

EXHIBIT A

DataTreasury Corporation v. Wells Fargo & Company, et al.
PARTIES' DISPUTED CONSTRUCTIONS FOR U.S. PATENT NO. 5,717,868

'868 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
Claim 1¹			
"predetermined institution"	Participant institution that has previously agreed to exchange financial instrument information with another participant institution. <u>Intrinsic Evidence</u> Col. 5: 63-67.	Does not need to be construed separately.	Participant institution that has previously agreed to exchange financial instrument information with other participant institutions by way of the central translator. <u>Intrinsic Evidence:</u> Col. 1:5-17; Col. 1:53-2:15; Col. 2:23-26; Col. 4:50-58; Col. 5:6-13; Col. 6:36-49; Col. 8:53 - 9:9; Col. 10:8-15; Col. 10:22-24; Fig. 1; Fig. 2; Applicant's Response, p. 24, 29, 33 (June 13, 1997).
"institution"	A business, bank, or other commercial entity. <u>Intrinsic Evidence</u> Col. 5: 63-67.	Bank or other financial institution. <u>Intrinsic Evidence:</u> (1:5-17);(2:23-25); (4:50-58); (6:36-37); (7:42-47); (7:57-58, 64-65); (10:21-26)	Financial institution. <u>Intrinsic Evidence:</u> Col. 1:5-17; Col. 2:23-26; Col. 4:50-58; Col. 6:36-42; Col. 7:42-47; Col. 7:57-58, Col. 7:64-65; Col. 10:21-26.
"co-mingled records" "co-mingled financial instrument information" (Claim 24) "co-mingled financial instrument information intended for multiple receiving institutions"	<i>Co-mingled</i> : "combined financial instrument information intended for one or more of a multiple of receiving institutions or settlement mechanisms." <i>Records</i> : "portions of files sent and received between financial institutions, which contain various data fields." <u>Intrinsic Evidence</u>	Multiple records in a single electronic data file having information from multiple financial instruments intended for multiple recipients. <u>Intrinsic Evidence:</u> (3:58-61); (4:38-43); (6:60-61); (7:1-3); (8:60-65); (10:52-53); (10:59-60); (11:42-45); Response to First Office Action pp. 24-27, 33, 35.	Information representing multiple financial instruments intended for multiple recipients mixed together in a single data file. <u>Intrinsic Evidence:</u> Col. 3:58-61; Col. 4:38-43; Col. 6:60-61; Col. 7:1-3; Col. 8:59-66; Applicant's Response, p. 24, 25-27, 33, 35 (June 13, 1997).

¹ For brevity, terms and phrases are defined only once, where they first appear. The charts in this Exhibit are not exhaustive; they are designed to highlight the differences between the Defendants' proposed constructions. For exhaustive claim construction charts, see the parties' P.R. 4-3(b) filings.

'868 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
<p>(Claim 24)</p> <p>"co-mingled information about financial instruments" (Claim 45)</p> <p>"co-mingled financial instrument information addressed to multiple receiving institutions" (Claim 61)</p>	<p>'868 Patent, at Col. 3:59-61.</p> <p><u>Extrinsic Evidence</u></p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc., p. 296 (1994).</p> <p><u>Intrinsic Evidence</u></p> <p>'868 Patent, at Col. 5:33-40; 6:60-63; 8:53-58; 9:59-10:3.</p> <p><u>Extrinsic Evidence</u></p> <p>Modern Dictionary of Electronics, 6th ed., Graf, p. 834 (1997).</p>	<p><u>Extrinsic Evidence:</u></p> <p>"<i>commingle</i>", Merriam-Webster's Collegiate Dictionary (1993) – "to blend thoroughly into a harmonious whole."</p>	<p><u>Extrinsic Evidence:</u></p> <p>Dictionary of Banking (1994).</p>
<p>"file format"</p>	<p>The arrangement of data fields within a record, and the arrangement of, and definitions of different types of, records within a data file.</p> <p><u>Intrinsic Evidence</u></p> <p>Col. 6: 33-35; Claim 45(b); Col. 5:37-40; Claim 45(c).</p>	<p>A unique arrangement of electronic data fields in a settlement record.</p> <p><u>Intrinsic Evidence:</u></p> <p>(1:43-63); (5:33-48); (5:49-54); (6:29-32); (8:4-6); (8:59-65); (9:10-13)</p> <p><u>Extrinsic Evidence:</u></p> <p>"<i>format</i>", The New Webster's Comprehensive Dictionary (1985) – "the arrangement of fields in a record."</p>	<p>The particular arrangement of information within individual data fields or ranges of data fields within a particular record.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 1:10-14; Col. 1:43-63; Col. 5:33-48; Col. 5:49-54; Col. 6:29-32; Col. 8:4-6; Col. 8:59-65; Col. 9:10-13.</p> <p><u>Extrinsic Evidence:</u></p> <p>Random House Webster's Computer and Internet Dictionary, 3rd Ed. (1999); ANSI X9.37-1994; The Complete Guide to Rules and Regulations Governing the ACH Network (1993).</p>
<p>"processor"</p>	<p>A central processing unit programmed to perform a specified function.</p>	<p>A single central processing unit, connected to all originating and receiving institutions</p>	<p>A central processing unit programmed to perform a specified</p>

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	<p><u>Intrinsic Evidence</u></p> <p>'868 Patent, at Item 21, Fig. 2; Col. 8: 21-23.</p>	<p>and through which all data files are transmitted.</p> <p><u>Intrinsic Evidence:</u></p> <p>(6:6-11); (8:21-28); (10:8-15); FIG 2; Patent Title ("concentrator"); Office Action (Nov 20, 1996) at 3; Amendment (June 13, 1997) at 24, 29, 33</p> <p><u>Extrinsic Evidence:</u></p> <p>"processor", Academic Press Dictionary of Science and Technology (1993) – "a device that interprets and executes instructions."</p> <p>"centralized data processing", The New Webster's Comprehensive Dictionary CD-11 (1985) – "the handling of all data in one place."</p>	<p>function located at a common central facility.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 1:53-2:15; Col. 6:6-11; Col. 8:21-29; Col. 10:8-15; Fig 2; Office Action, p. 3 (Nov. 20, 1996); Applicant's Response, p. 24, 29, 33 (June 13, 1997).</p>
<p>"financial instrument information"</p>	<p>Information representing financial instruments and electronic funds transfers, and additional system generated information.</p> <p><u>Intrinsic Evidence</u></p> <p>'868 Patent, at Col. 4:50-64.</p>	<p>Information derived from a financial instrument.</p> <p><u>Intrinsic Evidence:</u></p> <p>(1:6-10); (1:43-45, 49-52); (2:18-20); (2:40-41); (2:52-63); (3:3-5); (3:51-52); (4:51-58); (5:14-21); (6:36-39); (9:50-10:7); (12:24-34); Abstract; FIG 1</p>	<p>Information representing a particular financial instrument.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 1:6-14; Col. 1:43-52; Col. 2:52-63; Col. 3:3-5; Col. 3:51-52; Col. 4:51-58; Col. 5:14-21; Col. 6:36-39; Col. 9:50-10:7; Fig. 1; Abstract.</p>
<p>"translating the records in each bundle of said financial instrument information records from said first data file format into a data file format selected by the predetermined institution designated to receive the information"</p>	<p>Converting the records in each bundle from the first file format to a second file format determined in advance by the receiving institution.</p> <p><u>Intrinsic Evidence</u></p> <p>Col. 3:5-10; Col. 3:13-15; Col. 5:63--6:10 Col. 8:20-23.</p>	<p>Converting an arrangement of electronic data in one financial file format to an arrangement of electronic data in a dissimilar and incompatible financial file format selected by a receiving institution designated to receive the information.</p> <p><u>Intrinsic Evidence:</u></p> <p>(1:7-8); (1:16); (1:61-62); (2:22); (2:59-63); (3:1-9); (3:5-9); (3:14-15); (4:10-13); (4:33-</p>	<p>Converting the data representing each financial instrument in each bundle (portion) from the first file format selected by the sending institution to a second, different file format selected by the receiving institution.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 1:5-10; Col. 1:43-2:15; Col. 2:59-</p>

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<p>“translating each portion of said separated financial instrument information in said first data file format into a data file format preselected by the receiving institution associated therewith” (Claim 24)</p> <p>“translating each bundle of said separated financial instrument information into a data file format preselected by the receiving institution corresponding thereto” (Claim 45)</p> <p>“translating each bundle of said separated financial instrument information in said first data file format into a data file format selected by the receiving institution associated therewith” (Claim 61)</p> <p>“translating each portion of said data file in said first file format into a file format selected by the receiving institution” (Claim 80)</p>		<p>36); (4:58-60); (5:51-56); (6:45-49); (6:6-11); (6:64-67); (7:39-42); (7:46-66); (8:25-29); (8:58-9:5); (10:11-15); (10:61-67); FIG 1; FIG 2; Office Action (Nov 20, 1996); Amendment (June 13, 1997) at 24-26, 30, 35</p> <p><u>Extrinsic Evidence:</u></p> <p>“<i>translate</i>”, McGraw-Hill Dictionary of Scientific and Technical Terms (1994) – “to convert computer information from one language to another, or to convert characters from one representation set to another, and by extension, the computer instruction which directs the latter conversion to be carried out.”</p> <p>“<i>translate</i>”, The New Webster’s Comprehensive Dictionary CD-74 (1985) – “to convert programs or data from one form or language to another.”</p> <p>“<i>predetermine</i>”, Webster’s Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc. (1994) – “to settle or decide in advance.”</p> <p>“<i>preselect</i>”, Webster’s Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc. (1994) – “to select in advance; choose beforehand.”</p>	<p>63; Col. 3:1-9; Col. 3:14-15; Col. 4:10-13; Col. 4:33-36; Col. 4:58-60; Col. 5:51-56; Co. 6:6-11; Col. 6:27-32; Col. 6:45-49; Col. 6:64-67; Col. 7:47-Col. 8-3; Col. 8:24-29; Col. 8:58-9:5; Col. 10:8-15; Fig 1; Office Action, pp. 2-3, 5-6, 7-8 (Nov. 20, 1996); Applicant’s Response, pp. 24-27, 30-31, 34-35 (June 13, 1997).</p> <p><u>Extrinsic Evidence:</u></p> <p>International Dictionary of Data Communications (1998); Webster’s New World Dictionary of Computer Terms, 6th Ed. (1997); Webster’s Encyclopedic Unabridged Dictionary, (1996); ANSI X9.37-1994; The Complete Guide to Rules and Regulations Governing the ACH Network (1993).</p>
<p>“means for storing said bundled financial</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p>

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<p>instrument information in an addressable media where the bundled financial instrument information is uniquely accessible to the institution designated to receive the information" is in means-plus-function format subject to 35 U.S.C. § 112(6).</p>	<p><u>Function</u>: Storing said bundled financial instrument information in an addressable media.</p> <p><u>Corresponding Structure</u>: Archival storage 25 or memory M23, M24...MN.</p> <p><u>Intrinsic Evidence</u></p> <p>'868 Patent, at Fig. on front page; Fig. 2; Col. 3:18-20; 4:19-26; Col. 7:5-8; 8:44-48</p>	<p><u>Function</u>: Storing said bundled financial instrument information in an addressable media where the bundled financial instrument information is accessible only by the institution designated to receive the information.</p> <p><u>Corresponding Structure</u>: A mailbox or other partition within a memory device that is allocated to and uniquely accessible only by a specific receiving institution.</p> <p><u>Intrinsic Evidence</u>: (3:16-18); (3:33-36); (4:19-21); (4:60-64); (7:6-18); (8:29-32); (9:3-5); FIG 2</p> <p><u>Extrinsic Evidence</u>:</p> <p>Testimony from Dr. Perry.</p> <p><i>"uniquely"</i>, The Oxford English Dictionary (1989) – "1. exclusively; solely; only."</p>	<p><u>Function</u>: Storing said bundled financial instrument information in an addressable media where the bundled financial instrument information is uniquely accessible to the institution designated to receive the information.</p> <p><u>Corresponding Structure</u>: Memory/Mailboxes M23, M24...MN of Figure 2.</p> <p><u>Intrinsic Evidence</u>: Col. 3:16-18; Col. 3:33-36; Col. 4:19-21; Col. 4:60-64; Col. 7:6-18; Col. 8:29-32; Col. 8:48-52; Col. 9:3-5; Fig. 2.</p>
<p>"means for the institution designed to receive the information to transmit to and to receive from the means for storing" is in means-plus-function format subject to 35 U.S.C. § 112(6).</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function</u>: For the institution designed to receive the information to transmit to and to receive from the means for storing.</p> <p><u>Corresponding Structure</u>: Communication link 12.</p> <p><u>Intrinsic Evidence</u></p> <p>'868 Patent, at Fig. 1; Fig. 2; Col. 8:4-11; 8:41; 8:48-52</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function(s)</u>:</p> <ol style="list-style-type: none"> 1) Transmit from the receiving institution to the means for storing; and 2) Receive at the receiving institution from the means for storing. <p><u>Corresponding Structure</u>: _Specification does not disclose structure sufficient to perform the recited function.</p> <p><u>Extrinsic Evidence</u>:</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Functions</u>:</p> <ol style="list-style-type: none"> (1) Transmitting from the receiving institution to the means for storing; and (2) Receiving at the receiving institution from the means for storing. <p><u>Corresponding Structure</u>: A communication link.</p> <p><u>Intrinsic Evidence</u>:</p>

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	<p><u>Extrinsic Evidence</u></p> <p>Testimony from persons of ordinary skill in the art and/or individuals who manage such persons</p>	<p>Testimony from Dr. Perry.</p>	<p>Col. 4:60-64; Col. 6:27-29; Col. 6:48-49; Col. 7:15-16; Col. 8:35-40; Col. 8:48-52; Col. 9:5-9; Col. 9:21-25; Fig. 1; Fig. 2.</p>
<p>“means for transmitting a bundle of said stored financial instrument information from the addressable storage media to the institution designated to receive the information upon the receipt of an instruction” is in means-plus-function format subject to 35 U.S.C. § 112(6).</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Transmitting a bundle of said stored financial instrument information from the addressable storage media.</p> <p><u>Corresponding Structure:</u> Communication link 12.</p> <p><u>Intrinsic Evidence</u></p> <p>'868 Patent, at Fig. 1; Fig. 2;</p> <p>Col. 8:4-11; 8:41; 8:48-52; 9:5-9.</p> <p><u>Extrinsic Evidence</u></p> <p>Testimony from persons of ordinary skill in the art and/or individuals who manage such persons</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Transmitting a bundle of said stored financial instrument information from the addressable storage media to the institution designated to receive the information upon the receipt of an instruction.</p> <p><u>Corresponding Structure:</u> Specification does not disclose structure sufficient to perform the recited function.</p> <p><u>Extrinsic Evidence:</u></p> <p>Testimony from Dr. Perry.</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Transmitting a bundle of said stored financial instrument information from the addressable storage media to the institution designated to receive the information upon the receipt of an instruction.</p> <p><u>Corresponding Structure:</u> A communication link.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 4:60-64; Col. 6:27-29; Col. 6:48-49; Col. 7:12-17; Col. 8:35-40; Col. 9:5-9; Fig. 1; Fig. 2.</p>
<p>Claim 2</p>			
<p>“predetermined data format parameter(s)”</p>	<p>Predetermined standards associated with data file formats regarding the arrangement of data within data fields where the arrangement conforms to the particular parameters associated with a specific file transfer protocol.</p> <p><u>Intrinsic Evidence</u></p> <p>Col. 6:33-35.</p>	<p>Pre-selected specification defining the arrangement of data fields within a financial record.</p> <p><u>Intrinsic Evidence:</u></p> <p>(1:43-63); (3:24-26); (5:33-48); (5:49-54); (6:29-32); (6:32-35); (8:4-6); (8:59-65); (9:10-13); (9:14-21); (11:21-23); FIG 1</p> <p><u>Extrinsic Evidence:</u></p>	<p>The standard arrangement of information within individual data fields associated with a specific transmitted data file format, such as ACH, ECP, etc.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 1:43-63; Col. 3:24-26; Col. 5:33-54; Col. 6:29-35; Col. 8:4-6; Col. 8:59-65; Col. 9:10-21; Fig. 1.</p>

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		<p><i>“predetermine”</i>, Webster’s Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc. (1994) – “to settle or decide in advance.”</p>	<p><u>Extrinsic Evidence:</u> Random House Webster’s Computer and Internet Dictionary, 3rd Ed. (1999); ANSI X9.37-1994; The Complete Guide to Rules and Regulations Governing the ACH Network (1993).</p>
Claim 24			
<p>“means for storing said separated financial instrument information according to the separate portions thereof in a memory storage device in a manner such that each separate portion is uniquely accessible to the receiving institution associated therewith” is in means-plus-function format subject to 35 U.S.C. § 112(6).</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Storing said separated financial instrument information according to the separate portions thereof....</p> <p><u>Corresponding Structure:</u> Memory/mailboxes M23, M24...MN.</p> <p><u>Intrinsic Evidence:</u> '868 Patent, at Fig. 2; Col. 3:64-67; Col. 4:60-64; Col. 7:6</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Storing said separated financial instrument information according to the separate portions thereof in a memory storage device in a manner such that each separate portion is accessible only by the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> A mailbox or other partition within a memory device that is allocated to and accessible only by a receiving institution.</p> <p><u>Intrinsic Evidence:</u> (3:16-18); (3:33-36); (4:19-21); (4:60-64); (7:6-18); (8:29-32); (9:3-5); FIG 2</p> <p><u>Extrinsic Evidence:</u> <i>“uniquely”</i>, The Oxford English Dictionary (1989) – “1. exclusively; solely; only.”</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Storing said separated financial instrument information according to the separate portions thereof in a memory storage device in a manner such that each separate portion is uniquely accessible to the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> Memory/Mailboxes M23, M24...MN of Figure 2.</p> <p><u>Intrinsic Evidence:</u> Col. 3:16-18; Col. 3:33-36; Col. 4:19-21; Col. 4:60-64; Col. 7:6-18; Col. 8:29-32; Col. 9:3-5; Fig. 2.</p>
<p>“means for transmitting each portion of said separated financial instrument information stored in the memory</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Transmitting each portion of said separated financial instrument information</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Transmitting each portion of said separated financial instrument information</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Transmitting each portion of said separated financial instrument</p>

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<p>storage device to, and in the format selected by, the receiving institution associated therewith” is in means-plus-function format subject to 35 U.S.C. § 112(6).</p>	<p>stored in the memory storage device to, and in the format selected by, the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> Communication link 12.</p> <p><u>Intrinsic Evidence:</u> '868 Patent, at Fig. 1; Fig. 2; Col. 8:7; Col. 8:41; Col. 8:48-52; Col. 9:5-9.</p> <p><u>Extrinsic Evidence</u> Testimony from persons of ordinary skill in the art and/or individuals who manage such persons</p>	<p>stored in the memory storage device to, and in the format selected by, the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> Specification does not disclose structure sufficient to perform the recited function.</p> <p><u>Extrinsic Evidence:</u> Testimony from Dr. Perry.</p>	<p>information stored in the memory storage device to, and in the format selected by, the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> A communication link.</p> <p><u>Intrinsic Evidence:</u> Col. 4:60-64; Col. 6:27-29; Col. 6:48-49; Col. 7:12-17; Col. 8:35-40; Col. 8:48-52; Col. 9:5-9; Fig. 1; Fig. 2.</p>
Claim 45			
<p>“means for temporarily storing each bundle of said separated financial instrument information in memory unique to the receiving institution associated therewith” is in means-plus-function format subject to 35 U.S.C. § 112(6).</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Temporarily storing each bundle of said separated financial instrument information in memory unique to the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> Memory/mailboxes M23, M24...MN.</p> <p><u>Intrinsic Evidence:</u> '868 Patent, at Fig. 2; Col. 3:64-67; Col. 4:60-64; Col. 7:6.</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Temporarily storing each bundle of said separated financial instrument information in memory assessable only by the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> A mailbox or other partition within a memory device that is allocated to and accessible only by a specific receiving institution.</p> <p><u>Intrinsic Evidence:</u> (3:16-18); (3:33-36); (4:19-21); (4:60-64); (7:6-18); (8:29-32); (9:3-5); FIG 2</p> <p><u>Extrinsic Evidence:</u> Testimony from Dr. Perry.</p>	<p>This term should be construed under 35 U.S.C. § 112(6).</p> <p><u>Function:</u> Temporarily storing each bundle of said separated financial instrument information in memory unique to the receiving institution associated therewith.</p> <p><u>Corresponding Structure:</u> Memory/Mailboxes M23, M24...MN of Figure 2.</p> <p><u>Intrinsic Evidence:</u> Col. 3:16-18; Col. 3:33-36; Col. 4:19-21; Col. 4:60-64; Col. 7:6-18; Col. 8:29-32; Col. 9:3-5; Fig. 2.</p>

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		"uniquely", The Oxford English Dictionary (1989) – "1. exclusively, solely; only."	

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PARTIES' DISPUTED CONSTRUCTIONS FOR U.S. PATENT NO. 5,265,007

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
Claim 1			
<p>"pre-selected financial institutions"</p> <p>"pre-selected institutions"</p> <p>"participants" (Claim 4)</p>	<p>Financial institutions which have previously been selected to be members of or participants in the central check clearing system or a local clearinghouse as to clearing the financial instrument.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent at Col.1:44-52; 2:30-37; 2:66-3:7; 3:24-28; 5:13-18; 7-34-38; 10:25</p> <p><u>Extrinsic Evidence:</u></p> <p>Webster's Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc., p. 1138 (1994).</p>	<p>Financial institutions that have been previously chosen to be direct participants in a central check clearing system other than the Federal Reserve System.</p> <p><u>Intrinsic Evidence:</u></p> <p>(2:28-32); (3:21-28); (4:22-40); (5:26-45); (6:25-51); Language of Claim 1 and 4; Figure 1; Amendment (Dec 8, 1992) at 9; Amendment (Jan 2, 1992) at 3</p> <p><u>Extrinsic Evidence:</u></p> <p>"preselect", Webster's Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc. (1994) – "to select in advance; choose beforehand."</p>	<p>Members of a centralized clearinghouse association that settle financial transactions with each other, each located in a specific and exclusive geographical region.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 2:28-32; Col. 2:66-Col. 3:3; Col. 3: 21-28; Col. 4:22-40; Col. 5:26-45; Col. 6:25-59; Fig. 1.Amendment, pp. 2-3 (May 29, 1991); Amendment, pp. 2-3 (Jan. 2, 1992); Amendment, pp. 8-9 (Dec. 8, 1992).</p>
"preselected site"	<p>This language is in the preamble and does not need to be construed.</p> <p>Alternatively, Plaintiff's construction is:</p> <p>The instrument processing location of a</p>	<p>The specific and exclusive geographical region of a financial institution that has been previously chosen to be a direct participant in a central check clearing system other than the Federal Reserve System.</p>	<p>A place within a specific and exclusive geographical region.</p> <p><u>Intrinsic Evidence:</u></p> <p>Col. 1:44-Col. 2:16; Col. 2:28-32; Col. 2:66-Col. 3:3; Col. 3: 21-28; Col.</p>

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
	participating institution.	<p><u>Intrinsic Evidence:</u> (2:28-32); (3:21-28); (4:22-40); (4:41-49); (5:10-25); (5:26-45); (6:25-51); (7:1-13) Language of Claims 1 and 4; Objects of the Invention; Figure 1; Amendment, (May 29, 1991) at 3; Amendment (Jan 2, 1992) at 3-4; Amendment (Dec 8, 1992) at 9</p> <p><u>Extrinsic Evidence:</u></p> <p><i>"preselect"</i>, Webster's Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc. (1994) – "to select in advance; choose beforehand."</p> <p><i>"site"</i>, The Oxford English Dictionary (2d ed. 1989) – "2 a. the situation or position of a place, town, building, etc., esp. with reference to the surrounding district or locality."</p>	4:22-49; Col. 5:10-25; Col. 5:26-45; Col. 6:25-59; Col. 7:1-13; Fig. 1; Amendment, p. 2-3 (May 29, 1991); Amendment, p. 2-3 (Jan. 2, 1992); Amendment, p. 8-9 (Dec. 8, 1992).
"central processing unit"	<p>A conventional programmable computer.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent, at Claim 4; 9:1-2; 9:10; 1:62-66; 6:11-16</p>	<p>A single central processing unit, connected to all originating and receiving institutions and through which all data files are transmitted.</p> <p><u>Intrinsic Evidence:</u> (1:62-68); (2:22-23); (5:66); (6:11-22); (7:15-17); FIG 1; The language of Claims 1 and 4; Amendment (Dec. 8, 1992) at 9; Amendment (May 15, 1991) at 2; Amendment (May 29, 1991) at 2; Amendment (May 29, 1991) at 2; Amendment (May 14, 1992) at 8-9; Amendment (May 6, 1993) at 8, 12</p> <p><u>Extrinsic Evidence:</u></p> <p><i>"processor"</i>, Academic Press Dictionary of</p>	<p>A single master conventional programmable computer.</p> <p><u>Intrinsic Evidence:</u> Fig. 1; Col. 1:62-66; Col.2:1-7; Col. 6:9-22; Amendment, pp. 2-3 (May 15, 1991); Amendment, pp. 2-3 (May 29, 1991); Amendment, pp. 2-3 (Jan. 2, 1992); Request for Consideration of Amendment, pp. 8-9 (May 14, 1992); Amendment, pp. 8-9 (Dec. 8, 1992); Amendment After Final Action, p. 8, 12 (May 5, 1993).</p>

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
		<p>Science and Technology (1993) – “a device that interprets and executes instructions.”</p> <p>”<i>centralized data processing</i>”, The New Webster’s Comprehensive Dictionary CD-11 (1985) – “the handling of all data in one place.”</p>	
<p>“real time”</p> <p>“in real time”</p>	<p>The actual time during which something takes place.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent, at Col. 2:40; 6:60-64; 7:14-34</p> <p><u>Extrinsic Evidence:</u></p> <p>Merriam Webster Online Dictionary at http://www.mw.com/dictionary/realtime.</p>	<p>Instantaneous, instantaneously.</p> <p><u>Intrinsic Evidence:</u> (1:65-2:8); (2:32-50); (3:29-42); (4:1-10); (6:1-11); (6:9-24); (6:25-27); (6:52-56); (6:55-66); (7:14-31); Amendment (June 29, 1993) at 8-9</p> <p><u>Extrinsic Evidence:</u></p> <p>“<i>real time</i>”, The Random House Handbook of Business Terms (1988) – “See <i>interactive processing</i>”;</p> <p>“<i>interactive processing</i>” – “also called real time. Immediate and instantaneous processing of data entered in a computer, such that the operator need not wait until a batch is collected.”</p> <p>“<i>real time</i>”, Random House Webster’s Unabridged Dictionary (2d ed. 1998) – “at once, instantaneously.”</p>	<p>Immediate; immediately.</p> <p><u>Intrinsic Evidence:</u> Col. 1:66-2:7; Col. 2:32-50; Col. 3:29-42; Col. 3:67-Col. 4:10; Col. 5:63-Col.6:34; Col. 6:52-66; Col. 7:14-31; Amendment, p. 11 (Dec 8, 1992); Amendment, pp. 8-9 (June 29, 1993).</p> <p><u>Extrinsic Evidence:</u> Webster’s Encyclopedic Unabridged Dictionary, (1996); International Dictionary of Data Communications (1998); Random House Webster’s Computer and Internet Dictionary, 3rd Ed. (1999).</p>
<p>“real time in correspondence with the occurrence of an event”</p>	<p>The actual time during which something takes place.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent, at Col. 2:40; 6:60-64; 7:14-34</p> <p><u>Extrinsic Evidence:</u></p>	<p>Instantaneous in correspondence with the occurrence of the physical sending and receiving of the financial instruments.</p> <p><u>Intrinsic Evidence:</u> (1:65-2:8); (2:32-50); (3:29-42); (4:1-10); (5:63-66); (6:1-11); (6:9-24); (6:25-27); (6:52-56); (6:55-66); (7:14-31); Amendment (June 29, 1993) at 8-9; Amendment (Dec 8,</p>	<p>Immediately when the instruments are sent and received.</p> <p><u>Intrinsic Evidence:</u> Col. 1:66-2:7; Col. 2:32-50; Col. 3:29-42; Col. 3:67-Col. 4:10; Col. 5:63-Col.6:34; Col. 6:52-66; Col. 7:14-31; Amendment, p. 11 (Dec 8, 1992); Amendment, pp. 8-9 (June 29, 1993).</p>

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
	Merriam Webster Online Dictionary at http://www.mw.com/dictionary/realtime .	1992) at 11 <u>Extrinsic Evidence:</u> "real time", The Random House Handbook of Business Terms (1988) – See "interactive processing"; "interactive processing" – "also called real time. Immediate and instantaneous processing of data entered in a computer, such that the operator need not wait until a batch is collected." "real time", Random House Webster's Unabridged Dictionary (2d ed. 1998) – "at once, instantaneously."	<u>Extrinsic Evidence:</u> Webster's Encyclopedic Unabridged Dictionary, (1996); International Dictionary of Data Communications (1998); Random House Webster's Computer and Internet Dictionary, 3rd Ed. (1999).
"value of the instruments transported" "the value of the instruments sent and received"	The construed phrase should be just "value of the instruments" as that appears several times in Claim 1. The construction should be "the total dollar amount of the financial instruments being delivered." <u>Intrinsic Evidence</u> '007 Patent, at Col. 2:32-50	Does not need to be construed separately.	The aggregate total dollar amount of the financial instruments physically sent and received. <u>Intrinsic Evidence:</u> Col.5:17-22; Col. 5:63-Col.6:34.
"settlement"	Settlement of credit and debit balances between institutions. <u>Intrinsic Evidence</u> Abstract; Col. 2:9-16; 2:32-39; 2:47-49; 3:5-9	A calculation and transfer of amounts owed and payable between financial institutions. <u>Intrinsic Evidence:</u> (1:10-19); (2:9-17); (2:31-54); (3:5-16); (3:29-54); (4:10-14); (4:30-40); Amendment (May 29, 1991) at 5; Amendment (Jan. 2, 1992) at 2; Amendment (Dec. 8, 1992) at 10 <u>Extrinsic Evidence:</u> "settlement", Dictionary of Banking Terms (Barron's 1990) – "the accounting process recording the respective debit and credit	A calculation and transfer of amounts owed to and payable between and among financial institutions. <u>Intrinsic Evidence:</u> Col. 1:10-19; Col. 2:9-17; Col. 2:32-54; Col.3:5-16; Col. 3:29-54; Col.4:10-14; Col. 4:22-40; Col.6:16-20; Fig. 1; Amendment, p. 5 (May 29, 1991); Amendment, pp. 2-4 (Jan 2, 1992); Amendment, pp. 9-10 (Dec 8, 1992). <u>Extrinsic Evidence:</u>

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
<p>"regular periodic settlement"</p> <p>(This term has been shortened from previously identified "regular periodic settlement basis")</p> <p>"final settlement" (Claim 4)</p>	<p>Settlement of credit and debit balances between institutions at predetermined time intervals.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent, at Abstract; Col. 2:9-16; 2:32-39; 2:47-49 settlement among members in the Federal Reserve settlement systems.")</p>	<p>positions of the two parties involved in a transfer of funds."</p> <p>A final calculation and transfer of amounts owed to and payable between direct participants in the central check clearing system occurring at pre-determined time intervals.</p> <p><u>Intrinsic Evidence:</u> (1:10-19); (1:62-68); (2:9-17); (2:31-54); (3:5-16); (3:29-54); (4:10-14); (4:22-40); (4:30-40); (6:7-20); Language of Claims 1 and 4; FIG 1; Amendment (Dec. 8, 1992) at 9; Amendment (Jan. 2, 1992) at 2-4; Amendment (May 29, 1991) at 5; Amendment (Dec. 8, 1992) at 10</p> <p><u>Extrinsic Evidence:</u></p> <p>"<i>settlement</i>", Dictionary of Banking Terms (Barron's 1990) – "the accounting process recording the respective debit and credit positions of the two parties involved in a transfer of funds."</p>	<p>Dictionary of Banking (1994).</p> <p>Settlement occurring at pre-determined time intervals.</p> <p><u>Intrinsic Evidence:</u> Col. 1:10-19; Col. 1:62-66; Col. 2: 9-17; Col. 2:32-54; Col.3:5-16; Col. 3:29-54; Col.4:10-14; Col. 4:22-40; Col.6:7-20; Fig. 1; Amendment, p. 5 (May 29, 1991); Amendment, pp. 2-4 (Jan 2, 1992); Amendment, pp. 9-10 (Dec 8, 1992).</p> <p><u>Extrinsic Evidence:</u> Dictionary of Banking (1994).</p>
<p>"the sending and receipt status of the instruments"</p>	<p>Information about the sending and receipt status of the instruments.</p> <p>Or, alternatively,</p> <p>Information about whether the instruments have been sent or received.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent, at Col. 7:61-63; Col. 2:37-39; 4:15-22; 5:61-66; 6:25-27; 8:9-15</p>	<p>Does not need to be construed separately.</p>	<p>Information about whether the instruments have been physically sent and received.</p> <p><u>Intrinsic Evidence:</u> Col. 1:66-2:8; Col. 2:32-50; Col. 3:18-20; Col. 4:15-37; Col.5:61-66; Col.6:25-27; Col. 6:60-64; Amendment, pp. 12-13 (Dec. 8, 1992).</p>
<p>"the status in transit of</p>	<p>Information about transport of financial</p>	<p>Does not need to be construed separately.</p>	<p>Electronic tracking information that</p>

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
the instruments"	<p>instruments sent and received by the pre-selected financial institutions.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent, at Col. 7:61-63; Col. 2:37-39; 4:15-22; 5:61-66; 6:25-27; 8:9-15</p>		<p>can be used to identify the location of the instruments in real time.</p> <p><u>Intrinsic Evidence:</u> Col. 1:66-2:8; Col. 2:32-50; Col. 3:18-20; Col. 4:15-37; Col.5:61-66; Col.6:25-27; Col. 6:60-64; Amendment, pp. 12-13 (Dec. 8, 1992).</p>
<p>"a final calculation of the debits and credits . . . , comprising the occurrence of the regular periodic settlement among the institutions, does not occur until pre-determined local settlements by the institutions in the pre-selected sites with institutions that are not among the number of pre-selected financial institutions, are completed"</p>	<p><i>"Final Calculation"</i>--No construction is necessary.</p> <p><i>"Debits and credits"</i>--Credits are the amounts owed by an institution; debits are the amounts payable to an institution.</p> <p><i>"Occurrence of the regular periodic settlement among the institutions"</i>--No construction is necessary.</p> <p><i>"Predetermined local settlement by the institutions in the preselected sites with institutions that are not among the number of preselected financial institutions"</i>--a settlement between a user and non-user of the clearinghouse that occurs at a regular interval.</p> <p><u>Intrinsic Evidence</u></p> <p>'007 Patent, at 3:29-54</p>	<p>Settlement among the direct participants in the central check clearing system occurs after regular, prescheduled settlements in each geographical region between the direct participants in that region and institutions in that region that do not directly participate in the central check clearing system.</p> <p><u>Intrinsic Evidence:</u> ((3:5-16); (3:39-47); (4:50-58); (5:26-45); (6:16-20); (6:25-51); FIG 1; Language of Claims 1 and 4; Amendment (Dec. 8, 1992) at 9; Amendment (May 29, 1991) at 3 Amendment (Jan. 2, 1992) at 3-4 Amendment (May 5, 1993) at 10-11</p>	<p>Settlement between the member institutions occurs, if at all, at regular intervals. The settlement between members does not occur, however, until each member settles with the non-members of the clearinghouse in the member's locality.</p> <p><u>Intrinsic Evidence:</u> Col. 3:5-16; Col. 3:39-47; Col. 4:50-58; Col. 5:26-45; Col. 6:16-20; Col. 6:25-59; Fig. 1; Amendment, p. 3 (May 29, 1991); Amendment, pp. 3-4 (Jan 2, 1992); Amendment, p. 9 (Dec 8, 1992); Amendment After Final Action, pp. 10-11 (May 5, 1993).</p>
Claim 4			
"transit status of the financial instruments to be cleared"	<p>Information about the status in transit of the instruments, namely, whether the instrument has been sent and/or whether the instrument has been received.</p> <p><u>Intrinsic Evidence</u></p>	<p>Information about whether the instruments have been physically sent and received.</p> <p><u>Intrinsic Evidence:</u> (2:1-8); (2:31-50); (3:18-20); (4:15-37); (5:61-66); Language of Claims 1 and 4;</p>	<p>See "the status in transit of the instruments".</p> <p>Electronic tracking information that can be used to identify the location of the instruments in real time.</p>

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
	'007 Patent, at Col. 7:61-63; Col. 2:37-39; 4:15-22; 5:61-66; 6:25-27; 8:9-15	Amendment (Dec. 8, 1992) at 12 <u>Extrinsic Evidence:</u> "status", Webster's Third New International Dictionary of the English Language Unabridged (1986) – "3: state of affairs: situation." "status", The Oxford English Dictionary (2d ed. 1989) – "4. a. condition of things."	<u>Intrinsic Evidence:</u> Col. 1:66-2:8; Col. 2:32-50; Col. 3:18-20; Col. 4:15-37; Col.5:61-66; Col.6:25-27; Col. 6:60-64; <i>Amendment</i> , pp. 12-13 (Dec. 8, 1992).
"determining the time of physical transport of financial instruments between and among the participants according to a predetermined time cycle"	Predetermined time schedule. <u>Intrinsic Evidence</u> '007 Patent, at Col. 2:55-58; 3:13-16; 5:37-39 <u>Extrinsic Evidence</u> Webster's Encyclopedic Unabridged Dictionary of the English Language, Random House, Inc., p. 1132 (1994) (defining "predetermine" as "to settle or decide in advance")	Does not need to be construed separately.	Determining on a regular interval when each of the financial instruments was sent and received between and among the participants. <u>Intrinsic Evidence:</u> Col. 2:55-61; Col. 5:26-45; Col. 5:61-63; <i>Amendment</i> , pp. 9, 12-13 (Dec 8, 1992).
"determining the occurrence of a final settlement by the clearinghouse participants at a pre-determined time until after a time that certain predetermined local settlements in the localities, by the participants in the localities, are completed"	Establishing by participant rules settlement time, that accommodates processing, procedures, and transportation needs of all participants regardless of location and time zone. This final settlement occurs after certain predetermined local settlements. <u>Intrinsic evidence:</u> '007 Patent, at Col. 4:15-40; 10:7-16	Settlement among the direct participants in the central check clearing system occurs after regular, prescheduled settlements in each geographical region between the direct participants in that region and institutions in that region that do not directly participate in the central check clearing system. <u>Intrinsic Evidence:</u> (3:5-16); (3:39-47); (4:50-58); (5:26-45); (6:16-20); (6:25-51); FIG 1; Language of Claims 1 and 4; <i>Amendment</i> (Dec. 8, 1992)	Initiating a settlement between the member institutions, if at all, at regular intervals. The settlement between members does not occur, however, until each member settles with the non-members of the clearinghouse in the member's locality. <u>Intrinsic Evidence:</u> Col. 3:5-16; Col. 3:39-47; Col. 4:50-58; Col. 5:26-45; Col. 6:16-20; Col. 6:25-59; Fig. 1; <i>Amendment</i> , p. 3

'007 Claim Terms for Construction	DTC's Proposed Construction	Other Defendants' Proposed Construction	Key's and PNC's Proposed Construction
		at 9; Amendment (May 29, 1991) at 3; Amendment (Jan. 2, 1992) at 3-4; Amendment (May 5, 1993) at 10-11	(May 29, 1991); Amendment, pp. 3-4 (Jan 2, 1992); Amendment, pp. 9-10 (Dec 8, 1992) Amendment After Final Action, p. 8 (May 5, 1993).