EXHIBIT N

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

E-NUMERATE SOLUTIONS, INC. and
E-NUMERATE, LLC,

          Plaintiffs,

          v.

THE UNITED STATES,

          Defendant.

No. 19-859 C

Judge Ryan T. Holte

**SUPPLEMENTAL DECLARATION OF DR. DAVID MARTIN IN SUPPORT OF
DEFENDANT'S PROPOSED PRELIMINARY CLAIM CONSTRUCTIONS**

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I, David Martin, declare and state as follows:

1. I am over the age of twenty-one, competent to make this declaration and have personal knowledge of the matters stated herein. I make this declaration in support of Defendant United States' ("U.S." or "Government") preliminary claim constructions.

2. This declaration supplements my previous declaration of December 3, 2021, "DECLARATION OF DR. DAVID MARTIN IN SUPPORT OF DEFENDANT'S PROPOSED PRELIMINARY CLAIM CONSTRUCTIONS". I incorporate by reference paragraphs 2-40 of that declaration as if fully set herein. Those paragraphs include my personal background, my understanding of legal standards, background of the technology and patents, and the level of skill in the art.

I.   Terms from the '748 Patent

A.   "code for outputting a presentation… results in a corresponding change in an instance of the report" (claim 11 of the '748 Patent)

3.   The term "code for outputting a presentation that is based on at least a portion of the at least one object, the presentation capable of including at least a portion of the original values including the at least one original value, where the computer program product is configured such that, based on the at least one reference of the at least one object to the at least one original value of the at least one original document, a change to the at least one original value of the at least one original document results in a corresponding change in an instance of the presentation" appears in claim 11 of the '748 Patent.

4.   The full text of the claim reads (underlining added):

> 11. A computer program product embodied on a non-transitory computer readable medium, comprising:
>
> code for storing a plurality of original documents including a plurality of original values, including a first document including first values and a second document including second values;
>
> code for processing at least a part of the first document and at least a part of the second document, resulting in at least one object including at least one reference to at least one of the plurality of original values of at least one of the plurality of original documents;
>
> code for receiving a user selection of one or more computer-readable semantic tags;
>
> code for receiving a user selection of one or more of the original values;
>
> code for mapping the one or more of the computer-readable semantic tags to the one or more of the original values;
>
> code for outputting a presentation that is based on at least a portion of the at least one object, the presentation capable of including at least a portion of the original values including the at least one original value, where the computer program product is configured such that, based on the at least one reference of the at least one object to the at least one original value of the at least one original document, a change to the at least one original value of the at least one original document results in a corresponding change in an instance of the presentation;
>
> code for outputting a report that is based on at least a portion of the at least one object, the report capable of including at least a portion of the original values including the at least one original value, where the computer program product is configured such that, based on the at least one reference of the at least one object to the at least one original value of

the at least one original document, a change to the at least one original value of the at least one original document results in a corresponding change in an instance of the report; and

code for outputting at least one computer-readable Extensible Markup Language (XML)-compliant data document that is based on at least a portion of the at least one object and at least a portion of the mapping, the at least one computer-readable XML-compliant data document capable of including a plurality of line items with at least a portion of the original values including the at least one original value and at least some of the computer-readable semantic tags, where the computer program product is configured such that, based on the at least one reference of the at least one object to the at least one original value of the at least one original document, a change to the at least one original value of the at least one original document results in a corresponding change in an instance of the at least one computer-readable XML-compliant data document:,

said computer program product configured such that the at least some of the computer-readable semantic tags are each computer-readably coupled to the at least portion of the original values of at least one computer-readable XML-compliant data document.

5.   This term uses "code for" language. In my opinion, a person of ordinary skill in the art would understand that this claim term does not refer to known or conventional programs or code from the time of the invention. Instead, a person of ordinary skill in the art would understand that it describes black-box functionality and therefore I understand it should be construed under the § 112, ¶ 6 framework.

6.   For this term, e-Numerate has proposed "Not construed under § 112 par. 6. Terms should be construed consistent with other identified terms." In addition, e-Numerate proposed a construction for "object" as "plain and ordinary meaning."

7.   The relevant function for this term is "outputting a presentation that is based on at least a portion of the at least one object, the presentation capable of including at least a portion of the original values including the at least one original value, where the computer program product is configured such that, based on the at least one reference of the at least one object to the at least one original value of the at least one original document, a change to the at least one original value of the at least one original document results in a corresponding change in an instance of the presentation."

8.   A person of ordinary skill in the art would understand "presentation" in the '748 Patent to mean a "visualization of the object that is displayed" as indicated in Defendants' proposed construction of "presentation." Plaintiff proposes "plain and ordinary meaning" for the term

"presentation" in this claim. In my opinion, this is consistent with Defendants' proposed construction, in that the plain and ordinary meaning does relate to visualization and display of the object. There are at least two reasons.

9.   First, the specification uses the term "presenting" (and related words like "presented" and "present") in the context of object visualization and display, e.g., at 7:20-24, 18:1-3, 27:18-21, 28:50-54, 30:12-14, 32:66-33:1, 33:60-34:3, 41:3-4, 41:20-25, and 46:6-7. The term does not appear to be used for any purpose other than display.

10. Second, this claim contains limitations that recite both (1) "code for outputting a report" and (2) "code for outputting a presentation" (the current term), in which the limitations are identical except for reciting "report" in one and "presentation" in the other. This shows that "report" and "presentation" are not the same. The term "report" is directly described, e.g., at 7:53-55 ("The RDML data viewer 100 automatically combines data documents 102 and style documents 106 to create reports"). Thus, a "presentation" is not the result of combining data documents with style documents. Another limitation reciting (3) "code for outputting at least one computer-readable Extensible Markup Language (XML)-compliant data document" similarly suggests that the intended "presentation" is not such an XML document.

11. Next, this claim requires the "presentation" to be "capable of including at least a portion of the original values." This does not make sense. A presentation is a visual display of content. No presentation is "capable" of being anything other than what it actually is. While it is possible that this limitation was meant to refer to a capability of code as opposed to a capability of the presentation, the claim was not drafted to indicate that.

12. I have reviewed the patent's specification in order to determine the relevant structure (and/or algorithm) to perform this functionality. I have analyzed the structure indicated by: the graphical user interface; Fig. 7A block 734; Figs. 14 A – D, Figures 15 A, B & C; Fig. 16, Fig. 17, Fig. 19 B; col. 33, line 45 – 58; col. 34, line 55 – col. 35, line 39; col. 46, line 31 – line 39; col. 51, line 31 – 41. This is the structure that e-Numerate has identified for the term "means for causing a display of at least a portion of the single markup document" (claim 18 of the '383 Patent) and also includes all structure that e-Numerate has identified for the term "means for displaying the single data set" (claim 26 of the '816 Patent), except that the citations have been updated to refer to the numbering used in the '748 Patent specification (which is shared by the'816 and '383 Patents).

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