

or of the relevant prior arguments regarding, the claim construction order ultimately entered in this case.

Having considered the Motion, the Court finds it should be and hereby is **GRANTED**.

1. The documents identified below as Exhibits D-1 – D-15 to the Motion are entered as part of the claim construction record in the above-captioned case but only insofar as each relates to the terms set forth in Appendix A of the Motion.
2. The Court adopts the Parties' agreed-upon constructions:

Claim Term/Phrase	Patent/ Claims	Construction
a data transmission means that facilitates the transmission of electronic files between said PDA/cell phones in different locations	'970 Patent: claim 2	Governed by 35 U.S.C. § 112(6).¹ Function: “facilitating the transmission of electronic files between said PDA/cell phones in different locations” Structure: “communications network server using TCP/IP or other digital transmission means; and equivalents thereof”
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 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 soon as said forced message	'970 Patent: claim 2	Governed by 35 U.S.C. § 112(6).² 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 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 soon as said forced message alert is received by the recipient PDA/cell phone”

¹ *AGIS Software Development LLC v. Google LLC*, Case No. 2:19-cv-00361- JRG-RSP (Lead Case), Dkt No. 147 (“*Google Claim Construction Order*”).

² *Google Claim Construction Order*.

Claim Term/Phrase	Patent/ Claims	Construction
alert is received by the recipient PDA/cell phone		Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 7:8–8:36; and equivalents thereof”
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 Patent: claim 2	Governed by 35 U.S.C. § 112(6).³ 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” Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 8:37-57; and equivalents thereof”
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	’970 Patent: claim 2	Governed by 35 U.S.C. § 112(6).⁴ 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” Structure: “PDA/cell phone hardware including display 16 and a wireless receiver and/or transceiver; and equivalents thereof”
means for periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert	’970 Patent: claim 2	Governed by 35 U.S.C. § 112(6).⁵ Function: “periodically resending said forced message alert to said recipient PDA/cell phones that have not automatically acknowledged the forced message alert” Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 7:64-67 and 8:6-8; and equivalents thereof”
means for receiving and displaying a listing of which recipient PDA/cell phones have	’970 Patent: claim 2	Governed by 35 U.S.C. § 112(6).⁶

³ Google Claim Construction Order.⁴ Google Claim Construction Order.⁵ Google Claim Construction Order.⁶ Google Claim Construction Order.

Claim Term/Phrase	Patent/ Claims	Construction
transmitted a manual response to said forced message alert and details the response from each recipient PDA/cell phone that responded		<p>Function: “receiving and displaying a listing of which recipient PDA/cell phones have transmitted a manual response to said forced message alert and details the response from each recipient PDA/cell phone that responded”</p> <p>Structure: “PDA/cell phone hardware including display 16 and a wireless receiver and/or transceiver; and equivalents thereof”</p>
means for transmitting the acknowledgment of receipt to said sender PDA/cell phone immediately upon receiving a forced message alert from the sender PDA/cell phone	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).⁷</p> <p>Function: “transmitting the acknowledgement of receipt to said sender PDA/cellphone immediately upon receiving a forced message alert from the sender PDA/cellphone”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the '970 Patent at 8:20-30; and equivalents thereof”</p>
means for controlling of the recipient PDA/cell phone upon transmitting said automatic acknowledgment and causing, in cases where the force message alert is a text message, the text message and a response list to be shown on the display of the recipient PDA/cell phone or causes, in cases where the forced message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient PDA/cell phone while said response list is shown on the display	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).⁸</p> <p>Function: “controlling of the recipient PDA/cellphone upon transmitting said automatic acknowledgment and causing, in cases where the forced message alert is a text message, the text message and a response list to be shown on the display of the recipient PDA/cellphone or causes, in cases where the forced message alert is a voice message, the voice message being periodically repeated by the speakers of the recipient PDA/cellphone while said response list is shown on the display”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the '970 Patent at 8:37-44 and 8:46-51; and equivalents thereof”</p>
means for allowing a manual response to be manually selected from the response list	'970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).⁹</p>

⁷ Google Claim Construction Order.

⁸ Google Claim Construction Order.

⁹ Google Claim Construction Order.

Claim Term/Phrase	Patent/ Claims	Construction
or manually recorded and transmitting said manual response to the sender PDA/cell phone		<p>Function: “allowing a manual response to be manually selected from the response list or manually recorded and transmitting said manual response to the sender PDA/cell phone”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 8:39-44 & 8:52-57; and equivalents thereof”</p>
means for clearing the text message and a response list from the display of 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	’970 Patent: claim 2	<p>Governed by 35 U.S.C. § 112(6).¹⁰</p> <p>Function: “clearing the text message and a response list from the display of the recipient PDA/cell phone or stopping the repeating voice message and clearing the response list from the display of the recipient PDA/cell phone once the manual response is transmitted”</p> <p>Structure: “a PC or PDA/cell phone configured to implement the algorithm disclosed in the ’970 Patent at 8:44–46 and 8:52–57; and equivalents thereof”</p>
the response list	’970 Patent: claim 2	<p>The antecedent basis for “the response list” is the “list of possible required responses” recited in the “means for attaching . . .” limitation.¹¹</p>
a response list	’970 Patent: claim 2	<p>Plain and ordinary meaning¹²</p>
recipient PDA/cell phone	’970 Patent: claims 2, 10	<p>Plain and ordinary meaning¹³</p>
sender PDA/ cell phone	’970 Patent: claims 2, 10, 13	<p>Plain and ordinary meaning¹⁴</p>

¹⁰ Google Claim Construction Order.

¹¹ Google Claim Construction Order.

¹² Google Claim Construction Order.

¹³ Google Claim Construction Order.

¹⁴ Google Claim Construction Order.

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