

Exhibit B

Elements At Issue in the '007 MSJ With Intrinsic Evidence

Claim 1:

1. *“means . . . for sending to and receiving from a central processing unit . . . information reporting in real time . . . (a) the value of the instruments transported; and (b) the transport status of the instruments”*

Agreed Function: Sending to and receiving from a central processing unit ...information reporting in real time in correspondence with the occurrence of an event (a) the value of the instruments transported; and (b) the transport status of the instruments with respect to their having been (i) sent and (ii) received.

DTC’s Corresponding Structure: Electronic communications links, which may include conventional telephone links by modem connections and the like; *and software*.¹

DTC’s Identified Intrinsic Evidence:

- **Col 6:22-24:** “programming computer arts. Communications to and from the switch may occur through conventional telephone links by modem connections and the like.”
- **Fig. 1**

2. *“means . . . for receiving from the central processing unit a calculated value . . . information regarding the debits and credits owing to or payable by an institution”*

Agreed Function: Receiving from the central processing unit a calculated value (a) on a real time basis and (b) on a regular periodic settlement basis, information regarding the debits and credits owing to or payable by an institution with respect to each other of the institutions with regard to instruments sent and received..

DTC’s Corresponding Structure: Accounting system; *related software*; electronic communications links.²

DTC’s Identified Intrinsic Evidence:

- **Col. 3:35-39:** “tion in the system with respect to other members. By means of the central accounting system, each member will be able electronically to inquire into the accounting system throughout the day, on a real time basis, to manage and reconcile funds in anticipation of settlement. In”
- **Col. 5:25:** “coding.”
- **Col. 4:50:** “Each participant in the proposed association will be”
- **Col. 6:20-24:** “counts. Software adapted to the system described herein may be devised by persons of skill in the financial programming computer arts. Communications to and from the switch may occur through conventional telephone links by modem connections and the like.”
- **FIG. 1**

3. *“means for continuous monitoring on a real time basis . . . (i) the sending and receipt status of the instruments and (ii) the value of the instruments”*

¹ Joint Claim Construction Statement, Exhibit C, page B4 (emphasis added).

² Joint Claim Construction Statement, Exhibit C, page B7 (emphasis added).

Agreed Function: Continuously monitoring on a real time basis . . . (i) the sending and receipt status of the instruments and (ii) the value of the instruments.

DTC's Corresponding Structure: *A conventional programmable computer or central processing unit . . . , electronic communications links [Fig. 1], which may include conventional telephone links by modem connections and the like . . . , and related software.*³

DTC's Identified Intrinsic Evidence:

- **Col. 1:62-65:** "In its function, the association would provide a central accounting means such as a conventional programmable computer or other central processing unit for the computation of the settlements among participating"
- **FIG. 1 (CPU)**
- **FIG. 1 (Electronic Communication Links)**
- **Col. 6:22-24:** programming computer arts. Communications to and from the switch may occur through conventional telephone links by modem connections and the like."

4. *"means for calculating credits and debits, based on the value of the instruments sent and received by the institutions . . . (a) the amount owing from or payable to each one of the pre-selected institutions"*

DTC's Proposed Function: Calculating debits and credits among the participating members.

DTC's Corresponding Structure: *Software on a conventional programmable computer or central processing unit (CPU).*⁴

DTC's Identified Intrinsic Evidence:

- **Col. 1:62-65:** "In its function, the association would provide a central accounting means such as a conventional programmable computer or other central processing unit for the computation of the settlements among participating"
- **Col. 2:39-49:** "control means; and in which the central control means monitors on a real time basis the actual sending and receipt of, and the dollar amount of items being cleared, as reported by the participants, and records the sending and receipt of the aggregate amount of the actual financial instruments transported, as reported by the participants, (subject to timely reporting of adjustments, returns and the like) and thereafter calculates the net settlements among the participants and initiates the corresponding debits and credits necessary to effect settlement among members in the Federal Reserve set--"
- **Col. 6:20-22:** "Software adapted to the system described herein may be devised by persons of skill in the financial programming computer arts. Communications to and"
- **Col. 6:11-16:** "immediately entered. The switch may be an appropriately programmed digital computer having means for receipt and transmission of data as well as further arithmetic or algorithmic means, to reconcile or calculate debits and credits anticipated in an essentially "real time" basis among the participating members. Net set--"
- **FIG. 1**

5. *"a cycling means interrelated with the central processing unit (a) for controlling the physical transport of the financial instruments among the institutions and (b) for controlling the means for calculating such that a final calculation of the debits and credits owing . . . does not occur until the pre-determined local settlement . . . are completed"*

Agreed Function: Cycling interrelated with the central processing unit (a) for controlling the physical transport of the financial instruments among the institutions and (b) for controlling the

³ Joint Claim Construction Statement, Exhibit C, pages B9-B10 (emphasis added).

⁴ Joint Claim Construction Statement, Exhibit C, page B11 (emphasis added).

means for calculating such that a final calculation . . . does not occur until predetermined local settlements . . . are completed.

DTC's Corresponding Structure: Rules and parameters regarding time scheduling where such rules and schedules *are interrelated with the central processing unit (CPU)*.⁵

DTC's Identified Intrinsic Evidence:

- **Col. 3:10-25, 9-16:** "Federal Reserve System, settlements accomplished by the national association described herein would preferably occur after the daily scheduled local clearinghouse settlements are accomplished. Strict adherence to a time schedule prescribed by the association for providing debit and credit advice and the physical exchange of items is required. A high dollar return notification (i.e., \$2,500.00) is mandatory, as is high dollar adjustment notification. All cash letters received must be confirmed by the receiving bank through the association's accounting system. Members typically should be able to guarantee minimum dollar amounts and transaction volumes to be able to participate in the association's clearinghouse system. Selection criteria for members may consider geographic locations, time zones, commercial standing and mem-"
- **Col 6:60-64:** "A number of significant advantages are achieved through the system control means by which shipment and receipt schedules are fixed and "real time" reports of shipment and receipt are made to and accessible from the control means. The control provides a means of"
- **Col 10:7-16:** "a time control for determining the time of physical transport of financial instruments between and among the participants according to a predetermined time cycle, and for determining the occurrence of a final settlement by the clearinghouse participants at a pre-determined time until after a time that certain pre-determined local settlements in the localities, by the participants in the localities, are completed."
- **Col. 2:55-56:** "In the system of the invention, physical transport of financial instruments between and among the members"
- **Col. 3:39-42:** "age and reconcile funds in anticipation of settlement. In accordance with a strictly defined time schedule, all activity must be confirmed by the receiving bank prior to final settlement."
- **Col. 5:35-39:** "Thus, if membership in a check clearing association controlled by the means of the invention included 40 participants, each participant would usually send out in accordance with a fixed and predetermined processing time schedule, checks and accompanying"
- **Col. 6:9-23:** "ticipant. The "switch" is the central control means in which information about the Los Angeles transmittal is immediately entered. The switch may be an appropriately programmed digital computer having means for receipt and transmission of data as well as further arithmetic or algorithmic means, to reconcile or calculate debits and credits anticipated in an essentially "real time" basis among the participating members. Net settlement occurs at a single predetermined time each day when final debits and credits among the members are calculated and effected through Federal Reserve accounts. Software adapted to the system described herein may be devised by persons of skill in the financial programming computer arts. Communications to and from the switch may occur through conventional tele-"

Claim 4:

6. "*means for calculating debits and credits owing from or payable (1) to one member to another member and (2) from or to one member to all other members, based upon the value of instruments reported by a participant as having been sent and received*"

⁵ Joint Claim Construction Statement , Exhibit C, pages B12-B13 (emphasis added).

Agreed Function: Calculating debits and credits among the participating members.

DTC's Corresponding Structure: *Software on a conventional programmable computer or central processing unit (CPU).*⁶

DTC's Identified Intrinsic Evidence:

- **Col. 1:62-65:** “In its function, the association would provide a central accounting means such as a conventional programmable computer or other central processing unit for the computation of the settlements among participating”
- **Col. 2:39-49:** “control means; and in which the central control means monitors on a real time basis the actual sending and receipt of, and the dollar amount of items being cleared, as reported by the participants, and records the sending and receipt of the aggregate amount of the actual financial instruments transported, as reported by the participants, (subject to timely reporting of adjustments, returns and the like) and thereafter calculates the net settlements among the participants and initiates the corresponding debits and credits necessary to effect settlement among members in the Federal Reserve set-“
- **Col. 6:20-22:** “counts. Software adapted to the system described herein may be devised by persons of skill in the financial programming computer arts. Communications to and”
- **Col. 6:11-16:** “immediately entered. The switch may be an appropriately programmed digital computer having means for receipt and transmission of data as well as further arithmetic or algorithmic means, to reconcile or calculate debits and credits anticipated in an essentially "real time" basis among the participating members. Net set-”
- **FIG. 1**

7. *“means for receiving and recording a participant's reports of the value and transit status of the instruments to be cleared as having been sent and received with respect to all participants in the system”*

Agreed Function: Receiving and recording a participant's report of the value and transit status of the instruments to be cleared as having been sent and received with respect to all participants in the system.

DTC's Corresponding Structure: *Software* associated with an accounting system *running on the central processing unit (CPU).*⁷

DTC's Identified Intrinsic Evidence:

- **Col. 6:20-24:** “count. Software adapted to the system described herein may be devised by persons of skill in the financial programming computer arts. Communications to and from the switch may occur through conventional telephone links by modem connections and the like.”
- **Col. 1:62-66:** “In its function, the association would provide a central accounting means such as a conventional programmable computer or other central processing unit for the computation of the settlements among participating banks. Physical delivery of items would be accom-”
- **Col. 2:2-4:** “of the sending of cash letters would be received electronically by the association's central accounting means from the participating institutions sending such cash”
- **Col. 2:11-12:** “basis (typically daily) would be prepared by the central accounting means of the association. In the United”
- **Col. 3:31:** “posted from the association's accounting system to the”

⁶ Joint Claim Construction Statement, Exhibit C, page B17 (emphasis added).

⁷ Joint Claim Construction Statement, Exhibit C, pages B17-B18 (emphasis added).

8. *“means for monitoring on a real time as reported basis (1) the actual sending from and receipt by a participant of the value of the instruments being cleared . . . , and the sending from and receipt by a participant of the actual instruments being cleared”*

Agreed Function: Monitoring on a real time as reported basis.

DTC’s Corresponding Structure: *Software* associated with *a conventional programmable computer or central processing unit* [Fig. 1 (CPU)] operably interconnected with *software* associated with the *accounting system on the CPU*.⁸

DTC’s Identified Intrinsic Evidence:

- **Col. 6:20-22:** “count. Software adapted to the system described herein may be devised by persons of skill in the financial programming computer arts. Communications to and”
- **Col. 1:62-65:** “In its function, the association would provide a cent]ral accounting means such as a conventional programmable computer or other central processing unit for the computation of the settlements among participating [banks.]”
- **Col. 6:9-14:** “ticipant. The "switch" is the central control means in which information about the Los Angeles transmittal is immediately entered. The switch may be an appropriately programmed digital computer having means for receipt and transmission of data as well as further arithmetic or algorithmic means, to reconcile or calculate”
- **Col. 2:39-45:** “control means; and in which the central control means monitors on a real time basis the actual sending and receipt of, and the dollar amount of items being cleared, as reported by the participants, and records the sending and receipt of the aggregate amount of the actual financial instruments transported, as reported by the participants, (subject to timely reporting of adjustments, re-”
- **Col. 6:61-64:** “through the system control means by which shipment and receipt schedules are fixed and "real time" reports of shipment and receipt are made to and accessible from the control means. The control provides a means of”
- **Col. 7:14-20:** “The control means monitors information about shipments and receipts from each participant. Through the means, each participant sends and receives information from the others. Each participant can address the system to determine, at any point in time, anticipated (shipped and in transit) and received checks and the accompanying "cash letter" that is included in each”

⁸ Joint Claim Construction Statement, Exhibit C, page B18 (emphasis added).