**Appendix 1 - Parties' Proposed Constructions and Supporting Evidence**

| Claim Term (Asserted Claim) | Plaintiff AGIS's Position and Supporting Evidence | Defendants' Position and Suppo... Evidence |
|---|---|---|
| 1. "a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations"<br><br>('970 Claim 1) | Governed by 35 U.S.C. § 112(6)<br><br>**Structure/Intrinsic Support**<br><br>See, e.g., '970 Patent at 1:39-43; 2:36-43; 4:1-36; Figs. 2, 3A, 3B, and 4. '970 File History, Application 12/324,122, Claims, 2008-11-26.<br><br>AGIS notes that its investigation is ongoing and it expressly reserves the right to identify additional structure(s), act(s), or material(s) corresponding to this term.[1]<br><br>**Extrinsic Support**<br><br>AGIS may rely on papers and/or declarations filed in Inter Partes Review numbers IPR2018-00817, IPR2018-00818, IPR2018-00819, IPR2018-00821, IPR2018-01079, IPR2018-01080, IPR2018-01081, IPR2018-01082, IPR2018-01083, IPR2018-01084, | Governed by 35 U.S.C. § 112(6)<br><br>Function: facilitating the transmis... electronic files between said PDA... in different locations<br><br>Indefinite under 35 U.S.C. § 112(...<br><br>Structure: No sufficient correspon... structure disclosed.  To the extent... structure is disclosed, it is a genera... PDA or cell phone for implementi... undisclosed algorithm.  The disclo... forth at '970 Patent at 1:39-43; 2:3... 36; Figs. 2, 3A, 3B, and 4. '970 Fi... Application 12/324,122, Claims, 2... do not provide an algorithm that c... to the claimed function.<br><br>**Intrinsic Support**<br><br>*See, e.g.,* '970 Patent at 3:22-31, 3... 4:33-36, 4:47-49.<br><br>**Extrinsic Support** |

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[1] AGIS reserves the right, for purposes of establishing priority, to identify structure from all preceding applications in the priority chain which are ... by reference in their entirety, including U.S. patent application Ser. No. 11/612,830 filed on Dec. 19, 2006 which is a continuation-in-part of U.S. ... application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 10/711,490 now U.S. Pat. N...

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AGIS Software

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| | IPR2018-01085, IPR2018-01086, IPR2018-01087, and IPR2018-01088.<br><br>Plaintiff intends to rely on a sworn declaration of Dr. Jaime G. Carbonell to explain the technology, state of the art at the time of the invention, the level of ordinary skill in the relevant art, and the meaning of this claim element to a person of ordinary skill in the art at the time of the alleged invention, including (1) whether a person of ordinary skill in the art would understand the claim term to have a sufficiently definite meaning as the name for structure and (2) whether a person of ordinary skill in the art would understand the specification to disclose sufficient structure corresponding to the claimed function. Plaintiff may also rely on Dr. Carbonell to respond to Defendants' claim construction positions and any testimony of Defendants' expert and witnesses. Plaintiff also reserves the right to rely on positions and evidence relied upon by Defendants and its experts in the related IPR proceedings. | Defendants intend to rely on a sw[...]<br>declaration of Chris Bartone[2] to [...]<br>technology, state of the art at the [...]<br>invention, the level of ordinary s[...]<br>relevant art, and the meaning of t[...]<br>element to a person of ordinary s[...]<br>at the time of the alleged inventi[...]<br>(1) whether a person of ordinary [...]<br>art would understand the claim t[...]<br>sufficiently definite meaning as t[...]<br>structure and (2) whether a pers[...]<br>skill in the art would understand [...]<br>specification to disclose sufficie[...]<br>corresponding to the claimed fu[...]<br><br>Defendants may also rely on Dr. [...]<br>respond to Plaintiff's claim cons[...]<br>positions and any testimony of P[...]<br>expert and witnesses.<br><br>Defendants also reserve the right[...]<br>positions and evidence relied up[...]<br>Plaintiff and its experts in the rel[...]<br>proceedings. |
| 2. "means for attaching a forced | Governed by 35 U.S.C. § 112(6) | Governed by 35 U.S.C. § 112(6) |

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[2] In addition, Defendants ZTE (USA), Inc.("ZTA")  and ZTE (TX) Inc. ("ZTX") intend to rely on a sworn declaration of Robert Akl to explain t[...]
state of the art at the tiem of the invention, the level of ordinary skill in the relevant art, and the meaning of these claim elements to a person of o[...]
the art at the time of the alleged invention, including: (1) whether a person of ordinary skill in the art would understand the claim term to have a s[...]
definite meaning as the name for structure and (2) whether a person of ordinary skill in the art would understand the specification to disclose suff[...]
corresponding to the claimed function.  Defendants ZTA and ZTE may also rely on Dr. Akl to respond to Plaintiff's claim construction positions [...]
testimony of Plaintiff's expert and witnesses.

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| message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PDA/cell phone to the recipient PDA/cell phone, said forced message alert software packet containing a list of possible required responses"/ "means for attaching a forced message alert software packet to a voice or text message creating a forced message alert that is transmitted by said sender PDA/cell phone to the recipient PDA/cell phone" <br><br> ('970 Claim 1) | **Structure/Intrinsic Support** <br><br> See, e.g., Algorithm set forth in Fig 2, 3A, 3B. 7:8-63. '970 File History, Application 12/324,122, Claims, 2008-11-26. <br><br> AGIS notes that its investigation is ongoing and it expressly reserves the right to identify additional structure(s), act(s), or material(s) corresponding to this term.[3] <br><br><br><br> **Extrinsic Support** <br><br> AGIS may rely on papers and/or declarations filed in Inter Partes Review numbers IPR2018-00817, IPR2018-00818, IPR2018-00819, IPR2018-00821, IPR2018-01079, IPR2018-01080, IPR2018-01081, IPR2018-01082, IPR2018-01083, IPR2018-01084, IPR2018-01085, IPR2018-01086, IPR2018-01087, and IPR2018-01088. <br><br> Plaintiff intends to rely on a sworn declaration of Dr. Jaime G. Carbonell to explain the technology, state of the art at | Function: attaching a forced mes software packet to a voice or tex creating a forced message alert t transmitted by said sender PDA/ the recipient PDA/cell phone, sa message alert software packet co list of possible required respons <br><br> Indefinite under 35 U.S.C. § 112 <br><br> Structure: No sufficient correspo structure disclosed.  To the exter structure is disclosed, it is a gene PDA or cell phone for implemen undisclosed algorithm.  The disc forth at '970 Patent at Fig 2, 3A '970 File History, Application 1 Claims, 2008-11-26 do not prov algorithm that corresponds to the function. <br><br> **Intrinsic Support** <br><br> *See, e.g.,* '970 Patent at 3:22-31 4:33-36, 4:47-49. <br><br> **Extrinsic Support** <br><br> Defendants intend to rely on a sv |

[3] AGIS reserves the right, for purposes of establishing priority, to identify structure from all preceding applications in the priority chain which ar by reference in their entirety, including U.S. patent application Ser. No. 11/612,830 filed on Dec. 19, 2006 which is a continuation-in-part of U.S application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 10/711,490 now U.S. Pat.

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| | the time of the invention, the level of ordinary skill in the relevant art, and the meaning of this claim element to a person of ordinary skill in the art at the time of the alleged invention, including (1) whether a person of ordinary skill in the art would understand the claim term to have a sufficiently definite meaning as the name for structure and (2) whether a person of ordinary skill in the art would understand the specification to disclose sufficient structure corresponding to the claimed function. Plaintiff may also rely on Dr. Carbonell to respond to Defendants' claim construction positions and any testimony of Defendants' expert and witnesses. Plaintiff also reserves the right to rely on positions and evidence relied upon by Defendants and its experts in the related IPR proceedings. | declaration of Chris Bartone to e technology, state of the art at the invention, the level of ordinary s relevant art, and the meaning of element to a person of ordinary s at the time of the alleged inventi (1) whether a person of ordinary art would understand the claim t sufficiently definite meaning as t structure and (2) whether a perso skill in the art would understand specification to disclose sufficie corresponding to the claimed fur<br><br>Defendants may also rely on Dr. respond to Plaintiff's claim cons positions and any testimony of P expert and witnesses.<br><br>Defendants also reserve the righ positions and evidence relied up Plaintiff and its experts in the rel proceedings. |
| 3. "[means for. . .] requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgment to the sender PDA/cell phone as soon as said forced message alert is received by the recipient PDA/cell phone"<br><br>('970 Claim 1) | Plain Meaning<br><br>AGIS reserves its right to challenge Defendants' contention that this term should be governed by 35 U.S.C. § 112, ¶ 6.  AGIS contends that the claim term provides sufficient structure.<br><br>In the alternative, AGIS identifies the | Governed by 35 U.S.C. § 112(6)<br><br>Function: requiring the forced m software on said recipient PDA/c transmit an automatic acknowlec sender PDA/cell phone as soon a message alert is received by the PDA/cell phone |

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| | following **structure/intrinsic support**: See, e.g., '970 Patent, Fig 4; 2:7-35; 8:16-62. '970 File History, Application 12/324,122, Claims, 2008-11-26.<br><br>AGIS notes that its investigation is ongoing and it expressly reserves the right to identify additional structure(s), act(s), or material(s) corresponding to this term.[4]<br><br>**Extrinsic Support**<br><br>AGIS may rely on papers and/or declarations filed in Inter Partes Review numbers IPR2018-00817, IPR2018-00818, IPR2018-00819, IPR2018-00821, IPR2018-01079, IPR2018-01080, IPR2018-01081, IPR2018-01082, IPR2018-01083, IPR2018-01084, IPR2018-01085, IPR2018-01086, IPR2018-01087, and IPR2018-01088.<br><br>Plaintiff intends to rely on a sworn declaration of Dr. Jaime G. Carbonell to explain the technology, state of the art at the time of the invention, the level of ordinary skill in the relevant art, and the meaning of this claim element to a person | Indefinite under 35 U.S.C. § 112<br><br>Structure: No sufficient correspo structure disclosed.  To the exter structure is disclosed, it is a gene PDA or cell phone for implemen undisclosed algorithm.  The disc forth at 970 Patent, Fig 4; 2:7-35 '970 File History, Application 12 Claims, 2008-11-26 do not provi algorithm that corresponds to the function.<br><br>**Intrinsic Support**<br><br>*See, e.g.,* '970 Patent at 3:22-31, 4:33-36, 4:47-49.<br><br>**Extrinsic Support**<br><br>Defendants intend to rely on a sw declaration of Chris Bartone to e technology, state of the art at the invention, the level of ordinary s relevant art, and the meaning of element to a person of ordinary s at the time of the alleged inventi (1) whether a person of ordinary art would understand the claim t sufficiently definite meaning as t |

[4] AGIS reserves the right, for purposes of establishing priority, to identify structure from all preceding applications in the priority chain which ar by reference in their entirety, including U.S. patent application Ser. No. 11/612,830 filed on Dec. 19, 2006 which is a continuation-in-part of U.S application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 10/711,490 now U.S. Pat.

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