

# EXHIBIT F

## Exhibit F

### Elements At Issue in the Defendants' '759 Motion for Summary Judgment for Claim Invalidity with DataTreasury's Intrinsic Evidence

#### Claim 1:

1. *“a means at the first location for preparing one or more cash letters associated with each assembled group of instruments”*

**DataTreasury's Proposed Function:** Preparing one or more cash letters at the first location.

**DataTreasury's Proposed Structure:** Central Processing Unit 13 or sorter 1 as in Fig. 1.<sup>1</sup>

#### **DTC's Identified Intrinsic Evidence:**

- **FIG. 1**
- **Col. 2:2-15:** “tion of funds. The financial instruments received by a payee at a location remote from the payee's collecting and clearing bank are presented for payment to the multiple institutions on which the instruments are drawn. A sorter at a first location established by the payee receives the financial instruments and sorts the instruments according to the predetermined sort pattern categories determined by the payee's collecting and clearing bank. Indorsements on behalf of the payee and the collecting and clearing bank with respect to each instrument received are applied to each instrument by a printer. The sorter further assembles the sorted instruments into discrete groups with respect to the predetermined sort pattern categories and associates one or more cash letters with each assembled group of instruments.”
- **Col. 3:29-35:** “EXAMPLE I. The system is illustrated in FIG. 1 in which the check payee and bank customer 1 may be a public utility such as a telephone company. In this example, the "bank customer" is a banking client of the bank of first deposit, and is referred to as the "check payee". Typically such a utility will receive”
- **Col. 3:52-63:** “In that process, the bank of first deposit would physically sort the checks received from and deposited by the utility. Check sorting by MICR codes, the addition of the check amount to the MICR line, and other facets of check processing, including MICR code sorting by routing transit numbers, and the use of sorter machines, are known. The sorted checks would then be delivered in a cash letter (i.e., a listing of checks and the amounts of the checks drawn on a particular institution or group of institutions from a particular area) into the check payment system where settlements with other financial institutions on which the checks were drawn would be effected. Such a settlement involves”
- **Col. 4:12-16:** “pattern categories selected by the depository institution; and, the utility prepares a cash letter in the name of the depository bank for each group of checks within the predetermined sort category. The sort may be by individual bank, geographic location, clearinghouse affiliation or other criteria deter-”
- **Col. 4:19-21:** “Upon the sorting and preparation of the cash letter, the utility or check payee 1 transmits, between the utility's CPU (Central Processing Unit) 13 and the depository bank's CPU”
- **Col. 5:40-45:** “The preparation of the cash letters for the sorted checks that are delivered from the sorter directly into the check payment system is in accordance with sort pattern criteria determined by the bank of subsequent deposit for collecting and clearing. Thus the controlled system described herein accelerates”
- **Col. 5:63-65:** “the collecting and clearing bank. The cash letters for the sorted checks on behalf of the collecting and clearing bank are prepared at the remote customer's or sorter's location.”
- **Col. 6:36-44:** “ries determined by the depository bank. Indorsements of the instruments

<sup>1</sup> Joint Claim Construction Statement, Exhibit D, page D3.

on behalf of the payee and the depository bank with respect to each check received are applied by a printer or stamping mechanism before, during or after the sort process. The sorter will generally assemble the sorted instruments into discrete groups with respect to the predetermined sort pattern categories. A cash letter associated with each assembled group of sorted instruments is prepared by the payee on behalf of the depository bank.”

**Claim 11:**

2. *“means for preparing one or more cash letters associated with each assembled group of instruments”*

**Parties’ Agreed Function:** Preparing one or more cash letters associated with each assembled group of sorted instruments.

**DataTreasury’s Proposed Structure:** A central processing unit operating alone or by an operator [Fig. 1].

**DTC’s Identified Intrinsic Evidence:**

- **FIG. 1**
- **Col. 3:29-35:** “The system is illustrated in FIG. 1 in which the check payee and bank customer 1 may be a public utility such as a telephone company. In this example, the "bank customer" is a banking client of the bank of first deposit, and is referred to as the "check payee". Typically such a utility will receive”
- **Col. 3:52-63:** “In that process, the bank of first deposit would physically sort the checks received from and deposited by the utility. Check sorting by MICR codes, the addition of the check amount to the MICR line, and other facets of check processing, including MICR code sorting by routing transit numbers, and the use of sorter machines, are known. The sorted checks would then be delivered in a cash letter (i.e., a listing of checks and the amounts of the checks drawn on a particular institution or group of institutions from a particular area) into the check payment system where settlements with other financial institutions on which the checks were drawn would be effected. Such a settlement involves”
- **Col. 4:12-16:** “pattern categories selected by the depository institution; and, the utility prepares a cash letter in the name of the depository bank for each group of checks within the predetermined sort category. The sort may be by individual bank, geographic”
- **Col. 4:19-21:** “Upon the sorting and preparation of the cash letter, the utility or check payee 1 transmits, between the utility's CPU (Central Processing Unit) 13 and the depository bank's CPU”
- **Col. 5:40-45:** “The preparation of the cash letters for the sorted checks that are delivered from the sorter directly into the check payment system is in accordance with sort pattern criteria determined by the bank of subsequent deposit for collecting and clearing.”
- **Col. 5:63-65:** “the collecting and clearing bank. The cash letters for the sorted checks on behalf of the collecting and clearing bank are prepared at the remote customer's or sorter's location.”
- **Col. 6:36-44:** “determined by the depository bank. Indorsements of the instruments on behalf of the payee and the depository bank with respect to each check received are applied by a printer or stamping mechanism before, during or after the sort process. The sorter will generally assemble the sorted instruments into discrete groups with respect to the predetermined sort pattern categories. A cash letter associated with each assembled group of sorted instruments is prepared by the payee on behalf of the depository bank.”