

# EXHIBIT Q

**Appendix 1 – Listing of Claims and Proposed Constructions**

Claim Term (Asserted Claim)	Plaintiff AGIS’s Position	Defendants’ Position
<p>1. “a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations”</p> <p>(’970 Claim 1)</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>Function: facilitating the transmission of electronic files between said PDA/cell phones in different locations</p> <p>Structure: Communication network server</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>Function: facilitating the transmission of electronic files between said PDA/cell phones in different locations</p> <p>Indefinite under 35 U.S.C. § 112(b)</p> <p>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.</p>
<p>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”/</p> <p>“means for attaching a forced message alert software packet to a voice or text message creating a forced message</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>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</p> <p>Structure: Algorithm set forth in Fig 2, 3A, 3B. 7:8-63.</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>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</p> <p>Indefinite under 35 U.S.C. § 112(b)</p>

Claim Term (Asserted Claim)	Plaintiff AGIS's Position	Defendants' Position
<p>alert that is transmitted by said sender PDA/cell phone to the recipient PDA/cell phone”</p> <p>(’970 Claim 1)</p>		<p>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.</p>
<p>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”</p> <p>(’970 Claim 1)</p>	<p>Plain Meaning - not Governed by 35 U.S.C. § 112(6)</p> <p>In the alternative, AGIS identifies the following structure corresponding to Defendants’ proposed function: ’970 Patent, Fig 4; 2:7-35; 8:16-62.</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>Function: 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</p> <p>Indefinite under 35 U.S.C. § 112(b)</p> <p>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,</p>

Claim Term (Asserted Claim)	Plaintiff AGIS's Position	Defendants' Position
		<p>Claims, 2008-11-26 do not provide an algorithm that corresponds to the claimed function.</p>
<p>4. "means for requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display"  ( '970 Claim 1)</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>Function: requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display</p> <p>Structure: Algorithm set forth in Figure 4 and 8:37-57;</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>Function: requiring a required manual response from the response list by the recipient in order to clear recipient's response list from recipient's cell phone display</p> <p>Indefinite under 35 U.S.C. § 112(b)</p> <p>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 Figure 4 and 8:16-57; 11:1-21. '970 File History, Application 12/324,122, Claims, 2008-11-26 do not provide an algorithm that corresponds to the claimed function.</p>
<p>5. "means for receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged the forced message alert and which recipient PDA/cell phones have not automatically acknowledged the forced message alert"</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>Function: receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged the forced message alert and which recipient PDA/cell phones have not automatically acknowledged the forced message alert</p>	<p>Governed by 35 U.S.C. § 112(6)</p> <p>Function: receiving and displaying a listing of which recipient PDA/cell phones have automatically acknowledged the forced message alert and which recipient PDA/cell phones have not automatically acknowledged the forced message alert</p>

Claim Term (Asserted Claim)	Plaintiff AGIS's Position	Defendants' Position
('970 Claim 1)	Structure: PDA/cell phone hardware including touch screen 16, and wireless transmitter or cellular modem. See, e.g., '970 Patent at col. 4:12-46.	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 col. Figures 2, 3A, 3B, 6:38-7:4; 7:17-8:15 do not provide an algorithm that corresponds to the claimed function.
6. "means for periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert"  ('970 Claim 1)	Governed by 35 U.S.C. § 112(6)  Function: periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert  Structure: PDA/cell phone hardware including WiFi connectivity or a cellular modem. '970 Patent at col. 4:12-46	Governed by 35 U.S.C. § 112(6)  Function: periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert  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 Figures 2, 3A, 3B, 6:38-7:4; 7:17-8:15 do not provide an algorithm that corresponds to the claimed function.

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.