

Exhibit 4 - U.S. Patent No. 10,043,188 Invalidation Claim Chart over the Background Solutions System

The Background Solutions Prior Art System (“Background Solutions” or “Background Solutions System”) anticipates and/or renders obvious in the art either alone or in combination with other prior art references (and/or in combination with the knowledge of a person of ordinary skill at the time of the invention) as construed and/or as construed by Miller Mendel in its Proposed Claim Construction and/or as applied by Miller Mendel in its Infringement Contentions.

Miller Mendel’s Infringement Contentions have been included in the chart to the extent that they breathe clarity into the invalidity analysis; however, The City of Oklahoma City agrees with Miller Mendel regarding either the scope of any of the asserted claims or the claim constructions advanced by Miller Mendel anywhere else, or that any of The City of Oklahoma City’s accused systems meet any limitations of the claims. Nothing stated herein shall be construed as a waiver of any argument available under 35 U.S.C. § 112, including by arguing that they do not. The City of Oklahoma City also reserves all rights to challenge any of the claim terms herein under 35 U.S.C. § 112, including by arguing that they do not. Nothing stated herein shall be construed as a waiver of any argument available under 35 U.S.C. § 112.

In the following chart, the Background Solutions System, an automated system in use in the United States prior to the ’188 patent and/or in public use prior to one or more documents concerning the function, operation, and/or features of the Background Solutions System. The City of Oklahoma City has provided evidence of the Background Solutions System (including product samples, source code, and/or witness testimony), and to present alternative or additional evidence of the Background Solutions System as evidence that the Background Solutions System anticipates and/or renders obvious the asserted claims of the ’188 patent.

Further, each prior art reference cited below, itself, anticipates and/or renders obvious the asserted claims of the ’188 patent. The City of Oklahoma City also reserves the right to present the Background Solutions System as an independent prior art reference that anticipates and/or renders obvious the asserted claims of the ’188 patent.

Evidence of the public availability of the Background Solutions system includes the following:

- Background Solutions Screenshot Products (“OKC-0002244”)
- Background Solutions Screenshot Services (“OKC-0002246”)
- Background Solutions Demo (“BGS-0006247”)
- Background Solutions Screenshot FAQ (“OKC-0002247”)

The cited portions of the prior art references are merely illustrative, and The City of Oklahoma City reserves the right to rely on alternative or additional evidence. The chart below states that the Background Solutions System “discloses” a limitation, such disclosure may be express, inherent, or implicit.

In addition, one or more claims of the ’188 patent are rendered obvious in light of the Background Solutions System alone, the Background Solutions System at the time of the invention, or the Background Solutions System in combination with one or more of the references identified in Section II of the chart.

Exhibit 4 - U.S. Patent No. 10,043,188 Invalidation Claim Chart over the Background

| '188 Patent – Claim 1 | Plaintiffs' Proposed Construction | Plaintiffs' Position on Infringement | Background Solutions |
|---|--|---|--|
| <p>[1-pre] A method for a computing device with a processor and a system memory to assist an investigator in conducting a background investigation of an applicant for a position within a first organization, comprising the steps of:</p> | <p>Computing device: "A device that computes. May be a single machine, a part of a machine (as in a blade in a rack of machines), or a network of one or more machines."</p> <p>First organization: "A first recited organization within the claim, separate from any second organization recited within the claim, wherein an organization is an organized body of people with a particular purpose."</p> | <p>"The [Guardian Alliance] service is a cloud-based service provided by remote servers leased from Amazon ([Guardian Alliance] Demo Video @ 0:30 – 1:13) [sic], so the 'computing device' is a remote server under the control of [Guardian Alliance]. The existence of the components computing device [sic] - a processor and memory (computer readable medium) with instructions on how to provide the [Guardian Alliance] service – can be inferred as all computing devices have these components."</p> | <p>The preamble is generally non-limiting with respect to systems.</p> <p>Background Solutions discloses a method for a computing device background investigation of an applicant for a position within a first organization.</p> <p>See, e.g.,</p> <p>"Based on years of experience and instruction in the best practices, the system will relieve the investigator of repetitive administrative tasks, allowing the investigator to focus on more complex tasks.</p> <p>This web based application eliminates the need for software installation on a computer, and an internet connection making this product a versatile tool for any investigator.</p> <p>"This web-based system eliminates the need for software installation on a computer, and an internet connection making this product a versatile tool for any investigator.</p> <p>"All that is needed is an internet connection, making it a versatile tool for any predesignated laptop through a wireless connection." (BGS-00000001)</p> |
| <p>[1a] receiving a first set of program data comprising information identifying the applicant, the position, the first organization, and the investigator;</p> | <p>First organization: "A first recited organization within the claim, separate from any second organization recited within the claim, wherein an organization is an organized body of people with a particular purpose."</p> <p>Program Data: "Data comprising information about a person or an organization."</p> <p>Position: "A job within an organization."</p> | <p>"The claim step 'receiving a first set of program data' reads on the [Guardian Alliance] server receiving information identifying the applicant, the position, the first organization, and the investigator, regardless of whether this information is received by the [Guardian Alliance] server in one bundle or coming in separately, possibly at different times." (emphasis added)</p> | <p>Background Solutions discloses receiving a first set of program data and the investigator.</p> <p>See, e.g.,</p> <p>"Provide an online application form for your applicants, cutting down on thousands [sic] of pieces of your applicant's information." (OKC-0002244)</p> <p>"Eliminate the need for bulky forms, standardizes applicant information." (OKC-0002244)</p> <p>[Annotated screen shots from the Background Solutions Prior Art Search]</p> |

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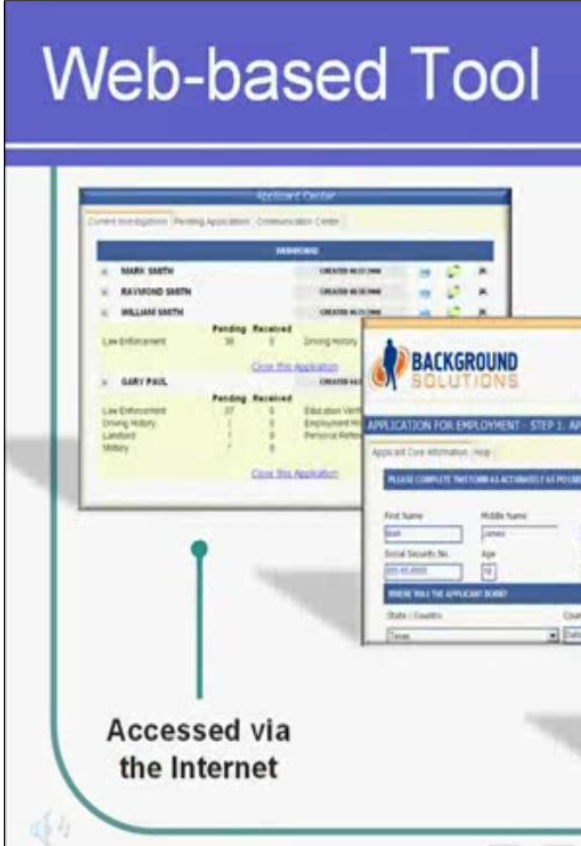
| '188 Patent – Claim 1 | Plaintiffs' Proposed Construction | Plaintiffs' Position on Infringement | Background |
|-----------------------|-----------------------------------|--------------------------------------|---|
| | | |  <p>Web-based Tool</p> <p>Accessed via the Internet</p> <p>(BGS-0006247 at 00:30)</p> |

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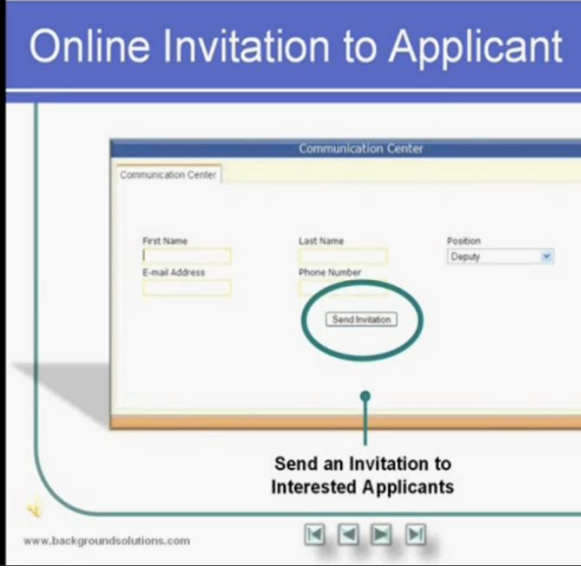
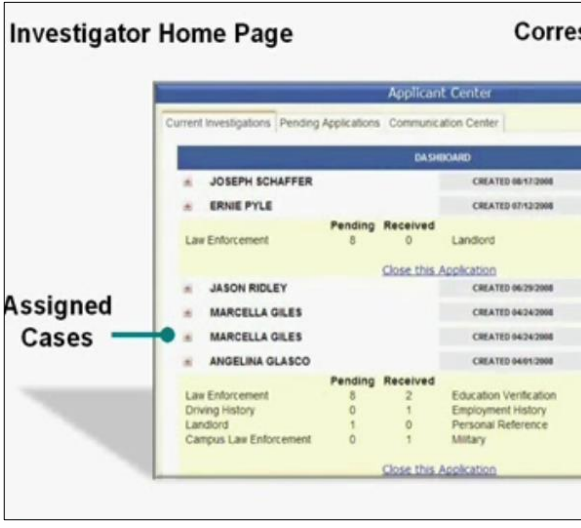
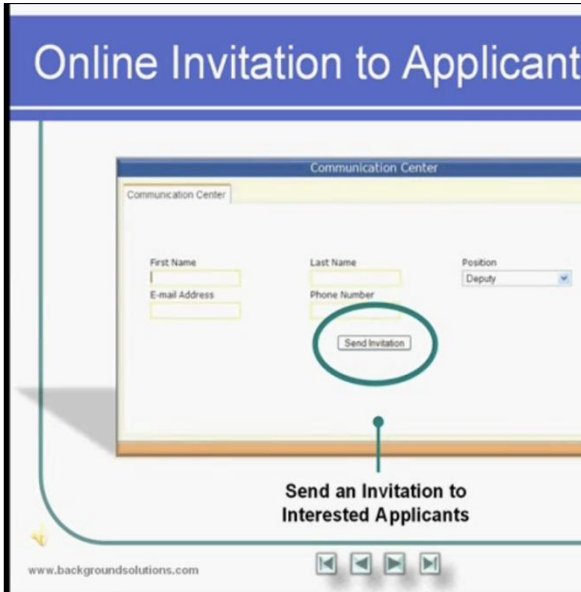
| '188 Patent – Claim 1 | Plaintiffs' Proposed Construction | Plaintiffs' Position on Infringement | Background Art | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|-----------------------------------|--------------------------------------|--|-----------------|--------------------|------------|--------------------|-----------------|------------------|---|---|----------|--|--|--|--------------|--------------------|----------------|--------------------|----------------|--------------------|-----------------|--------------------|-----------------|------------------|---|---|------------------------|--|-----------------|---|--------------------|---|----------|---|--------------------|---|------------------------|---|----------|---|--|--|
| | | |  <p>Online Invitation to Applicant</p> <p>Communication Center</p> <p>First Name [] Last Name [] Position Deputy [v]</p> <p>E-mail Address [] Phone Number []</p> <p>Send Invitation</p> <p>Send an Invitation to Interested Applicants</p> <p>www.backgroundsolutions.com</p> <p>(BGS-0006247 at 1:27)</p>  <p>Investigator Home Page</p> <p>Applicant Center</p> <p>Current Investigations Pending Applications Communication Center</p> <p>DASHBOARD</p> <table border="1"> <tr> <td>JOSEPH SCHAFFER</td> <td>CREATED 06/17/2008</td> </tr> <tr> <td>ERNIE PYLE</td> <td>CREATED 07/12/2008</td> </tr> <tr> <td>Law Enforcement</td> <td>Pending Received</td> </tr> <tr> <td>8</td> <td>0</td> </tr> <tr> <td>Landlord</td> <td></td> </tr> <tr> <td colspan="2">Close this Application</td> </tr> <tr> <td>JASON RIDLEY</td> <td>CREATED 06/29/2008</td> </tr> <tr> <td>MARCELLA GILES</td> <td>CREATED 04/24/2008</td> </tr> <tr> <td>MARCELLA GILES</td> <td>CREATED 04/24/2008</td> </tr> <tr> <td>ANGELINA GLASCO</td> <td>CREATED 04/01/2008</td> </tr> <tr> <td>Law Enforcement</td> <td>Pending Received</td> </tr> <tr> <td>8</td> <td>2</td> </tr> <tr> <td>Education Verification</td> <td></td> </tr> <tr> <td>Driving History</td> <td>0</td> </tr> <tr> <td>Employment History</td> <td>1</td> </tr> <tr> <td>Landlord</td> <td>1</td> </tr> <tr> <td>Personal Reference</td> <td>0</td> </tr> <tr> <td>Campus Law Enforcement</td> <td>0</td> </tr> <tr> <td>Military</td> <td>1</td> </tr> <tr> <td colspan="2">Close this Application</td> </tr> </table> <p>Assigned Cases</p> <p>(BGS-0006247 at 3:22)</p> | JOSEPH SCHAFFER | CREATED 06/17/2008 | ERNIE PYLE | CREATED 07/12/2008 | Law Enforcement | Pending Received | 8 | 0 | Landlord | | Close this Application | | JASON RIDLEY | CREATED 06/29/2008 | MARCELLA GILES | CREATED 04/24/2008 | MARCELLA GILES | CREATED 04/24/2008 | ANGELINA GLASCO | CREATED 04/01/2008 | Law Enforcement | Pending Received | 8 | 2 | Education Verification | | Driving History | 0 | Employment History | 1 | Landlord | 1 | Personal Reference | 0 | Campus Law Enforcement | 0 | Military | 1 | Close this Application | |
| JOSEPH SCHAFFER | CREATED 06/17/2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ERNIE PYLE | CREATED 07/12/2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Law Enforcement | Pending Received | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Landlord | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Close this Application | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| JASON RIDLEY | CREATED 06/29/2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MARCELLA GILES | CREATED 04/24/2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| MARCELLA GILES | CREATED 04/24/2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| ANGELINA GLASCO | CREATED 04/01/2008 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Law Enforcement | Pending Received | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 8 | 2 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Education Verification | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Driving History | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Employment History | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Landlord | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Personal Reference | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Campus Law Enforcement | 0 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Military | 1 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Close this Application | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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| '188 Patent – Claim 1 | Plaintiffs' Proposed Construction | Plaintiffs' Position on Infringement | Background Solutions |
|---|---|--|--|
| <p>[1b] storing a new applicant entry in the system memory, the new applicant entry associated with the first set of program data;</p> | <p>Applicant entry: "A system record associated with the applicant for the position with the organization, and for whom the background check will be performed."</p> | | <p>Background Solutions discloses storing a new applicant entry.</p> <p>See, e.g.,</p> <p>"Receive a printed copy of your applicant's online application (BGS-0002244)"</p> |
| <p>[1c] transmitting an applicant hyperlink to an applicant email address associated with the applicant, the applicant hyperlink for viewing an applicant set of electronic documents;</p> | <p>Applicant hyperlink: "A link from [sic] a hypertext file or document to another location or file, typically activated by clicking on a highlighted word or image on the screen."</p> | <p>"The [Guardian Alliance] Applicant Portal has a section called "forms" that show a set of electronic documents. For each, there is a download and upload icon. The portal states 'All items in the checklist must be turned into [sic] your investigator.' Though the video did not demonstrate this feature, the Applicant Portal appears to have electronic documents for viewing. The applicant questionnaire is itself an electronic document."</p> | <p>Background Solutions discloses transmitting an applicant hyperlink for viewing an applicant set of electronic documents;</p> <p>"In addition to an online application, Background Assistant [sic] position, but has expressed interest. Once the invitation has been received, the applicant can view the application in an online format." (BGS-00062471:27)</p>  <p>(BGS-0006247 at 1:27)</p> |
| <p>[1d] receiving an applicant electronic response with a reference set of program data, wherein</p> | <p>Reference source: "A person invited to give personal reference information regarding the Applicant."</p> | | <p>Background Solutions discloses receiving an applicant electronic response comprising information regarding a reference source, wherein the reference source is associated with the reference source.</p> <p>See, e.g.,</p> |

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