		http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).
		See also L1TECH000130, 134, 135, 138, 139, 140.
"and the position of the remote receiver on the layout."		
		"The GPS Caddie II provides distances to the front, center and back of the green, as well as eight (8) custom points per hole, you will never have to guess your remaining distance."
		http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).
		See also L1TECH000130, 134, 135, 138, 139, 140.

L1TECH000206, Sharper Image Presentation at p. 3

App. 0045
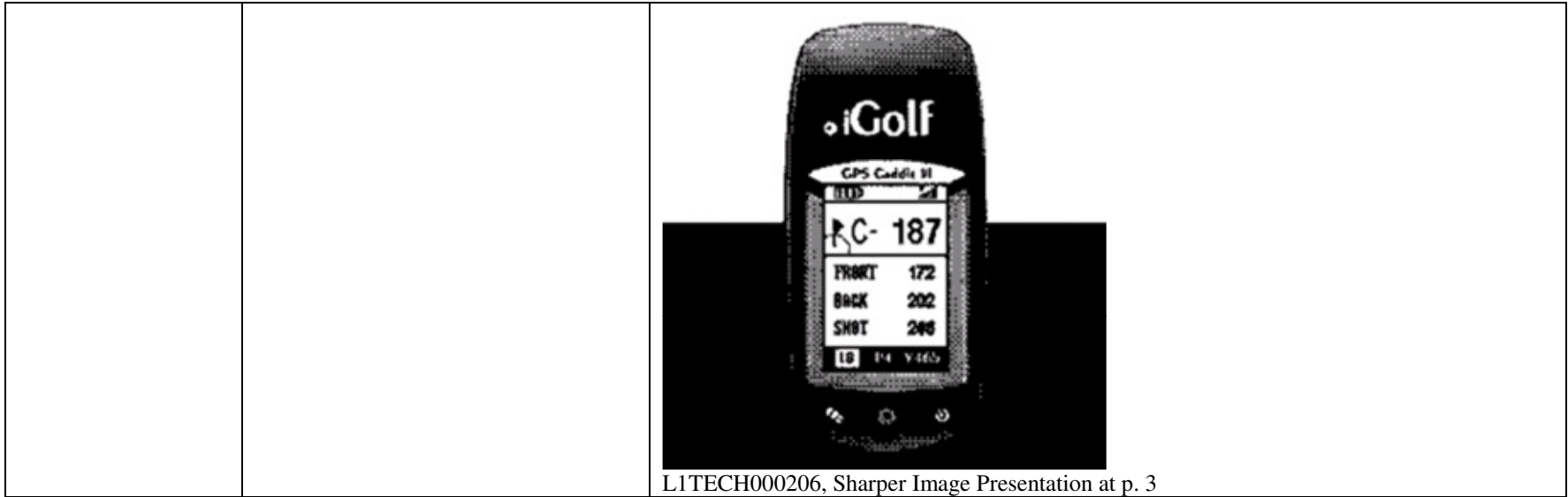
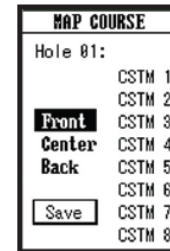| Language from Claim 12	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The method of claim 11, including the step of loading into memory of the remote receiver a **digital map of the course** which includes hazards."		**How do I map a golf course on my GPS Caddie II?** The Map Course feature allows you to professionally map any course while you play. First, you open the Map Course feature on the GPS Caddie II, enter the course name and select the hole # you wish to map. Then simply walk to the front of the green, select "Front" and register the coordinates for that spot. Then walk to the center of the green, and select "Center" and register that coordinate. Repeat this process for the back of the green and any other custom points on that hole you'd like to track measurements to. You may want to map the front and back of bunkers and water hazards, as well as any lay-up areas that come into play. Note: to submit a golf course you have mapped be added to the iGolf.com database, please contact support@l1inc.com for further instruction. http://www.igolf.com/gps_caddie_demo/demo.html **Map Golf Course** This feature is used to manually input course information and map GPS data points. Existing course files may be customized or new files created using the device. Revisions to course name, course data and GPS points all are made using this feature. 1. Select Course Highlight "Map Golf Course" on the Main Menu and press Enter. Scroll to highlight the desired new or existing golf course and press Enter. 2. Course Name Highlight "Course Name" and press Enter. Names are limited to 12 characters and should be distinguishable from other golf courses entered. Scroll to highlight the character and press Enter. To delete characters, scroll to "BKSPC" and press Enter. When finished, scroll to highlight "SAVE" and press Enter. FUNCTION Course Name Course Data Map GPS Point

App. 0046

Map Golf Course (continued)

3. Course Data
Highlight "Course Data" and press Enter. Highlight desired tee box and press Enter. Select the desired hole and press Enter. Input par and distance information using the toggle button to select values and move between options. When finished, scroll to "Save" and press Enter. Repeat these instructions for all desired holes and tee boxes for the course and press ESC to exit.

4. Map GPS Point
Highlight "Map GPS Point" and press Enter. Select the desired hole and press Enter. Highlight point to map* and press Enter. Stand at desired location, confirm satellite strength and press Enter to register point. Do not move until process is complete. Repeat these instructions for all desired points. You MUST scroll to "Save" and press Enter to avoid losing mapped data.

L1TECH000096-000097, iGolf GPS Caddie II User Manual pp. 13-14

Quick Start Guide ₒiGolf

3 Download GPS Data
1. From iGolf Sync, select "Download Courses" and login to access your account. Otherwise, use the "Join Now" link to become a member.
2. Search for desired course using simple terms to broaden results (i.e. Augusta National Golf Club: search for *Augusta*).
3. Select course name from search results and download GPS file.
4. When prompted, SAVE file to the green "iGolf" folder on your desktop.

Note: Files downloaded from iGolf.com cannot be opened on your computer.

4 Sync GPS Data
1. Return to the "Main Menu" and select "Sync Courses".
2. Confirm status is "Connected" and select "Next".
3. Place a checkmark next to the course name(s) to transfer, select "Next" and then "Send".
4. Once transfer is complete, disconnect the cable from handheld, replace the belt clip and insert two AA batteries.

Note: If using rechargeable batteries, refer to User Manual for further instruction.

iGolf Caddie II QuickStart Guide

App. 0047

http://www.igolf.com/

See also L1TECH000130, 134, 138, 140, 225-228.

App. 0048

CLAIM 13

Language from Claim 13	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The method of claim **12**, including the step of determining the approximate distance of a golf ball to a target on the golf hole layout including the substeps of:"		**How is the GPS Caddie II better than laser range-finders or course markers?** The GPS Caddie II provides accurate distances to all key points on the course, such as creeks and bunkers. The GPS Caddie II works over hills and around wooded doglegs. A laser range-finder can only provide distance for things that are in its line of sight. You'll save time by never having to search for sprinkler heads or other course markings again. Most of all, you'll never have to guess or have doubt about distances again, so all your focus can be on the execution of your golf shot. "The GPS Caddie II provides accurate distances to all key points on the course, such as creeks and bunkers." http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).
"marking a target location on the hole layout;"		 L1TECH000095, iGolf GPS Caddie II User Manual p. 11

How do I map a golf course on my GPS Caddie II?

The Map Course feature allows you to professionally map any course while you play. First, you open the Map Course feature on the GPS Caddie II, enter the course name and select the hole # you wish to map. Then simply walk to the front of the green, select "Front" and register the coordinates for that spot. Then walk to the center of the green, and select "Center" and register that coordinate. Repeat this process for the back of the green and any other custom points on that hole you'd like to track measurements to. You may want to map the front and back of bunkers and water hazards, as well as any lay-up areas that come into play. Note: to submit a golf course you have mapped be added to the iGolf.com database, please contact support@l1inc.com for further instruction.

"Repeat this process for the back of the green and any other custom points on that hole you'd like to track measurements to. You may want to map the front and back of bunkers and water hazards, as well as any lay-up areas that come into play."

http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).
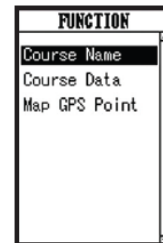
Map Golf Course
This feature is used to manually input course information and map GPS data points. Existing course files may be customized or new files created using the device. Revisions to course name, course data and GPS points all are made using this feature.
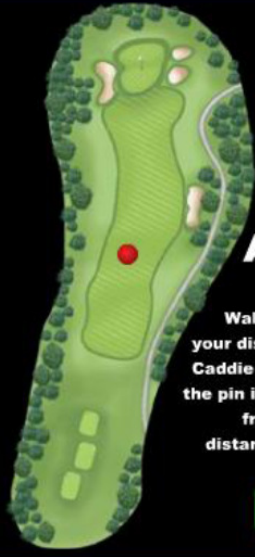
1. **Select Course**
   Highlight "Map Golf Course" on the Main Menu and press Enter. Scroll to highlight the desired new or existing golf course and press Enter.

2. **Course Name**
   Highlight "Course Name" and press Enter. Names are limited to 12 characters and should be distinguishable from other golf courses entered. Scroll to highlight the character and press Enter. To delete characters, scroll to "BKSPC" and press Enter. When finished, scroll to highlight "SAVE" and press Enter.

FUNCTION
Course Name
Course Data
Map GPS Point

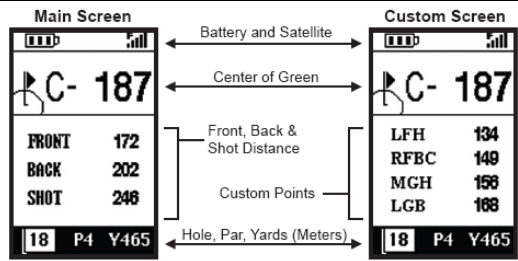|		
		Map Golf Course (continued) **3. Course Data** Highlight "Course Data" and press Enter. Highlight desired tee box and press Enter. Select the desired hole and press Enter. Input par and distance information using the toggle button to select values and move between options. When finished, scroll to "Save" and press Enter. Repeat these instructions for all desired holes and tee boxes for the course and press ESC to exit. **4. Map GPS Point** Highlight "Map GPS Point" and press Enter. Select the desired hole and press Enter. Highlight point to map* and press Enter. Stand at desired location, confirm satellite strength and press Enter to register point. Do not move until process is complete. Repeat these instructions for all desired points. You MUST scroll to "Save" and press Enter to avoid losing mapped data. L1TECH000096-000097, iGolf GPS Caddie II User Manual pp. 13-14 *See also* L1TECH000140.
"determining a distance from the remote receiver position to the target location."		 "Walk to your ball and get your distance from your GPS Caddie II." http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).

http://www.igolf.com/gps_caddie_demo/demo.html
See L1TECH000066.

See also L1TECH000130, 134, 139.

CLAIM 14

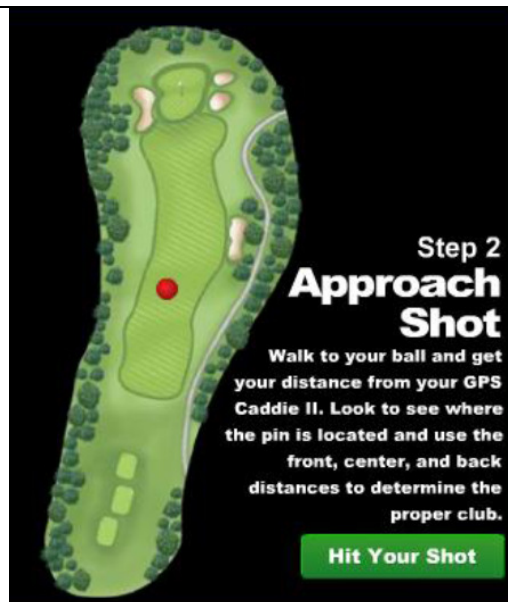| Language from Claim 14	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The method of claim 13, wherein the target is a location of a hazard on the golf hole layout."	*Id.* at 876.	 L1TECH000095, iGolf GPS Caddie II User Manual p. 11 "Repeat this process for the back of the green and any other custom points on that hole you'd like to track measurements to. You may want to map the front and back of bunkers and water hazards, as well as any lay-up areas that come into play." http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added). *See also* L1TECH000130, 134, 138.

CLAIM 15

Language from Claim 15	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"An apparatus for determining the approximate distance to a golf cup using a global positioning satellite system comprising:"		 http://www.igolf.com/gps_caddie_demo/demo.html

"Look to see where the pin is located and use the front, center, and back distance to determine the proper club."

http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).

| | |

http://www.igolf.com/igolfstore/igolfindivprods/prod2.html |
|---|---|---|
| "a **global positioning receiver** means for receiving signals indicative of the apparent position of the receiver means using the global positioning satellite system;" | "From the passages cited above, it is clear that , to one skilled in the arts of GPS receivers and computer programming, a 'global positioning receiver,' a 'memory,' and a 'display,' as the names for structure, have reasonably well understood meanings in those arts and are sufficient structure for accomplishing the functions recited in the pertinent claim limitations. … The Ordinary meaning of these terms, to one of skill in the art, is clear and the | **Satellites**

This feature displays the GPS satellites recognized by the device. Satellites providing location data to the device for use in distance calculation are represented by black circles or bars. Satellites in view but not used are displayed as clear circles or bars. Typically, at least three satellites providing location data are required before GPS distance can be calculated. Highlight "Satellites" on the Main Menu and press Enter.

L1TECH000097, iGolf GPS Caddie II User Manual p. 15 |

App. 0056

specification does not redefine them. Accordingly, we construe a 'global positioning receiver' as a GPS receiver." *Id.* at 876, 878.

L1TECH000206, Sharper Image Presentation at p. 3

GPS Receiver
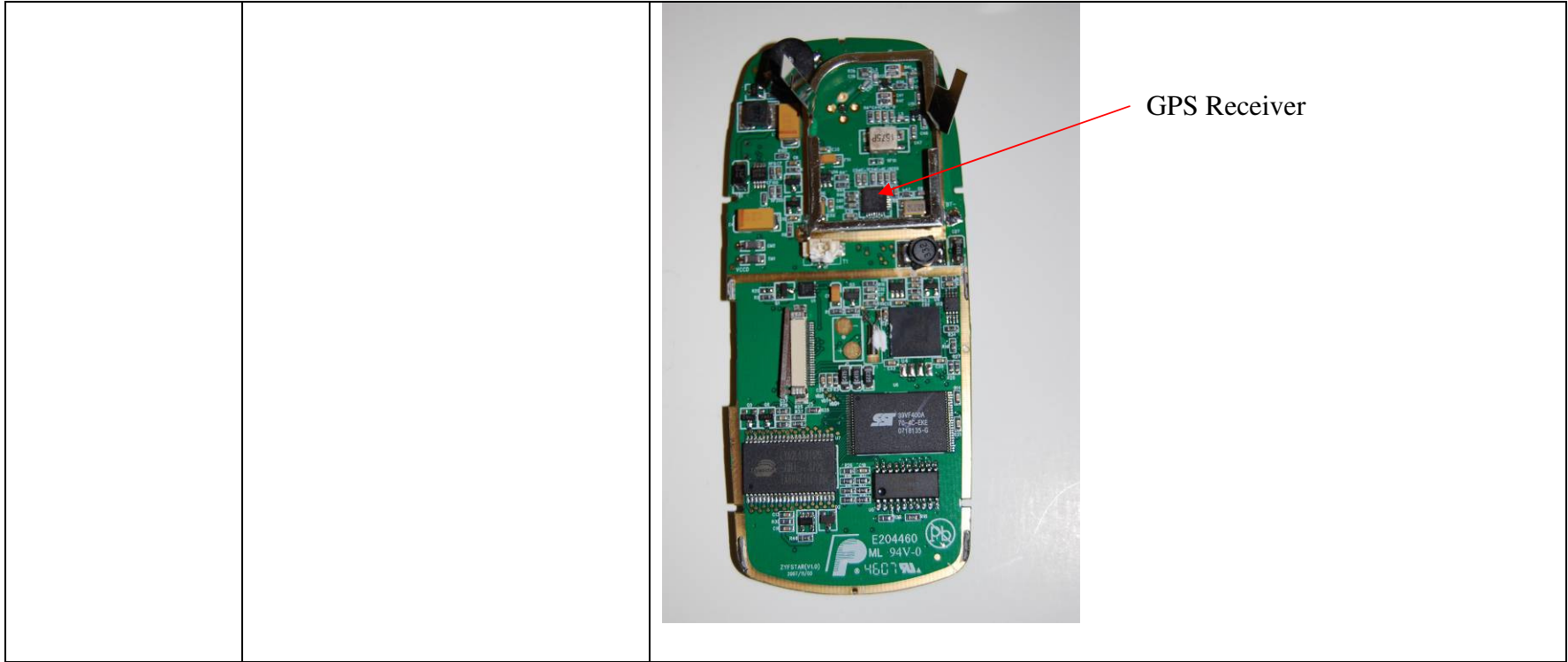
"**memory** means for storing the position of the golf cup;"	"[W]e construe … a "*memory*" as a device capable of storing data." *Id.* at 876, 878.	Memory
		How do I map a golf course on my GPS Caddie II? The Map Course feature allows you to professionally map any course while you play. First, you open the Map Course feature on the GPS Caddie II, enter the course name and select the hole # you wish to map. Then simply walk to the front of the green, select "Front" and register the coordinates for that spot. Then walk to the center of the green, and select "Center" and register that coordinate. Repeat this process for the back of the green and any other custom points on that hole you'd like to track measurements to. You may want to map the front and back of bunkers and water hazards, as well as any lay-up areas that come into play. Note: to submit a golf course you have mapped be added to the iGolf.com database, please contact support@I1inc.com for further instruction.
		http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).

"means linked to said global positioning receiver means and said memory means for calculating the distance between the position of the receiver means and the position of the golf cup;"	*Id.* at 876, 878.	
		GPS Receiver
		Microprocessor
		Memory
		"The GPS Caddie II provides distances to the front, center and back of the green, as well as eight (8) custom points per hole, you will never have to guess your remaining distance." http://www.igolf.com/gps_caddie_demo/demo.html (emphasis added).
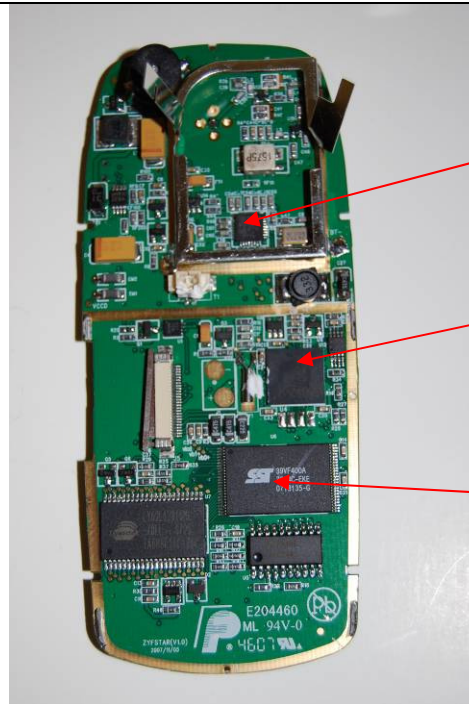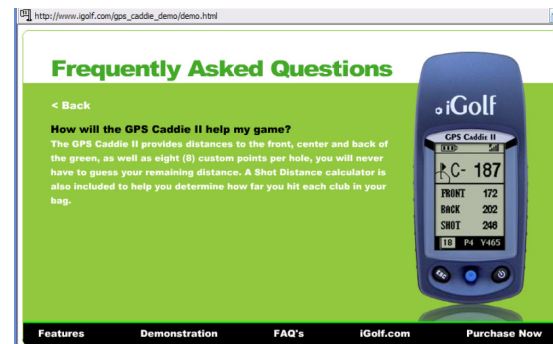
| "and **display** means for displaying the distance." | "[W]e construe … a 'display' as a device capable of visually representing information." *Id.* at 878. |
http://www.igolf.com/gps_caddie_demo/demo.html
See also L1TECH000066

Display |
| --- | --- | --- |

CLAIM 16

Language from Claim 16	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The apparatus of claim 15, said calculating means being operable for applying an **error correction** to determine a corrected position of the receiver means."		**3. WAAS** Allows the user to select if location correction is used to improve GPS accuracy within the United States. Commonly known as WAAS, this system of satellites and ground stations provides GPS signal corrections for much of the U.S. The user may need to adjust the WAAS setting according to geographic location. The default setting on the device is "WAAS On". L1TECH000098, iGolf GPS Caddie II User Manual p. 16 *See also* L1TECH000138, 139, 140.

CLAIM 17

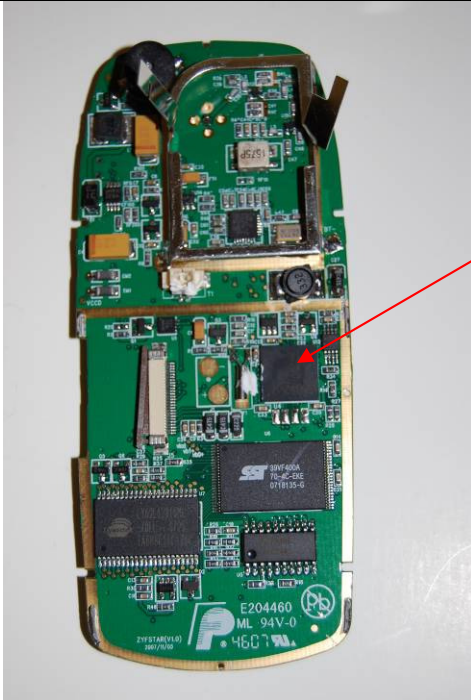| Language from Claim 17	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The apparatus of claim **15**, said calculating means comprising a **microprocessor** for determining the apparent position of the receiver means."	*Id.* at 876, 878.	Microprocessor

CLAIM 18

Language from Claim 18	`093 Patent Claim Construction by Federal Circuit	Presence in iGolf GPS Caddie II Device
"The apparatus of claim 15, said display means being operable for **displaying a graphic representation of the layout of a golf hole**."	*Id.* at 876, 878.	 http://www.igolf.com/gps_caddie_demo/demo.html *See also* L1TECH000066
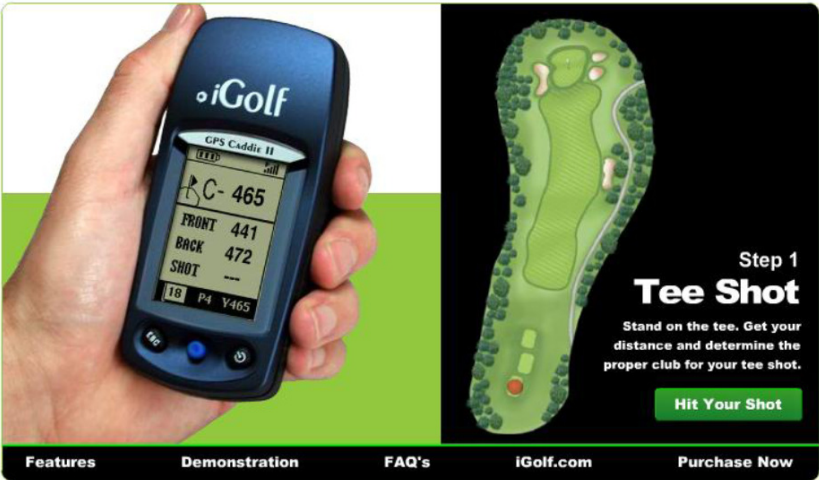
App. 0064

http://www.igolf.com/gps_caddie_demo/demo.html

App. 0065

EXHIBIT B

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

GPS INDUSTRIES, INC. AND GPSI I.P. HOLDINGS, L.P., *Plaintiffs,* v. ALTEX CORPORATION, DECA INTERNATIONAL CORP., GOLFLOGIX, INC., GPS GOLF PRO, LLC, GPS TECHNOLOGIES, INC., KARRIER COMMUNICATIONS, L1 TECHNOLOGIES, INC., LINKS POINT, INC., SKYHAWKE TECHNOLOGIES, INC., AND TEE2GREEN TECHNOLOGIES, PTY LTD. *Defendants.*	§ § § § § § § § § § § § § § § § § § §	CASE NO: 3:07CV0831-K PATENT CASE JURY DEMANDED ECF

DECLARATION OF ALICIA CARY-HOWELL

1.   My name is Alicia Cary-Howell and I am a Document Specialist with Shore Chan Bragalone, LLP, who represent the Plaintiffs GPS Industries, Inc. and Optimal I.P. Holdings, L.P. in this matter. I am over the age of 21 and am competent to make this declaration. All of the statements set forth herein are true and correct and are based on my personal knowledge.

2.   On January 10, 2008, I ordered the iGolf GPS Caddie II through L1 Technologies, Inc.'s website.

3.   On January 21, 2008, the iGolf GPS Caddie II was delivered to me via U.S. Postal Service Priority Mail.

4.   Attached as **Exhibit A** to this Declaration is a true and correct copy of the confirmation emails sent by L1 Technologies, Inc. to me regarding receipt of payment for and shipment of the January 10, 2008 iGolf GPS Caddie II order.

I DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.

SIGNED ON THE 12TH DAY OF MARCH, 2008.

SIGNATURE

PRINTED NAME   ALICIA CARY-HOWELL

DECLARATION OF ALICIA CARY-HOWELL   **PAGE 2 OF 2**

EXHIBIT A

From: noreply@igolf.com (noreply@igolf.com)
To: aliciajc1981@yahoo.com
Date: Thursday, January 10, 2008 3:07:48 PM
Subject: Receipt for Payment to L1 Technologies

Shopping Cart Information:

* iGolf GPS Caddie II :
    Quantity : 2; Price per one: $229.99; Total price: $459.98

Total Amount : $459.98
Sales Tax (CA) : $0.00
Shipping : $18.00
Total : $477.98

Billing Information:

Name : Loudes Camungal
Address1 : 325 N St Paul Street
Address2 : Suite 4450
City : Plano
State : Texas
Zip : 75023
Country : United States
Email : aliciajc1981@yahoo.com
Phone : 214.395.1526

Shipping Information:

Name : Alicia Howell
Address1 : 6400 Independence Pkwy
Address2 : Apt #906
City : Plano
State : Texas
Zip : 75023
Country : United States
Email : aliciajc1981@yahoo.com
Phone : 214.395.1526

App. 0070

From: L1 Technologies / iGolf (shipping@l1inc.com)
To: aliciajc1981@yahoo.com
Date: Tuesday, January 15, 2008 4:01:00 PM
Subject: Package Shipped to You

A package was shipped to you on 01/15/2008 via U.S. Postal Service Priority Mail to the following address:

Alicia Howell
6400 Independence Pkwy Apt 906
Plano, TX 75023-4038

The package's Delivery Confirmation ID is 9101805213907173629400

To check the delivery status of your package at any time please visit:
http://www.endicia.com/status.cfm?pic=9101805213907173629400
or the U.S. Postal Service's web-site:
http://www.usps.com/shipping/trackandconfirm.htm

Shipping Manager
L1 TECHNOLOGIES

****
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