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Appendix 1 - Parties' Proposed Constructions and Supporting Evidence

Claim Term (Asserted Claim)	Plaintiff AGIS's Position and	Defendants' Position and Supporting
	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	Function: facilitating the transmission of	Function: facilitating the transmission of
different locations"	electronic files between said PDA/cell	electronic files between said PDA/cell phones
	phones in different locations	in different locations
('970 Claim 1)		
	Structure/Intrinsic Support	Indefinite under 35 U.S.C. § 112(b)
	Communication network server, '970	Structure: No sufficient corresponding
	Patent at 1:39-43; 2:36-43; 4:1-36; Figs. 2,	structure disclosed. To the extent any
	3A, 3B, and 4.	structure is disclosed, it is a general purpose
		PDA or cell phone for implementing an
	AGIS notes that its investigation is	undisclosed algorithm. The disclosures set
	ongoing and it expressly reserves the right	forth at '970 Patent at 1:39-43; 2:36-43; 4:1-
	to identify additional structure(s), act(s), or	36; Figs. 2, 3A, 3B, and 4. '970 File History,
	material(s) corresponding to this term.	Application 12/324,122, Claims, 2008-11-26
		do not provide an algorithm that corresponds
		to the claimed function.
	Extrinsic Support	
		Intrinsic Support
	A CTG	G 2070 D 4 4 2 20 21 2 41 42
	AGIS may rely on papers and/or	See, e.g., '970 Patent at 3:22-31, 3:41-43,
	declarations filed in Inter Partes Review	4:33-36, 4:47-49.
	numbers IPR2018-00817, IPR2018-00818,	
	IPR2018-00819, IPR2018-00821,	Extrinsic Support

<sup>&</sup>lt;sup>1</sup> 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<sup>2</sup> 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.

<sup>&</sup>lt;sup>2</sup> 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.

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	and its experts in the related IPR	
	proceedings.	
2. "means for attaching a forced	Governed by 35 U.S.C. § 112(6)	Governed by 35 U.S.C. § 112(6)
message alert software packet to a		
voice or text message creating a forced	Function: attaching a forced message alert	Function: attaching a forced message alert
message alert that is transmitted by said	software packet to a voice or text message	software packet to a voice or text message
sender PDA/cell phone to the recipient	creating a forced message alert that is	creating a forced message alert that is
PDA/cell phone, said forced message	transmitted by said sender PDA/cell phone	transmitted by said sender PDA/cell phone to
alert software packet containing a list	to the recipient PDA/cell phone	the recipient PDA/cell phone, said forced
of possible required responses"/	_	message alert software packet containing a
"means for attaching a forced message	Structure/Intrinsic Support	list of possible required responses
alert software packet to a voice or text		
message creating a forced message	Algorithm set forth in Fig 2, 3A, 3B. 7:8-	Indefinite under 35 U.S.C. § 112(b)
alert that is transmitted by said sender	63.	
PDA/cell phone to the recipient		Structure: No sufficient corresponding
PDA/cell phone"	AGIS notes that its investigation is	structure disclosed. To the extent any
•	ongoing and it expressly reserves the right	structure is disclosed, it is a general purpose
('970 Claim 1)	to identify additional structure(s), act(s), or	PDA or cell phone for implementing an
	material(s) corresponding to this term. <sup>3</sup>	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
	Extrinsic Support	function.
	AGIS may rely on papers and/or	Intrinsic Support
	declarations filed in Inter Partes Review	
	numbers IPR2018-00817, IPR2018-00818,	See, e.g., '970 Patent at 3:22-31, 3:41-43,
	IPR2018-00819, IPR2018-00821,	4:33-36, 4:47-49.
	IPR2018-01079, IPR2018-01080,	
	11 112010 01077, 11 112010 01000,	

<sup>&</sup>lt;sup>3</sup> 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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	IPR2018-01081, IPR2018-01082,	Extrinsic Support
	IPR2018-01083, IPR2018-01084,	
	IPR2018-01085, IPR2018-01086,	Defendants intend to rely on a sworn
	IPR2018-01087, and IPR2018-01088.	declaration of Chris Bartone to explain the
		technology, state of the art at the time of the
	Plaintiff intends to rely on a sworn	invention, the level of ordinary skill in the
	declaration of Dr. Jaime G. Carbonell to	relevant art, and the meaning of this claim
	explain the technology, state of the art at	element to a person of ordinary skill in the art
	the time of the invention, the level of	at the time of the alleged invention, including
	ordinary skill in the relevant art, and the	(1) whether a person of ordinary skill in the
	meaning of this claim element to a person	art would understand the claim term to have a
	of ordinary skill in the art at the time of the	sufficiently definite meaning as the name for
	alleged invention, including (1) whether a	structure and (2) whether a person of ordinary
	person of ordinary skill in the art would	skill in the art would understand the
	understand the claim term to have a	specification to disclose sufficient structure
	sufficiently definite meaning as the name	corresponding to the claimed function.
	for structure and (2) whether a person of	corresponding to the chamber ranction.
	ordinary skill in the art would understand	Defendants may also rely on Dr. Bartone to
	the specification to disclose sufficient	respond to Plaintiff's claim construction
	structure corresponding to the claimed	positions and any testimony of Plaintiff's
	function. Plaintiff may also rely on Dr.	expert and witnesses.
	Carbonell to respond to Defendants' claim	expert and withesses.
	construction positions and any testimony of	Defendants also reserve the right to rely on
	Defendants' expert and witnesses. Plaintiff	positions and evidence relied upon by
	also reserves the right to rely on positions	Plaintiff and its experts in the related IPR
	and evidence relied upon by Defendants	proceedings.
	and its experts in the related IPR	proceedings.
	proceedings.	
3. "[means for] requiring the forced	Plain Meaning - not Governed by 35	Governed by 35 U.S.C. § 112(6)
message alert software on said	U.S.C. § 112(6)	Governed by 33 U.S.C. § 112(0)
	U.S.C. § 112(0)	Experience receiving the formed masses as alout
recipient PDA/cell phone to transmit an	ACIC recovers its right to shallower	Function: requiring the forced message alert
automatic acknowledgment to the	AGIS reserves its right to challenge	software on said recipient PDA/cell phone to
sender PDA/cell phone as soon as said	Defendants' contention that this term	transmit an automatic acknowledgment to the

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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 <u>structure/intrinsic support</u> 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.<sup>4</sup>

### **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

<sup>&</sup>lt;sup>4</sup> 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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