

Exhibit 1: Infringement Claim Chart US10043188 vs OKC

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I. CONSTRUCTIONS

See constructions for the following construed terms in Exhibit 2: Claim Construction for US10043188 vs. OKC

First organization	Program data	Position	Applicant entry
Applicant hyperlink	Reference class	Reference source	Reference electronic response
Suggested reference list	Computing device		

II. EVIDENCE REVIEWED

Prosecution History

- US Patent 10043188

Infringement Evidence

- Guardian-Software-Demo (“GA Demo video”) Originally at <https://guardianalliancetechnologies.com/watch-demo/>, later removed. Copy retained by Plaintiff.
- Guardian Full Demo v2 (“Guardian Full Demo v2”) <https://www.youtube.com/watch?v=EgB5gMhcrX8>
- Guardian Alliance Technologies - Investigation Software Overview (“GA Overview”) https://www.youtube.com/watch?time_continue=76&v=1gfZ0lm5HhU
- Oklahoma City in response to its November 2017 Request for Proposal 181003 for a Police Applicant Tracking Software for the Oklahoma City Police Department.
- Oklahoma City Police Department website (“OKC PD website”) <https://www.okc.gov/departments/police/recruiting/application-process>
- Departments pay a steep price for inefficiency – but it's not what you think; Article posted on Arizona State Troopers Association website (“AZ Troopers Article”): <https://aztroopers.org/enews/departments-pay-a-steep-price-for-inefficiency-but-its-not-what-you-think>

III. CLAIM 1

Claims	Evidence of infringement.
<p>1. 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>The GA Demo video demonstrates the GA service, a method for assisting an investigator in conducting a background investigation of an applicant for a position within an organization.</p> <p>The GA service is a cloud-based service provided by remote servers leased from Amazon (GA Demo Video @ 0:30 – 1:13), so the “computing device” is a remote server under the control of GA. The existence of the components computing device - a processor and memory (computer readable medium) with instructions on how to provide the GA service – can be inferred as all computing devices have these components.</p> <p>OKC has access to the GA service and has been using all features of it. “The biggest positive change that Guardian Alliance Technologies brought to our department was the process efficiency that allowed us to automate many of the labor-intensive tasks like sending out a request for more information or asking for references.... With this new process we’re now on track to process approximately 2,300 to 2,500 applications this year.” (AZ Troopers Article quoting Greg Taylor, project manager for OKC Police Department). “By using the platform, investigators can contact all of an applicant’s employers and references with the click of a button, automatically store all contact correspondence for neighborhood checks, contact other law enforcement agencies using securely stored data, track completed areas of investigation and easily pull final investigation reports without having to draft them from scratch” (AZ Troopers Article describing OKC Police Department use of the GA service).</p> <p>Under a direct infringement theory, access to the GA service gives OKC control over the GA service, at least the extent that OKC makes the GA service perform the method recited in this claim, which means OKC is performing the method.</p> <p>Under an indirect theory of infringement, GA maintains control over the GA service and the access granted OKC allows OKC to request (induce) GA to have the GA service to perform the recited method, which GA then causes the GA service to perform.</p>
<p>receiving a first set of program data comprising information identifying the applicant, the position, the first organization, and the investigator;</p>	<p>In the GA Demo video, basic contact information is entered in through the Supervisor Portal, including name, phone number and email. - GA Demo Video @ 4:03. Later, the Applicant enters their SSN when they are sent a hyperlink to fill out their Personal History Statement (PHS). Afterwards, the Applicant is identified by SSN, which becomes linked not just the applicant entry for this position at this agency, but for all agencies. - GA Demo Video @ 4:28. “program data identifying the applicant” will read on either the basic</p>

	<p>contact information or the SSN since both are received at some point by the GA server.</p> <p>Position is a data field in the New Applicant tab that becomes part of the applicant entry – See GA Demo Video @ 3:57.</p> <p>Agency (first organization) is displayed on the Applicant’s Dashboard. – see GA Demo Video @ 4:41; Guardian Full Demo v2 @19:10. It is not clear from this video if this is part of the application entry or if it is tacked on separately. Agency is not displayed as a field in the Supervisor nor the Investigator Portals. However, information linking the Agency to the applicant entry is received by the GA server at some point.</p> <p>The claim step “receiving a first set of program data” reads on the GA server receiving information identifying the applicant, the position, the first organization, and the investigator, regardless of whether this information is received by the GA server in one bundle or coming in separately, possibly at different times.</p>
<p>storing a new applicant entry in the system memory, the new applicant entry associated with the first set of program data;</p>	<p>Basic contact information is entered in through the Supervisor Portal, including name, phone number and email. - GA Demo Video @ 4:03</p> <p>“once the applicant has been entered, you can assign them to an investigator, and the applicant will appear in the investigator’s dashboard.” – see GA Demo Video @ 4:08. This almost certain means this information has been saved to the GA server.</p> <p>“clicking on the applicant brings us to the details for that investigation.”– see GA Demo Video @ 6:35.</p> <p>“regardless of your classification all Guardian users access the platform through a secure online portal that encrypts data stored on gov cloud Amazon web servers.” GA Overview 1:05-1:16.</p>
<p>transmitting an applicant hyperlink to an applicant email address associated with the applicant, the applicant hyperlink for viewing the applicant set of electronic documents;</p>	<p>“The applicant will receive an email inviting them to the Guardian system” - GA Demo Video @ 4:16-30; Guardian Full Demo v2 @18:26. The video does not show the contents of the email, but since the video says the GA system is cloud-based (GA Demo Video @ 0:30 – 1:13), it is a reasonable inference that the email has a hyperlink for viewing the documents. The Applicant Portal appears to be a web page which suggests a hyperlink was sent.</p> <p>The 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 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>receiving an applicant electronic response with a reference set of program data, wherein the reference set of program data comprises information regarding a</p>	<p>“Guardian has automatically extracted all the information out of the PHS that relates to this tab</p>

reference source, wherein the reference source is a person, the program data including a reference email address associated with the reference source;	[Relatives/Personal References]" - GA Demo Video @ 9:50-10:00
determining a reference class of the reference source based on the reference set of program data;	<p>"family members are categorized by their relationship to the applicant." - GA Demo Video @ 10:00-10:03</p> <p>"Guardian has automatically extracted all the information out of the PHS that relates to this tab [Relatives/Personal References]" - GA Demo Video @ 9:50-10:00</p> <p>"All the data [from the PHS] is extracted into the appropriate categories." - GA Demo Video @ 4:45-4:47</p> <p>The GA Demo video does not directly show that employers are also automatically extracted from the PHS and categorized as employers based on information in the PHS but states that it does occur. "...you can do the same type of thing with the contacting of the applicant's previous employers." - GA Demo Video @ 10:53</p> <p>Thus, a reasonable inference can be made that the Guardian service handles previous employers similar to handling of the personal references and determines the reference class of each based on information from the PHS.</p>
selecting a reference set of electronic documents based on the reference class of the reference source;	The demo video shows that a questionnaire can be sent to a selected relative. - GA Demo Video @ 10:25-10:31. This questionnaire appears specific for relatives. It is different than the questionnaire sent to previous employers, which is tailored to employers - GA Demo Video @ 11:15-11:21.
transmitting a reference hyperlink to the reference email address, the reference hyperlink for viewing the reference set of electronic documents associated with the position;	<p>The claim term "set of reference documents" reads on the questionnaire in the GA Demo Video.</p> <p>"you can easily email a questionnaire to every family member and reference all at once.... Each reference is going to receive a questionnaire that they can fill out from their computer or actually right from their phone, if they like...." - GA Demo Video @ 10:25-10:31</p> <p>The GA Demo Video does not show the contents of the email, so it does not show a reference hyperlink. However, the Full Demo v2 shows the email which reads: "Below you will find a link included in the email that will direct you to an online questionnaire." Guardian Full Demo v2 @40:24 – 40:51.</p>
receiving a reference electronic response to the reference set of electronic documents from the reference source;	"their responses are automatically saved right here next to their names." - GA Demo Video @ 10:42-10:43 If the responses are saved by the GA server, they have been received by the GA server.
storing the reference electronic response in the system memory, associating the reference electronic response with the new applicant entry; and	<p>"their responses are saved right here next to their names." - GA Demo Video @ 10:42-10:43</p> <p>The responses from the references are not actually stored on the screen next to their names. The responses are certainly stored on the GA server and a link to the stored responses is displayed on the screen next to their names.</p>

	<p>The link to the response is displayed on a web page for the applicant, identified by the applicant's name and picture. Thus, the response has been associated with the new applicant entry.</p>
<p>generating a suggested reference list of one or more law enforcement agencies based on an applicant residential address.</p>	<p>“Guardian...grabs all the known residences and work locations from the applicant's PHS and will automatically grab the cities and figure out what counties they are actually in... displays agencies within that location.” - GA Demo Video @ 11:30-12:00 “So what's happening is the system is automatically looking at any places of residence any places of work any places of Education and it is listing out the cities and the counties that are associated with those locations in preparation for your law enforcement agency checks.” - Guardian Full Demo v2 @34:36-34:54 The GA server generates a suggested reference list of one or more law enforcement agencies based on the applicant address. Specifically, it looks to see what county the applicant's address is in then generates a list of all known agencies in that county.</p>

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