APPENDIX A: JOINT CLAIM CONTSTRUCTION CHART

Pursuant to Local Patent Rule 4-5(d), Plaintiff AGIS Software Development LLC and Defendants Huawei Device USA Inc.;

Huawei Device Co., Ltd.; Huawei Device (Dongguan) Co., Ltd.; and Apple Inc. ("Defendants") hereby provide a Joint Claim

Construction Chart containing the disputed claim language for the disputed claims for U.S. Patent Nos. 8,213,970, 9,467,838,

9,408,055, 9,445,251, and 9,749,829. The following chart includes claim language for either (1) asserted claims that include disputed

or agreed-upon term(s) or (2) unasserted claims that include disputed or agreed-upon term(s) and from which certain asserted claims

depend. In addition, the parties hereby identify the claim number(s) where the disputed terms appear.

Claim Language (Disputed and Agreed Term(s) For Construction In Bold)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
<u>'970 Patent, Claim1</u>	"a data transmission means	[AGREED]	[AGREED]	Governed by 35 U.S.C. § 112(6).
A communication	that facilitates the			
system for	transmission of			Function: facilitating the
transmitting,	electronic files			transmission of electronic
receiving, confirming	between said			files between said PDA/cell
receipt, and	PDA/cell phones in			phones in different
responding to an	different locations"			locations.
electronic message,				
comprising:	('970 Claim 1)			Structure: communication
				network server. See '970
a predetermined				Patent at 1:39-43; 2:36-43;
network of				4:1-36; Figs. 2, 3A, 3B,

$C_{2} = 0.000 + 17 = 0.000 = 0.0000 = 0.0000 = 0.00000 = 0.00000000$	Document 10/ 1	Eilad 00/27/10	Page 2 of 118 PageID #: 11077
			$Faye \ge O(IIIO Faye) + O(IIO)$

Claim Language	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
(Disputed and				
Agreed Term(s) For				
Construction In				
Bold)				
participants,				and 4.
wherein each	"means for	Governed by 35 U.S.C. §	Governed by 35 U.S.C. §	
participant has a	attaching a forced	112(6)	112(6).	
similarly equipped	message alert			
PDA/cell phone	software packet to a	Function: attaching a	Function: attaching a	
that includes a CPU	voice or text	forced message alert	forced message alert	
and a touch screen	message creating a	software packet to a voice	software packet to a voice	
display a CPU and	forced message	or text message creating a	or text message creating a	
memory;	alert that is	forced message alert that is	forced message alert that is	
	transmitted by said	transmitted by said sender	transmitted by said sender	
a data	sender PDA/cell	PDA/cell phone to the	PDA/cell phone to the	
transmission	phone to the	recipient PDA/cell phone.	recipient PDA/cell phone,	
means that	recipient PDA/cell		said forced message alert	
facilitates the	phone, said forced		software packet containing	
transmission of	message alert		a list of possible required	
electronic files	software packet		responses.	
between said	containing a list of	Structure:		
PDA/cell phones in	possible required	Algorithm set forth in Fig	Indefinite under 35 U.S.C.	
different locations;	responses"/ "means	2, 3A, 3B. 7:8-63.	§ 112(b).	
	for attaching a			
a sender PDA/cell	forced message		Structure: No sufficient	
phone and at least	alert software		corresponding structure	
one recipient	packet to a voice or		disclosed. To the extent	
PDA/cell phone for	text message		any structure is disclosed,	
each electronic	creating a forced		it is a general purpose PDA	
message;	message alert that is		or cell phone for	
	transmitted by said		implementing an	
a forced message	sender PDA/cell		undisclosed algorithm.	

$C_{0} = 0.17 \times 0.0512 \text{ IDC}$	Document 10/ 1	Eilad 00/27/10	Page 3 of 118 PageID #: 11078
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Claim Language	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
(Disputed and				
Agreed Term(s) For				
Construction In				
Bold)				
alert software	phone to the		The disclosures set forth at	
application	recipient PDA/cell		'970 Patent at Fig 2, 3A,	
program including	phone"		3B. 7:8-63. '970 File	
a list of required			History, Application	
possible responses	('970 Claim 1)		12/324,122, Claims, 2008-	
to be selected by a			11-26 do not provide an	
participant recipient			algorithm that corresponds	
of a forced message			to the claimed function.	
response loaded on	"[means for]	Plain Meaning – not	Governed by 35 U.S.C. §	
each participating	requiring the forced	Governed by	112(6).	
PDA/cell phone;	message alert	35 U.S.C. § 112(6).		
	software on said		Function: requiring the	
means for	recipient PDA/cell	In the alternative, AGIS	forced message alert	
attaching a forced	phone to transmit	identifies	software on said recipient	
message alert	an automatic	the following structure	PDA/cell phone to transmit	
software packet to	acknowledgment to	corresponding to	an automatic	
a voice or text	the sender PDA/cell	Defendants' proposed	acknowledgment to the	
message creating a	phone as soon as	function:	sender PDA/cell phone as	
forced message	said forced message	'970 Patent, Fig 4; 2:7-35;	soon as said forced	
alert that is	alert is received by	8:16-62.	message alert is received	
transmitted by	the recipient		by the recipient PDA/cell	
said sender	PDA/cell phone"		phone.	
PDA/cell phone to				
the recipient	('970 Claim 1)		Indefinite under 35 U.S.C.	
PDA/cell phone,			§ 112(b).	
said forced				
message alert			Structure: No sufficient	
software packet			corresponding structure	

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	Claim Language (Disputed and Agreed Term(s) For Construction In Bold)	Claim Term	Pl
Find authenticated court documents without watermarks at <u>docketa</u>	containing a list of possible required responses and requiring the forced message alert software on said recipient PDA/cell phone to transmit an automatic acknowledgment to the sender PDA/cell phone as 		
hout watermarks at <u>docketalarm.com</u> .	 message alert is received by the recipient PDA/cell phone; 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 	"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)	Ge § Fu free the cle liss ph Stt fo 57

n Language outed and ed Term(s) For truction In	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
taining a list of			disclosed. To the extent	
sible required			any structure is disclosed,	
ponses and			it is a general purpose PDA	
uiring the ced message			or cell phone for implementing an	
t software on			undisclosed algorithm.	
l recipient			The disclosures set forth at	
A/cell phone to			970 Patent, Fig 4; 2:7-35;	
nsmit an			8:16-62. '970 File History,	
omatic			Application 12/324,122,	
nowledgment			Claims, 2008-11-26 do not	
he sender			provide an algorithm that	
A/cell phone as			corresponds to the claimed	
n as said forced			function.	
ssage alert is	"means for	Governed by 35 U.S.C.	Governed by 35 U.S.C. §	
eived by the	requiring a required	§ 112(6).	112(6).	
pient PDA/cell	manual response			
one;	from the response	Function: requiring a	Function: requiring a	
	list by the recipient	required manual response	required manual response	
ans for	in order to clear	from the response list by	from the response list by	
uiring a	recipient's response	the recipient in order to	the recipient in order to	
uired manual	list from recipient's	clear recipient's response	clear recipient's response	
ponse from the	cell phone display"	list from recipient's cell	list from recipient's cell	
ponse list by the		phone display.	phone display.	
pient in order	('970 Claim 1)			
lear recipient's		Structure: Algorithm set	Indefinite under 35 U.S.C.	
ponse list from		forth in Figure 4 and 8:37-	§ 112(b).	
pient's cell		57.		

Claim Language	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
(Disputed and				
Agreed Term(s) For				
Construction In				
Bold)			Structure: No sufficient	
phone display;				
6			corresponding structure disclosed. To the extent	
means for				
receiving and			any structure is disclosed,	
displaying a listing of which recipient			it is a general purpose PDA or cell phone for	
PDA/cell phones			implementing an	
have automatically			undisclosed algorithm.	
acknowledged the			The disclosures set forth at	
forced message			'970 Patent at Figure 4 and	
alert and which			8:16-57; 11:1-21. '970 File	
recipient PDA/cell			History, Application	
phones have not			12/324,122, Claims, 2008-	
automatically			11-26 do not provide an	
acknowledged the			algorithm that corresponds	
forced message			to the claimed function.	
alert;	"means for	[AGREED]	[AGREED]	Governed by 35 U.S.C. §
uicit,	receiving and			112(6).
means for	displaying a listing			
periodically	of which recipient			Function: receiving and
resending said	PDA/cell phones			displaying a listing of
forced message	have automatically			which recipient PDA/cell
alert to said	acknowledged the			phones have automatically
recipient PDA/cell	forced message			acknowledged the forced
phones that have	alert and which			message alert and which
not automatically	recipient PDA/cell			recipient PDA/cell phones
acknowledged the	phones have not			have not automatically
forced message	automatically			acknowledged the forced

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