

# EXHIBIT C

## Exhibit C

### Elements at Issue in the '868 Patent With Intrinsic Evidence

#### Claim 1:

1. *“program means for separating and bundling and for translating records”*

**DataTreasury’s Proposed Function:** Separating and bundling and for translating said records [sic].

**DataTreasury’s Proposed Structure:** Data processing and signal generation procedures along with file format translation protocols.<sup>1</sup>

#### **DataTreasury’s Identified Intrinsic Evidence:**

- **Col. 3:5-10:** “institution and one or more receiving institutions, separating and translating the first data file into one or more data files and data file formats corresponding to each of the designated receiving institutions, and transmitting the separated and translated data files to each of the receiving institutions.”
- **Col. 6:6-10:** “A processor, within translator 1, employing data processing and signal generation procedures, translates the first data file format received from originating institution O1 into a second data file format selected by the institution that is the intended recipient of the financial instrument information R1.”
- **Col. 6:45-49:** “which it is capable of receiving information. Using a logical sequence of data interpretation and signal generation steps, translator 1 translates the ECP information from O1 into the ACH format to be received by R1 by way of the communication link 12 between the translator and R1. The paper”
- **Col. 6:61-67:** “institutions. The single data file includes separate and unique header records for instruments associated with each receiving institution. Upon receipt of this data file, the system determines which financial instrument information is intended for a receiving institution and translates that information to a different format selected by that particular receiving institution. In”
- **Col. 8:20-29:** “is present in the data file. The system's master processor 21 identifies and segregates the information designated for each of the receiving institutions from each file received. Based on the data file format selected by each receiving institution, master processor 21, according to a file format translation protocol, translates the data file received from each of the originating institutions O1, O2,. . . ON, into a second data file format selected by each of the receiving institutions R1, R2, . . . RN. The information contained in”

2. *“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”*

**DataTreasury’s Proposed Function:** Transmitting a bundle of said stored financial instrument information from the addressable storage media.

<sup>1</sup> Joint Claim Construction Statement, Exhibit B, page C6.

**DataTreasury's Proposed Structure:** Communication link 12.<sup>2</sup>

**DataTreasury's Identified Intrinsic Evidence:**

- **FIG. 1**
- **FIG. 2**
- **Col. 8:4-11:** "The present system enables the originating institutions O1, O2 . . . ON to transfer a data file in a first file format (ACH, ECL, etc.) containing financial instrument information to the system via communication links referenced generally at 11a, 11b, 11n. Security procedures are provided which limit only authorized originating and receiving institutions to effect one or more of the reception, transmission, translation and storage of the data files within the system."
- **Col. 8:41:** "present system also includes communication link 30 for"
- **Col. 8:48-52:** "settlement mechanisms. The communication links 11a, 11b, 11n and 12a, 12b, 12n are typically bi-directional to allow return transmissions such as confirmation of receipt and communication in general to and from the institutions and the system."
- **Col. 9:5-9:** "institutions R1 and R2 respectively. The receiving institutions can retrieve information contained in the data files through communication links 12a and 12b upon demand, based on instructions by the originating institution or within a prearranged time period."

**Claim 3:**

3. *"a security mechanism for preventing the unauthorized one or more of the reception, transmission, translation and storage of financial instrument information"*

**Bank of America's Proposed Function:**<sup>3</sup> Preventing unauthorized reception, transmission, translation, and storage of financial instrument information.

**DataTreasury's Proposed Construction:** Software running on a processor which limits only authorized originating and receiving institutions to receive, transmit, translate, and/or store financial information.<sup>4</sup>

**DataTreasury's Identified Intrinsic Evidence:**

- **Col. 6:11-26:** "R1. Security procedures are utilized to limit only authorized originating and receiving institutions to effect one or more of the reception, transmission, translation and storage of the financial instrument information contained in the data file. Procedures are also used to authenticate information contained in the first data file format with respect to predetermined data format parameters. This includes validating that the data file submitted by the originating institution is in a format which the system recognizes; that the data fields with

<sup>2</sup> Joint Claim Construction Statement, Exhibit B, page C8.

<sup>3</sup> DataTreasury disputes that this element is a means-plus-function term subject to 35 U.S.C. § 112, ¶ 6.

<sup>4</sup> Joint Claim Construction Statement, Exhibit B, page C12.

respect to items in the file are accurate according to format parameters; and that the minimum amount of information required to successfully translate the file is present whether the information is to be transmitted to a receiving institution or to one or more settlement mechanisms. (Some formats have optional fields that are not "necessary" for the purposes herein.)”

- **Col. 8:8-23:** “generally at 11a, 11b, 11n. Security procedures are provided which limit only authorized originating and receiving institutions to effect one or more of the reception, transmission, translation and storage of the data files within the system. This ensures that the originating institutions O1, O2 . . . ON and the receiving institutions R1, R2 . . . RN are authorized to access the system, as well as preventing misappropriation of financial information contained in the data files by non-authorized parties. A further data validation protocol is provided to verify that the minimum amount of information to facilitate translation and transfer between the originating and receiving institutions, or from the originating and receiving institutions to one or more settlement mechanisms, is present in the data file. The system's master processor 21 identifies and segregates the information designated for each of the receiving institutions from each file received.”

**Claim 24:**

4. *“means for transmitting each portion of said separated financial instrument information stored in the memory storage device to, and in the format selected by, the receiving institution associated therewith”*

**Parties’ Agreed Function:** Transmitting each portion of said separated financial instrument information stored in the memory storage device to, and in the format selected by, the receiving institution associated therewith.

**DataTreasury’s Proposed Structure:** Communication link 12.<sup>5</sup>

**DataTreasury’s Identified Intrinsic Evidence:**

- **FIG. 1**
- **FIG. 2**
- **Col. 8:7:** “(ACH, ECL, etc.) containing financial instrument information”
- **Col. 8:41:** “present system also includes communication link 30 for”
- **Col. 8:48-52:** “settlement mechanisms. The communication links 11a, 11b, 11n and 12a, 12b, 12n are typically bi-directional to allow return transmissions such as confirmation of receipt and communication in general to and from the institutions and the system.”
- **Col. 9:5-9:** “institutions R1 and R2 respectively. The receiving institutions can retrieve information contained in the data files through communication links 12a and 12b upon demand, based on instructions by the originating institution or within a prearranged time period.”

<sup>5</sup> Joint Claim Construction Statement, Exhibit B, page C13.

**Claim 48:**

5. *“security procedures for preventing unauthorized reception, transmission, translation and storage of any financial instrument information within the system”*

**Bank of America’s Proposed Function:**<sup>6</sup> Preventing unauthorized reception, transmission, translation and storage of any financial instrument information within the system.

**DataTreasury’s Proposed Construction:** “Software running on a processor which limits only authorized originating and receiving institutions to receive, transmit, translate, and/or store financial instrument information.”<sup>7</sup>

**DataTreasury’s Identified Intrinsic Evidence:**

- **Col. 6:11-26:** “R1. Security procedures are utilized to limit only authorized originating and receiving institutions to effect one or more of the reception, transmission, translation and storage of the financial instrument information contained in the data file. Procedures are also used to authenticate information contained in the first data file format with respect to predetermined data format parameters. This includes validating that the data file submitted by the originating institution is in a format which the system recognizes; that the data fields with respect to items in the file are accurate according to format parameters; and that the minimum amount of information required to successfully translate the file is present whether the information is to be transmitted to a receiving institution or to one or more settlement mechanisms. (Some formats have optional fields that are not "necessary" for the purposes herein.)”
- **Col. 8:8-23:** “generally at 11a, 11b, 11n. Security procedures are provided which limit only authorized originating and receiving institutions to effect one or more of the reception, transmission, translation and storage of the data files within the system. This ensures that the originating institutions O1, O2 . . . ON and the receiving institutions R1, R2 . . . RN are authorized to access the system, as well as preventing misappropriation of financial information contained in the data files by non-authorized parties. A further data validation protocol is provided to verify that the minimum amount of information to facilitate translation and transfer between the originating and receiving institutions, or from the originating and receiving institutions to one or more settlement mechanisms, is present in the data file. The system's master processor 21 identifies and segregates the information designated for each of the receiving institutions from each file received.”

<sup>6</sup> DataTreasury disputes that this element is a means-plus-function term subject to 35 U.S.C. § 112, ¶ 6.

<sup>7</sup> Joint Claim Construction Statement, Exhibit B, page C17.