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

Appendix 1 - Parties' Proposed Constructions and Supporting Evidence

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

 $^{^{2}}$ In addition, Defendants ZTE (USA), Inc.("ZTA") and ZTE (TX) Inc. ("ZTX") intend to rely on a sworn declaration of Robert Akl to explain the 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 or 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 selection definite meaning as the name for structure and (2) whether a person of ordinary skill in the art would understand the specification to disclose sufficiency of 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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| | | 1 |
|---|--|--------------------------------------|
| message alert software packet to a | | |
| voice or text message creating a forced | Structure/Intrinsic Support | Function: attaching a forced me |
| message alert that is transmitted by said | | software packet to a voice or tex |
| sender PDA/cell phone to the recipient | See, e.g., Algorithm set forth in Fig 2, 3A, | creating a forced message alert t |
| PDA/cell phone, said forced message | 3B. 7:8-63. '970 File History, Application | transmitted by said sender PDA |
| alert software packet containing a list | 12/324,122, Claims, 2008-11-26. | the recipient PDA/cell phone, sa |
| of possible required responses"/ | | message alert software packet co |
| "means for attaching a forced message | AGIS notes that its investigation is | list of possible required response |
| alert software packet to a voice or text | ongoing and it expressly reserves the right | |
| message creating a forced message | to identify additional structure(s), act(s), or | Indefinite under 35 U.S.C. § 112 |
| alert that is transmitted by said sender | material(s) corresponding to this term. ³ | |
| PDA/cell phone to the recipient | | Structure: No sufficient correspo |
| PDA/cell phone" | | structure disclosed. To the extern |
| | | structure is disclosed, it is a gene |
| ('970 Claim 1) | | PDA or cell phone for implement |
| | Extrinsic Support | undisclosed algorithm. The disc |
| | | forth at '970 Patent at Fig 2, 3A |
| | AGIS may rely on papers and/or | '970 File History, Application 1 |
| | declarations filed in Inter Partes Review | Claims, 2008-11-26 do not prov |
| | numbers IPR2018-00817, IPR2018-00818, | algorithm that corresponds to the |
| | IPR2018-00819, IPR2018-00821, | function. |
| | IPR2018-01079, IPR2018-01080, | |
| | IPR2018-01081, IPR2018-01082, | Intrinsic Support |
| | IPR2018-01083, IPR2018-01084, | |
| | IPR2018-01085, IPR2018-01086, | See, e.g., '970 Patent at 3:22-31, |
| | IPR2018-01087, and IPR2018-01088. | 4:33-36, 4:47-49. |
| | Plaintiff intends to rely on a sworn | Extrinsic Support |
| | declaration of Dr. Jaime G. Carbonell to | Extrast Support |
| | explain the technology, state of the art at | Defendants intend to rely on a s |
| | explain the technology, state of the art at | Detendants intend to fely off a s |

³ 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. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 which is a continuation-in-part of U.S. patent application Ser. No. 11/308,648 filed Apr. 17, 2006 w

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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 structure and (2) whether a perso skill in the art would understand specification to disclose sufficien corresponding to the claimed fun Defendants may also rely on Dr. respond to Plaintiff's claim conse positions and any testimony of F expert and witnesses. Defendants also reserve the righ positions and evidence relied up Plaintiff and its experts in the reli- 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" ('970 Claim 1) | Plain Meaning 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. In the alternative, AGIS identifies the | Governed by 35 U.S.C. § 112(6) Function: requiring the forced m software on said recipient PDA/ transmit an automatic acknowled sender PDA/cell phone as soon a message alert is received by the PDA/cell phone |

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

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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