Appendix 1 - Parties' Proposed Constructions and Supporting Evidence

Claim Term (Asserted Claim)	Plaintiff AGIS's Position and Supporting Evidence	Defendants' Position and Supporting Evidence
1. "a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations" ('970 Claim 1)	Governed by 35 U.S.C. § 112(6) Function: facilitating the transmission of electronic files between said PDA/cell phones in different locations **Structure/Intrinsic Support** Communication network server, '970 Patent at 1:39-43; 2:36-43; 4:1-36; Figs. 2, 3A, 3B, and 4. 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] **Extrinsic Support** AGIS may rely on papers and/or declarations filed in Inter Partes Review numbers IPR2018-00817, IPR2018-00818, IPR2018-00819, IPR2018-00821,	Governed by 35 U.S.C. § 112(6) Function: facilitating the transmission of electronic files between said PDA/cell phones in different locations Indefinite under 35 U.S.C. § 112(b) Structure: No sufficient corresponding structure disclosed. To the extent any structure is disclosed, it is a general purpose PDA or cell phone for implementing an undisclosed algorithm. The disclosures set forth at '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 do not provide an algorithm that corresponds to the claimed function. **Intrinsic Support** *See, e.g.,* '970 Patent at 3:22-31, 3:41-43, 4:33-36, 4:47-49. **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 incorporated 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. 10/711,490 now U.S. Pat. No. 7,031,728.

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	IPR2018-01079, IPR2018-01080, IPR2018-01081, IPR2018-01082, IPR2018-01083, IPR2018-01084, IPR2018-01085, IPR2018-01086, IPR2018-01087, and IPR2018-01088. 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	Defendants intend to rely on a sworn declaration of Chris Bartone[2] 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. Defendants may also rely on Dr. Bartone to respond to Plaintiff's claim construction positions and any testimony of Plaintiff's expert and witnesses. Defendants also reserve the right to rely on positions and evidence relied upon by Plaintiff and its experts in the related IPR proceedings.

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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 the technology, 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 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. Defendants ZTA and ZTE may also rely on Dr. Akl to respond to Plaintiff's claim construction positions and any testimony of Plaintiff's expert and witnesses.

	and its experts in the related IPR proceedings.	
2. "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, 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" ('970 Claim 1)	Governed by 35 U.S.C. § 112(6) Function: 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 **Structure/Intrinsic Support** Algorithm set forth in Fig 2, 3A, 3B. 7:8-63. 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] **Extrinsic Support** 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,	Governed by 35 U.S.C. § 112(6) Function: 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, said forced message alert software packet containing a list of possible required responses Indefinite under 35 U.S.C. § 112(b) Structure: No sufficient corresponding structure disclosed. To the extent any structure is disclosed, it is a general purpose PDA or cell phone for implementing an undisclosed algorithm. The disclosures set forth at '970 Patent at Fig 2, 3A, 3B. 7:8-63. '970 File History, Application 12/324,122, Claims, 2008-11-26 do not provide an algorithm that corresponds to the claimed function. **Intrinsic Support** *See, e.g.,* '970 Patent at 3:22-31, 3:41-43, 4:33-36, 4:47-49.

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[3] AGIS reserves the right, for purposes of establishing priority, to identify structure from all preceding applications in the priority chain which are incorporated 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. 10/711,490 now U.S. Pat. No. 7,031,728.

	IPR2018-01081, IPR2018-01082, IPR2018-01083, IPR2018-01084, IPR2018-01085, IPR2018-01086, IPR2018-01087, and IPR2018-01088. 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.	**Extrinsic Support** Defendants intend to rely on a sworn declaration of Chris Bartone 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. Defendants may also rely on Dr. Bartone to respond to Plaintiff's claim construction positions and any testimony of Plaintiff's expert and witnesses. Defendants also reserve the right to rely on positions and evidence relied upon by Plaintiff and its experts in the related IPR 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	Plain Meaning - not Governed by 35 U.S.C. § 112(6) AGIS reserves its right to challenge Defendants' contention that this term	Governed by 35 U.S.C. § 112(6) Function: requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgment to the

forced message alert is received by the recipient PDA/cell phone" ('970 Claim 1)	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 following **structure/intrinsic support** corresponding to Defendants' proposed function: '970 Patent, Fig 4; 2:7-35; 8:16-62. 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] **Extrinsic Support** 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.	sender PDA/cell phone as soon as said forced message alert is received by the recipient PDA/cell phone Indefinite under 35 U.S.C. § 112(b) Structure: No sufficient corresponding structure disclosed. To the extent any structure is disclosed, it is a general purpose PDA or cell phone for implementing an undisclosed algorithm. The disclosures set forth at 970 Patent, Fig 4; 2:7-35; 8:16-62. '970 File History, Application 12/324,122, Claims, 2008-11-26 do not provide an algorithm that corresponds to the claimed function. **Intrinsic Support** *See, e.g.,* '970 Patent at 3:22-31, 3:41-43, 4:33-36, 4:47-49. **Extrinsic Support** Defendants intend to rely on a sworn declaration of Chris Bartone 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

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[4] AGIS reserves the right, for purposes of establishing priority, to identify structure from all preceding applications in the priority chain which are incorporated 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. 10/711,490 now U.S. Pat. No. 7,031,728.

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