United States District Court, S.D. California.

DATAQUILL LIMITED,

Plaintiff.

v.

KYOCERA WIRELESS CORP,

Defendant.

Civil No. 01CV2302B (BLM)

May 11, 2005.

David Powers Berten, Gregory John Smith, Kelly Eberspecher, Rhett Dennerline, Competition Law Group, Chicago, IL, Gregory S. Markow, Hecht Solberg Robinson and Goldberg, San Diego, CA, for Plaintiff.

Anthony J. Dain, Procopio Cory Hargreaves and Savitch, San Diego, CA, for Defendant.

## **CLAIM CONSTRUCTION ORDER FOR** UNITED STATES PATENT NUMBER 6,058,304

RUDI M. BREWSTER, District Judge.

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370, 116 S.Ct. 1384, 134 L.Ed.2d 577 (1996), on May 3-5, 2005, the Court conducted a Markman hearing in the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 6,058,304 ("the '304 patent"). Plaintiff Dataquill Limited ("Dataquill") was represented by the Competition Law Group, and Defendant Kyocera Wireless Corp. ("Kyocera") was represented by the law firm Procopio Cory Hargreaves & Savitch LLP.

At the Markman hearing, the Court, with the assistance of the parties, analyzed claim terms in order to prepare jury instructions interpreting the pertinent claims at issue in the '304 patent. Additionally, the Court and the parties prepared a "case glossary" for terms found in the claims and the specification for the '304 patent considered to be technical in nature which a jury of laypersons might not understand clearly without specific definition.

After careful consideration of the parties' arguments and the applicable statutes and case law, the Court **HEREBY CONSTRUES** the claims in dispute in the '304 patent and **ISSUES** the relevant jury instructions as written in Exhibit A, attached hereto. Further, the Court **HEREBY DEFINES** all pertinent technical terms as written in Exhibit B, attached hereto.

IT IS SO ORDERED.

# UNITES STATES PATENT NUMBER 6,058,304-CLAIM CHART

VERBATIM CLAIM LANGUAGE	COURT'S CLAIM INTERPRETATION
Claim 1	
A data entry device for use in a data entry system, said data entry device comprising:	A data entry device for use in a data entry system, said data entry device comprising:
a reading sensor responsive to commands and/or sensed commands and data to produce input signals;	a reading sensor [ a structure capable of detecting external stimuli ] responsive [ giving response or reaction ] to commands and/or sensed commands and data [ instructions and factual information ] to produce input signals [ output of the reading sensor to be received by a controller ];
a controller coupled to said reading sensor to receive and process said input signals;	a controller [ a microprocessor or other processing circuitry ] coupled [ connected or linked ] to said reading sensor to receive and process [ to subject to examination or analysis ] said input signals;
said controller coupled to a communications inter- face to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and	said controller coupled to a communications interface [ a device which enables communication between two or more devices ] to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect [ connect without an intervening agency or step between the data entry device and the wireless telecommunications network ] said data entry device to a wireless telecommunications network; and
a display coupled to said controller to display commands and/or information under control of said input signals processed by said controller;	a display [ an electronic element that provides a visual representation ] coupled to said controller to display [ show ] commands and/or information under control of said input signals processed by said controller;
wherein said reading sensor, controller and display comprise a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and wherein said controller is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device.	wherein said reading sensor, controller and display comprise [ are ] a unitary assembly and said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and wherein said controller is responsive to
Claim 2	
A data entry device for use in a data entry system, said data entry device comprising: a reading sensor responsive to commands and/or	A data entry device for use in a data entry system, said data entry device comprising:  a reading sensor responsive to commands and/or

sensed commands and data to produce input signals;	sensed commands and data to produce input signals;
a controller coupled to said reading sensor to receive	a controller coupled to said reading sensor to receive
and process said input signals;	and process said input signals;
said controller coupled to a communications inter-	said controller coupled to a communications inter-
face to selectively control transmission over said	face to selectively control transmission over said
communications interface of command and/or data	communications interface of command and/or data
signals as determined by said input signals processed	signals as determined by said input signals processed
by said controller; said communications interface	
	by said controller; said communications interface
being operable directly to connect said data entry	being operable directly to connect said data entry
	device to a wireless telecommunications network; and
a display coupled to said controller to display	a display coupled to said controller to display
commands and/or information under control of said	commands and/or information under control of said
input signals processed by said controller;	input signals processed by said controller;
wherein said reading sensor, controller and display	wherein said reading sensor, controller and display
comprise a unitary assembly and said	comprise a unitary assembly and said communications
communications interface is a cellular telephone	interface is a cellular telephone network interface and
network interface and said wireless	said wireless telecommunications network is a cellular
telecommunications network is a cellular telephone	telephone network and said data entry device is
network and said data entry device is integral with a	integral with [ formed as a unit with one or more
cellular telephone, and wherein said controller is	parts] with a cellular telephone, and wherein said
responsive to a said command to cause downloading	controller is responsive to a said command to cause
of information from a remote processing center as	downloading of information from a remote processing
	center as required for updating information previously
said data entry device.	stored in said data entry device.
Claim 4	
	A data entry device according to any of claims 1, 2 or
3, wherein said communications interface includes a	3, wherein said communications interface includes a
modem.	modem [ a device that converts data from one form to
	another].
Claim 5	
•	A data entry device according to any of claims 1, 2 or
3, wherein said reading sensor, controller and display	3, wherein said reading sensor, controller and display
comprise a hand holdable unit.	comprise a hand holdable [ can be held by one hand
	in normal use ] unit.
Claim 6	
A data entry device according to any of claims 1.2 or	A data entry device according to any of claims 1, 2 or
3, wherein said data entry device includes a	3, wherein said data entry device includes a
· ·	rechargeable power source, means being provided for
recharging said power source.	recharging said power source.
Claim 7	reenarging said power source.
	A data antiny daviage according to a result of 1.5 cm 1.2
· · · · · · · · · · · · · · · · · · ·	A data entry device according to any of claims 1, 2 or
3, wherein said data entry device comprises one or	3, wherein said data entry device comprises one or
two manually operable switches for scrolling said	two manually operable switches [ devices for making,
display in a first and/or second direction for	breaking, or changing the connections in an electrical
selectively displaying said commands and/or	circuit, which can be operated by hand ] for scrolling
information.	said display [ stepping through text or graphics

	displayed on a display ] in a first and/or second direction for selectively displaying said commands and/or information.
Claim 8	
A data entry device according to any of claims 1, 2 or 3, wherein said data entry device comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying said commands and/or information, and wherein operation of said first and/or second switches in predetermined operational	A data entry device according to any of claims 1, 2 or 3, wherein said data entry device comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying said commands and/or information, and wherein operation of said first and/or second switches in predetermined operational states of said data entry device causes predetermined functions other than scrolling functions to be performed.
	A data entry device according to any of claims 1, 2 or
3, wherein said display screen comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.	3, wherein said display screen comprises a touch sensitive screen [ screen which reacts to touch by producing a signal ] forming [ assuming the function of ] a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.
Claim 10	
3 wherein a said reading, sensor is for reading coded data such as fingerprints or signatures or written text, wherein said controller is arranged to access stored information for selectable items to determine natural language characters or images corresponding to the coded data for display.	A data entry device according to any of claims 1, 2 or 3 wherein a said reading sensor is for reading coded data [ data having a recognizable pattern or structure ] such as fingerprints or signatures [ a characteristic or mark distinctively identifying a person ] or written text, wherein said controller is arranged to access stored information [ information previously saved ] for selectable items to determine natural language characters or images corresponding to the coded data for display.
Claim 12	
	A data entry device according to any of claims 1, 2 or 3, wherein a said reading sensor is a <i>motion detector</i> [ a device that is sensitive to movement ] or a scanning device.
Claim 18	
3 comprising rewritable storage and wherein programs in said data entry device are updateable remotely from a processing center.	A data entry device according to any of claims 1, 2 or 3 comprising rewritable storage [ storage in which the stored information can be written over ] and wherein programs [ coded instructions that a computer follows to perform a desired sequence of operations ] in said data entry device are updateable remotely from a processing center.
Claim 20	

A data entry device according to any of claims 1, 2 A data entry device according to any of claims 1, 2 or or 3, comprising a carrier or a display for a 3, comprising a carrier [ a medium which carries one plurality of data and/or command codes for or more data and/or command code, character. association with means for displaying a plurality image, or graphical or alphanumeric data representation ] or a display for a plurality of data of selectable items, wherein said carrier carries a plurality of codes, each for a respective one of a and/or command codes for association with means for plurality of natural language and/or numeric displaying a plurality of selectable items, wherein characters and a plurality of commands for said carrier carries a plurality of codes, each for a controlling operation of said visual representation respective one data entry device or a merchandising of the corresponding natural language or numeric of a plurality of natural language and/or system, each character or command and/or of a graphical code being associated with a numeric characters and a plurality of commands for controlling operation of representation thereof. said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof. This is a **means-plus-function** claim. The function of the above means is: displaying a plurality of selectable items. The structure to perform this function is: cols. 2:13-29; 6:51-7:9; 12:65-13:21, and their equivalents. Claim 21 A data entry device according to any of claims 1, 2 or A data entry device according to any of claims 1, 2 or 3, comprising a carrier or a display for a plurality of 3, comprising a carrier or a display for a plurality of data and/or command codes for association with data and/or command codes for association with means for displaying a plurality of selectable items, means for displaying a plurality of selectable items, wherein said carrier carries a plurality of codes, each wherein said carrier carries a plurality of codes, each for a respective one of a plurality of natural language for a respective one of a plurality of natural language and/or numeric characters and a plurality of and/or numeric characters and a plurality of commands for controlling operation of said data entry commands for controlling operation of said data entry device or a merchandising system, each code being device or a merchandising system, each code being associated with a visual representation of the associated with a visual representation of the corresponding natural language or numeric character corresponding natural language or numeric character or command and/or of a graphical representation or command and/or of a graphical representation thereof, wherein said codes are bar and/or dot codes thereof, wherein said codes are bar and/or dot codes and/or other product identifications. and/or other product identifications. Claim 22 A data entry device according to claim [sic] any of A data entry device according to any of claims 1, 2 or claims 1, 2 or 3 wherein a key on said data entry 3 wherein a key [ a manual switch ] on said data entry device can be used for entry of a said command device can be used for entry of a said command and/or data. and/or data. Claim 23 A merchandising system comprising a data entry A merchandising system comprising a data entry

said device is programmable with information relatingsaid device is programmable with information relating

device according to any of claims 1, 2 or 3, wherein:

to user selectable merchandisable items; and

device according to any of claims 1, 2 or 3, wherein:

to user selectable merchandisable items; and

said interface is coupleable to a remote processing	said interface is coupleable to a remote processing
center for initiating processing of user orders of said	center for initiating processing of user orders of said
selectable merchandisable items.	selectable merchandisable items.
Claim 26	
	A data entry system comprising a hand holdable data
entry unit, said hand holdable unit comprising:	entry unit, said hand holdable [ can be held by one
onery unit, said hand nordative unit comprising.	hand in normal use ] unit comprising:
a reading sensor for sensing commands and/or data	a reading sensor for sensing commands and/or data
and for producing input signals in response to said	and for producing input signals in response to said
sensed commands and/or data;	sensed commands and/or data;
rewritable storage programmable with information	rewritable storage programmable with information
relating to a plurality of items, user selectable by	relating to a plurality of items, user selectable by
means of said reading sensor;	means of said reading sensor;
a controller connected to receive and process said	a controller connected to receive and process said
input signals from said sensor, said controller being	input signals from said sensor, said controller being
arranged to respond to commands and/or sensed	arranged to respond to commands and/or sensed
commands to control said hand holdable unit and to	commands to control said hand holdable unit and to
said data to select a said item; and	said data to select a said item; and
a display screen for displaying a user readable	a display screen for displaying a user readable
representation of said commands and said stored	representation of said commands and said stored
information for said selected item; and	information for said selected item; and
	said system further comprising: a telecommunications
interface for telephonic transmission of information	interface for telephonic transmission of information
relating to a selected item or items from said storage	relating to a selected item or items from said storage
to a remote processing center via a	to a remote processing center via a
telecommunications network and for telephonic	telecommunications network and for to selectable
reception of information relating telephonic reception	
of information relating to selectable items from said	storage via said telecommunications network, said
remote processing center to said storage via said	controller being responsive to a said command to
telecommunications network, said controller being	cause downloading of information from said remote
	processing center as required for updating information
_	previously stored in said rewritable storage for one or
required for updating information previously stored in	
said rewritable storage for one or more of said	holdable unit includes a speaker and a microphone
selectable items, wherein said hand holdable unit	permitting said hand holdable unit to be used as a
includes a speaker and a microphone permitting said	telephone handset.
hand holdable unit to be used as a telephone handset.	1
Claim 27	
A data entry system comprising a hand holdable data	A data entry system comprising a hand holdable data
entry unit, said hand holdable unit comprising:	entry unit, said hand holdable unit comprising:
a reading sensor for sensing commands and/or data	a reading sensor for sensing commands and/or data
and for producing input signals in response to said	and for producing input signals in response to said
sensed commands and/or data;	sensed commands and/or data;
rewritable storage programmable with information	rewritable storage programmable with information
relating to selectable items;	relating to selectable items;
a controller connected to receive and process said	a controller connected to receive and process said

input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; a display screen for displaying a user. readable representation of said commands and said stored information for said selected item; and a telecommunications interface for telephonic	input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;  a display screen for displaying a user readable representation or said commands and said stored information for said selected item; and a telecommunications interface for telephonic
transmission of information relating to a selected item or items from via a telecommunications network and for telephonic reception of information relating to said selectable items from said remote processing center to said storage via said telecommunications network, wherein said telecommunications interface i a telecommunications line interface integral to said hand holdable unit and directly connects said hand-holdable unit to said telecommunications network, and wherein said hand holdable unit includes a speaker and a microphone permitting said hand holdable unit to be used as a telephone handset.	transmission of information relating to a selected item or items from said storage to a remote processing center via a telecommunications network and for telephonic reception of information relating to said selectable items from said remote processing center to
Claim 28	
A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:
a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
rewritable storage programmable with information relating to selectable items;	rewritable storage programmable with information relating to selectable items;
a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and	a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and
a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing	a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing deenter via a wireless telecommunications network and for telephonic reception of information relating to said selectable items from said remote processing center to said storage via said wireless telecommunications network, wherein said telecommunications interface is

line interface integral to said hand holdable unit and directly connects said hand-holdable unit to said wireless telecommunications network.  Claim 29	hand holdable unit and directly connects said hand-holdable unit to said wireless telecommunications network.
	A 1
entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:
a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;	rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;
a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item; and
a display screen for displaying a user readable representation of said commands and said stored information for said selected item;	a display screen for displaying a user readable representation of said commands and said stored information for said selected item;
and said system further comprising: a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a telecommunications network and for telephonic reception of information relating to selectable items from said remote processing center to said storage via said telecommunications network, said controller being responsive to either a said command or a said sensed command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items, and wherein said system further comprises a carrier for a plurality of data and/or command codes for association with means for displaying a plurality of said selectable items, wherein said carrier carries a plurality of codes, each for a respective one of a plurality of natural language and/or numeric characters and a plurality of commands for controlling operation of said data entry system or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof.  Claim 30	and said system further comprising: a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a telecommunications network and for telephonic reception of information relating to selectable items from said remote processing center to said storage via said telecommunications network, said controller being responsive to either a said command or a said sensed command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items, and wherein said system further comprises a carrier for a plurality of data and/or command codes for association with means for displaying a plurality of said selectable items, wherein said carrier carries a plurality of codes, each for a respective one of a plurality of natural language and/or numeric characters and a plurality of commands for controlling operation of said data entry system or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof.

A 1	A 1
	A data entry system comprising a hand holdable data
entry unit, said hand holdable unit comprising:	entry unit, said hand unit comprising:
a reading sensor for sensing commands and/or data	a reading sensor for sensing commands and/or data
and for producing input signals in response to said	and for producing input signals in response to said
sensed commands and/or data;	sensed commands and/or data;
rewritable storage programmable with information	rewritable storage programmable with information
relating to selectable items;	relating to selectable items;
a controller connected to receive and process said	a controller connected to receive and process said
input signals from said sensor, said controller being	input signals from said sensor, said controller being
arranged to respond to commands and/or sensed	arranged to respond to commands and/or sensed
commands to control said hand holdable unit and to	commands to control said hand holdable unit and to
said data to select a said item;	said data to select a said item;
a display screen for displaying a user readable	a display screen for displaying a user readable
representation of said commands and said stored	representation of said commands and said stored
information for said selected item; and	information for said selected item; and
a telecommunications interface for telephonic	a telecommunications interface for telephonic
_	transmission of information relating to a selected item
or items from said storage to a remote processing center via a telecommunications network and for	or items from storage to a remote processing center
	via a telecommunications network and for telephonic
telephonic reception of information relating to said	reception of information relating to said selectable
selectable items from said remote processing center	items from said remote processing center to said
to said storage via said telecommunications network,	storage via said telecommunications network, wherein
wherein said telecommunications interface is a	said telecommunications interface is a
telecommunications line interface integral to said	telecommunications line interface integral to said hand
hand holdable unit and directly connects said hand-	holdable unit and directly connects said hand-
holdable unit to said telecommunications network,	holdable unit to said telecommunications network,
and wherein said data entry system further comprises	• •
	sa carrier for a plurality of data and/or command codes
for association with means for displaying a plurality	for association with means for displaying a plurality
	of said selectable items, wherein said carrier carries a
plurality of codes, each for a respective one of a	plurality of codes, each for a respective one of a
plurality of natural language and/or numeric	plurality of natural language and/or numeric
characters and a plurality of commands for	characters and a plurality of commands for
controlling operation of said data system or a	controlling operation of said data system or a
merchandising system, each code being associated	merchandising system, each code being associated
with a visual representation of the corresponding	with a visual representation of the corresponding
natural language or numeric character or command	natural language or numeric character or command
and/or of a graphical graphical representation thereof	and/or of a graphical graphical representation thereof.
Claim 32	
A data entry system according to claim 26 claim 29,	A data entry system according to claim 26 or claim
wherein said telecommunications interface is integral	• •
to said hand holdable unit and directly connects said	integral to said hand holdable unit and <i>directly</i>
hand-holdable unit to said telecommunications	connects [ connect without an intervening agency or
network.	step between the hand holdable unit and the
	telecommunications network] said hand-holdable unit
	to said telecommunications network.
Claim 33	The same same same same same same same sam
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A data entry system according to any of claims 26, 28, 29, 30 or 31, wherein said hand holdable unit includes a rechargeable power source, means being provided for recharging said power source.  Claim 34  A data entry system according to any of claims 26, 27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications enterface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37
includes a rechargeable power source, means being provided for recharging said power source.  Claim 34  A data entry system according to any of claims 26, 27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.
Provided for recharging said power source.  Claim 34  A data entry system according to any of claims 26, 27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.
Claim 34  A data entry system according to any of claims 26, 27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37
A data entry system according to any of claims 26, 27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.
27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, A data entry system according to any of claims 26, A data entry system according to any of claims 26,
27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  A data entry system according to any of claims 26, A data entry system according to any of claims 26, A data entry system according to any of claims 26,
interface is a wireless telecommunications network interface.  Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, A data entry system according to any of claims 26, A data entry system according to any of claims 26,
Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, A data entry system according to any of claims 26,
Claim 35  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26, A data entry system according to any of claims 26,
27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26,  A data entry system according to any of claims 26,
27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26,  A data entry system according to any of claims 26,
interface is a cellular telephone network interface. interface is a cellular telephone network interface.  Claim 37  A data entry system according to any of claims 26,  A data entry system according to any of claims 26,
Claim 37  A data entry system according to any of claims 26, A data entry system according to any of claims 26,
A data entry system according to any of claims 26, A data entry system according to any of claims 26,
μι, Δο, Δο, δο οι στ, whorem, said μι, Δο, Δο, σο οι στ, whorem said telecommunications
telecommunications interface includes a modem. interface includes a modem.
Claim 38
A data entry system according to any of claims 26,  A data entry system according to any of claims 26,
27, 28, 29, 30 or 31, wherein said hand holdable unit 27, 28, 29, 30 or 31, wherein said hand holdable unit
comprises one or two manually operable switches for comprises one or two manually operable switches for
scrolling said display in a first and/or second direction scrolling said display in a first and/or second direction
for selectively displaying information for respective for selectively displaying information for respective
selectable or selected items from said storage. selectable or selected items from said storage.
Claim 39
A data entry system according to any of claims 26, A data entry system according to any of claims 26,
27, 28, 29, 30 or 31 wherein said hand holdable unit 27, 28, 29, 30 or 31 wherein said hand holdable unit
comprises one or two manually operable switches for comprises one or two manually operable switches for
scrolling said display in a first and/or second direction scrolling said display in a first and/or second direction
for selectively displaying information for respective for selectively displaying information for respective
selectable or selected items from said storage, and selectable or selected items from said storage, and
wherein operation of said first and/or second switches wherein operation of said first and/or second switches
in predetermined operational states or said hand in predetermined operational states of said hand
holdable unit causes predetermined functions other holdable unit causes predetermined functions other
than scrolling functions to be performed. than scrolling functions to be performed.
Claim 40
A data entry system according to any of claims 26, A data entry system according to any of claims 26,
27, 28, 29, 30 or 31 wherein said display screen 27, 28, 29, 30 or 31 wherein said display screen
comprises a touch sensitive screen forming a said comprises a touch sensitive screen forming a said
reading sensor, said controller being arranged to be reading sensor, said controller being arranged to be
responsive to a location at which said screen is responsive to a location at which said screen is
touched for user input.
touched for user input.
Claim 41
Claim 41  A data entry system according to any of claims 26. A data entry system according to any of claims 26.
A data entry system according to any of claims 26, A data entry system according to any of claims 26,

Claim 59	
selectable merchandisable items.	selectable merchandisable items.
center initiates processing of user orders of said	center initiates processing of user orders of said
merchandisable items; and said remote processing	merchandisable items; and said remote processing
or 31, wherein: said selectable items are	or 31, wherein: said selectable items are
system according to any of claims 26, 27, 28, 29, 30	system according to any of claims 26, 27, 28, 29, 30
A merchandising system comprising a data entry	A merchandising system comprising a data entry
Claim 57	uuu.
data.	data.
unit can be used for entry of a said command and/or	unit can be used for entry of a said command and/or
A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein a key on said data entry	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein a key on said data entry
Claim 56  A data entry system according to any of claims 26	A data antry system according to any of claims 26
said carrier comprises a display.	said carrier comprises a display.
A data entry system according to claim 53, wherein	A data entry system according to claim 53, wherein
	A data antry system according to alaim 52 wherein
Claim 55	and of of a graphical representation thereof.
and/or of a graphical representation thereof.	and/or of a graphical representation thereof.
natural language or numeric character or command	with a visual representation of the corresponding natural language or numeric character or command
merchandising system, each code being associated with a visual representation of the corresponding	- · · · · · · · · · · · · · · · · · · ·
	merchandising system, each code being associated
controlling operation of said data entry or	controlling operation of said data entry or
characters and a plurality of commands for	characters and a plurality of commands for
plurality of natural language and/or numeric	plurality of natural language and/or numeric
plurality of codes, each for a respective one of a	plurality of codes, each for a respective one of a
of selectable items, wherein said carrier carries a	selectable items, wherein said carrier carries a
association with means for displaying a plurality	association with means for displaying a plurality of
plurality of data and/or command codes for	plurality of data and/or command codes for
27, 28, 29, 30 or 31, comprising a carrier for a	27, 28, 29, 30 or 31, comprising a carrier for a
A data entry system according to any of claims 26,	A data entry system according to any of claims 26,
Claim 53	
processing center.	processing center.
holdable unit are updateable remotely from said	holdable unit are updateable remotely from said
28, 29, 30 or 31, wherein programs in said hand	28, 29, 30 or 31, wherein programs in said hand
A data entry system according to any claims 26, 27,	A data entry system according to any claims 26, 27,
Claim 51	
said scanning device is a camera.	said scanning device is a camera.
A data entry device according to claim 44, wherein	A data entry device according to claim 44, wherein
Claim 45	
a motion detector or a scanning device.	motion detector or a scanning device.
27, 28, 29, 30 or 31, wherein a said reading sensor is	27, 28, 29, 30 or 31, wherein a said reading sensor is a
A data entry system according to any of claims 26,	A data entry system according to any of claims 26,
Claim 44	<u> </u>
for display.	for display.
	characters or images corresponding to the coded data
selectable items to determine natural language	selectable items to determine natural language
arranged to access the stored information for	arranged to access the stored information for

A data entry system according to any of claims 27, 28, 30 or 31, wherein said controller is responsive to a said command to cause downloading of information said command to cause downloading of information from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items.

A data entry system according to any of claims 27, 28, 30 or 31, wherein said controller is responsive to a from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectable items.

#### Claim 60

A data entry system according to any of claims 28, 29, 30 or 31 wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset.

A data entry system according to any of claims 28, 29. 30 or 31 wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset.

### EXHIBIT B

## GLOSSARY OF TERMS

**TERM DEFINITION** 

carrier a medium which carries one or more data and/or command code, character,

image, or graphical or alphanumeric data representation

coded data data having a recognizable pattern or structure

commands and/or instructions

sensed commands

communications a device which enables communication between two or more devices

interface

comprise are

a microprocessor or other processing circuitry controller

coupled connected or linked data factual information

connect without an intervening agency or step between the hand holdable unit directly connects

and the telecommunications network

connect without an intervening agency or step between the data entry device directly to connect

and the wireless telecommunications network

an electronic element that provides a visual representation display (n.)

display (v.)

downloading transferring from one place to storage at another

assuming the function of forming

hand holdable can be held by one hand in normal use

output of the reading sensor to be received by a controller input signals

integral with formed as a unit with one or more parts

a manual switch kev

manually operable devices for making, breaking, or changing the connections in an electrical

switches circuit, which can be operated by hand

modem a device that converts data from one form to another

a device that is sensitive to movement motion detector to subject to examination or analysis process (v.)

coded instructions that a computer follows to perform a desired sequence of programs

operations

reading sensor a structure capable of detecting external stimuli

responsive giving response or reaction

rewritable storage storage in which the stored information can be written over scrolling said display stepping through text or graphics displayed on a display signature a characteristic or mark distinctively identifying a person

part of a computer that accepts and retains information for subsequent use or storage

retrieval

stored information information previously saved

telecommunications line

a device that enables telephonic communication between two or more devices interface

by wire or cable

touch sensitive screen screen which reacts to touch by producing a signal

changing, adding to, or deleting information in a record to maintain current updating

status

S.D.Cal.,2005.

Dataquill Ltd. v. Kyocera Wireless Corp.

Produced by Sans Paper, LLC.