United States District Court, S.D. California.

DATAQUILL LIMITED,

Plaintiff.

V.

KYOCERA WIRELESS CORP,

Defendant.

Civil No. 01CV2302B (BLM)

July 1, 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.

SUPERSEDING 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 (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.

UNITED STATES PATENT NUMBER 6.058.304-CLAIM CHART

VEDDATIM CLAIM LANCHACE	1
VERBATIM CLAIM LANGUAGE COURT'S CLAIM INTERPRETATION	
Claim 1	
A data entry device for use in a data entry	A data entry device for use in a data entry system, said data
system, said data entry device comprising:	entry device comprising:
a reading sensor responsive to commands	a reading sensor [a structure capable of detecting external
and/or sensed commands and data to produce	stimuli] responsive [giving response or reaction] to
input signals;	commands and/or sensed commands and data [instructions
imput signais,	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	a controller [a microprocessor or other processing circuitry
receive and process said input signals;	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	said controller coupled to a communications interface [a
inter-face to selectively control transmission	device which enables communication between two or more
over said. communications interface of	devices] to selectively control transmission over said
command and/or data signals as determined by	communications interface of command and/or data signals as
said input signals processed by said controller;	determined by said input signals processed by said
said communications interface being operable	controller; said communications interface being operable
directly to connect said data entry device to a	directly to connect [connect without an intervening agency
wireless telecommunications network; and	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	a display [an electronic element that provides a visual
	frepresentation] coupled to said controller to display [show
said input signals processed by said controller;	commands and/or information under control of said input
The second process of the second seco	signals processed by said controller;
wherein said reading sensor, controller and	wherein said reading sensor, controller and display <i>comprise</i>
display comprise a unitary assembly and. said	[are] a unitary assembly ana said communications interface
communications interface is a cellular	is a cellular telephone network interface and said wireless
telephone network interface and said wireless	telecommunications network is a cellular telephone network,
telecommunications network is a cellular	and wherein said controller is responsive to a said command
	to cause downloading [transferring from one place to
is responsive to a said command to cause	storage at another] of information from a remote
downloading of information from a remote	processing center as required for updating information
processing center as required for updating	previously stored in said data entry device.
information previously stored in said data entry	
device. Claim 2	
	am A data entry device for use in a data entry system said
said data entry device comprising:	em, A data entry device for use in a data entry system, said data entry device comprising:
a reading sensor responsive to commands and/o	
sensed commands and data to produce input	commands and data to produce input signals;
signals;	input signate,
O ;	

a controller coupled to said reading sensor to	a controller coupled to said reading sensor to receive and	
receive and process said input signals;	process said input signals;	
	r-said controller coupled to a communications inter-face to	
face to selectively control transmission over said		
	tacommunications interface of command and/or data	
signals as determined by said input signals	signals as determined by said input signals processed by	
	ns said controller; said communications interface being	
interface being operable directly to connect said	operable directly to connect said data entry device to a	
data entry device to a wireless	wireless telecommunications network; and	
telecommunications network; and		
a display coupled to said controller to display	a display coupled to said controller to display commands	
commands and/or information under control of	and/or information under control of said input signals	
said input signals processed by said controller;	processed by said controller;	
wherein said reading sensor, controller and	wherein said reading sensor, controller and display	
display comprise a unitary assembly and said	comprise a unitary assembly and said communications	
communications interface is a cellular telephone		
network interface and said wireless	interface is a cellular telephone network interface and said wireless telecommunications network is a cellular	
telecommunications network is a cellular		
	telephone network and said data entry device is <i>integral</i>	
telephone network and said data entry device is	with [formed as a unit with one or more parts] with a	
integral with a cellular telephone, and wherein	cellular telephone, and wherein said controller is	
	to responsive to a said command to cause downloading of	
cause downloading of information from a remote		
processing center as required for updating	for updating information previously stored in said data	
information previously stored in said data entry	entry device.	
device.		
Claim 4		
	a entry device according to any of claims 1, 2 or 3, wherein	
	communications interface includes a <i>modem</i> [a device that	
communications interface includes a conve	erts data from one form to another].	
modem.		
Claim 5		
A 1		
A data entry device according to any of A	data entry device according to any of claims 1, 2 or 3,	
•	data entry device according to any of claims 1, 2 or 3, herein said reading sensor, controller and display comprise a	
claims 1, 2 or 3, wherein said reading sensor, wh	nerein said reading sensor, controller and display comprise a	
claims 1, 2 or 3, wherein said reading sensor, wherein said reading sensor is the said reading sensor wherein sensor is the said reading sensor wherein sensor is the said reading sensor wherein sensor where sensor wherein sensor where sensor wherein sensor where wherein sensor wherein	,	
claims 1, 2 or 3, wherein said reading sensor, wherein said reading sensor, wherein said reading sensor, which is a sensor of the said reading sensor, which is a sensor of the said reading sensor, which is a sensor of the said reading sensor, which is a sensor of the said reading sensor, which is a sensor of the said reading sensor, which is a sensor of the said reading sensor, which is a sensor of the said reading sensor.	nerein said reading sensor, controller and display comprise a	
claims 1, 2 or 3, wherein said reading sensor, wherein said reading sensor, wherein said reading sensor, which is controller and display comprise a hand holdable unit. Claim 6	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit.	
claims 1, 2 or 3, wherein said reading sensor, wherein said reading sensor se	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a	
claims 1, 2 or 3, wherein said reading sensor, wherein said reading sensor, wherein said display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provided.	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for	
claims 1, 2 or 3, wherein said reading sensor, wherein said reading sensor, wherein said display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provide recharging said power source.	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provided recharging said power source. Claim 7	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for recharging said power source.	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provided recharging said power source. Claim 7 A data entry device according to any A data	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for recharging said power source. 8. A data entry device according to any of claims 1, 2 or 3, wherein	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provided recharging said power source. Claim 7 A data entry device according to any of claims 1, 2 or 3, wherein said data said data	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. , 2 A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for recharging said power source. atry device according to any of claims 1, 2 or 3, wherein entry device comprises one or two manually operable	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provide recharging said power source. Claim 7 A data entry device according to any of claims 1, 2 or 3, wherein said data entry device comprises one or two switches	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for recharging said power source. 8. A data entry device according to any of claims 1, 2 or 3, wherein entry device according to any of claims 1, 2 or 3, wherein entry device comprises one or two manually operable [devices for making, breaking, or changing the connections]	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provide recharging said power source. Claim 7 A data entry device according to any of claims 1, 2 or 3, wherein said data entry device comprises one or two switches	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. , 2 A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for recharging said power source. atry device according to any of claims 1, 2 or 3, wherein entry device comprises one or two manually operable	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provide recharging said power source. Claim 7 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 in an election.	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for recharging said power source. 8. A data entry device according to any of claims 1, 2 or 3, wherein entry device according to any of claims 1, 2 or 3, wherein entry device comprises one or two manually operable [devices for making, breaking, or changing the connections]	
claims 1, 2 or 3, wherein said reading sensor, who controller and display comprise a hand holdable unit. Claim 6 A data entry device according to any of claims 1 or 3, wherein said data entry device includes a rechargeable power source, means being provided recharging said power source. Claim 7 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 said display in a first and/or said display in a first and/or	nerein said reading sensor, controller and display comprise a and holdable [can be held by one hand in normal use] unit. 7. A data entry device according to any of claims 1, 2 or 3, wherein said data entry device includes a d for rechargeable power source, means being provided for recharging said power source. 8. Attry device according to any of claims 1, 2 or 3, wherein entry device comprises one or two manually operable [devices for making, breaking, or changing the connections etrical circuit, which can be operated by hand] for scrolling	

displaying said commands and/or said commands and/or information.		
information.		
Claim 8		
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, wherein said data entry device comprises one or 3, wherein said data entry device comprises one		
two manually operable switches for scrolling said manually operable switches for scrolling said d		
display in a first and/or second direction for in a first and/or second direction for selectively		
selectively displaying said commands and/or displaying said commands and/or information,		
information, and wherein operation of said first wherein operation of said first and/or second sv		
and/or second switches in predetermined operational in predetermined operational states of said data	entry	
states of said data entry device causes predetermined device causes predetermined functions other that	an	
functions other than scrolling functions to be scrolling functions to be performed.		
performed.		
Claim 9		
A data entry device according to any of A data entry device according to any of claims 1, 2 or 3	3,	
claims 1, 2 or 3, wherein said display screen wherein said display screen comprises a touch sensitive		
comprises a touch sensitive screen forming a [screen which reacts to touch by producing a signal]	forming	
said reading sensor, said controller being [assuming the function of] a said reading sensor, said		
arranged to be responsive to a location at controller being arranged to be responsive to a location	ı at	
which said screen is touched for user input. which said screen is touched for user input.		
Claim 10		
A data entry device according to any of A data entry device according to any of claims 1, 2 or 3 v		
claims 1, 2 or 3 wherein a said reading a said reading sensor is for reading <i>coded data</i> [<i>data hav</i>		
sensor is for reading coded data such as recognizable pattern or structure] such as fingerprints o		
fingerprints or signatures or written text, signatures [a characteristic or mark distinctively identify		
wherein said controller is arranged to <i>person</i>] or written text, wherein said controller is arranged		
access stored information for selectable access stored information [information previously saved]		
items to determine natural language selectable items to determine natural language characters	or	
characters or images corresponding to the images corresponding to the coded data for display.		
coded data for display.		
Claim 12	-	
A data entry device according to any of A data entry device according to any of claims 1, 2 or		
claims 1, 2 or 3, wherein a said reading sensor wherein a said reading sensor is a motion detector [a device		
is a motion detector or a scanning device. that is sensitive to movement] or a scanning device.		
Claim 18		
A data entry device according to any A data entry device according to any of claims 1, 2 or 3 compri	_	
of claims 1, 2 or 3 comprising rewritable storage [storage in which the stored information can		
rewritable storage and wherein written over] and wherein programs [coded instructions that c		
programs in said data entry device computer follows to perform a desired sequence of operations]		
are updateable remotely from a data entry device are updateable remotely from a processing cer	nter.	
processing center.		
Claim 20		
A data entry device according to any of A data entry device according to any of claims 1, 2 or 3,	a dat ::	
claims 1, 2 or 3, comprising a carrier or comprising a carrier [a medium which carries one or more	e aata	
a display for a plurality of data and/or and/or command code, character, image, or graphical or	lity of	
command codes for association with alphanumeric data representation] or a display for a plural	III OI	

means for displaying a plurality of 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 device or a merchandising system, each code being associated with a visual representation a graphical representation thereof.

data and/or command codes for association with means for displaying a plurality of 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 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 of the corresponding natural language or means is: displaying a plurality of selectable items. The structure to numeric character or command and/or of 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 3, comprising a carrier or a display for a plurality 3, comprising a carrier or a display for a plurality of of data and/or command codes for association with means for displaying a plurality of selectable items, wherein said carrier carries a plurality of codes, each said carrier carries a plurality of codes, each for a 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 device or a merchandising system, each code being associated with a visual representation of the or command and/or of a graphical representation thereof, wherein said codes are bar and/or dot codes and/or other product identifications.

A data entry device according to any of claims 1, 2 or data and/or command codes for association with means for displaying a plurality of selectable items, wherein respective one of a plurality of natural language and/or numeric characters and a plurality of commands for controlling operation of said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural corresponding natural language or numeric character language or numeric character or command and/or of a graphical representation thereof, wherein said codes are bar and/or dot codes and/or other product identifications.

Claim 22

A data entry device according to claim [sic] any of claims 1, 2 or 3 wherein a key on said data entry device can be used for entry of a said command and/or data.

A data entry device according to any of claims 1, 2 or 3 wherein a key [a manual switch] on said data entry device can be used for entry of a said command and/or data.

Claim 23

A merchandising system comprising a data entry device according to any of claims 1, 2 or 3, wherein: said device is programmable with information relating to user selectable merchandisable items;

A merchandising system comprising a data entry device according to any of claims 1, 2 or 3, wherein:

said device is programmable with information relating 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 selectable merchandisable items.

center for initiating processing of user orders of said selectable merchandisable items.

Claim 26

and

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 [can be held by one 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

and for producing input-signals in response to said	for producing input signals in response to said sensed
sensed commands and/or data;	commands and/or data;
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	
input signals from said sensor, said controller beir	signals from said sensor, said controller being arranged
arranged to respond to commands and/or sensed	to respond to commands and/or sensed commands to
commands to control said hand holdable unit and	
said data to select a said item; and	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 or said commands and said stored
information for said selected item; and	information for said selected item; and
said system further comprising; a	said system further comprising: a telecommunications
telecommunications interface for telephonic	interface for telephonic transmission of information
transmission of information relating to a selected	relating to a selected item or items from said storage to
item or items from said storage to a remote processing center via a telecommunications netwo	a remote processing center via a telecommunications ork network and for telephonic reception of information
and for telephonic reception of information relating	* *
to selectable items from said remote processing	processing center to said storage via said
center to said storage via said telecommunications	
network, said controller being responsive to a said	
	ominformation from said remote processing center as
said remote processing center as required for	required for updating information previously stored in
updating information previously stored in said	said rewritable storage for one or more of said
rewritable storage for one or more of said selectab	
items, wherein said hand holdable unit includes a	includes a speaker and a microphone permitting said
speaker and a microphone permitting said hand	hand holdable unit to be used as a telephone handset.
holdable unit to be used as a telephone handset.	
Claim 27	
1 0	A data entry system comprising a hand holdable data entry
	unit, said hand holdable unit comprising:
comprising:	
	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;
	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
unit and to said data to select a said item;	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	a telecommunications interface for telephonic transmission

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 said storage via said telecommunications network, wherein said telecommunications interface is a 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 as a telephone handset. handset.

transmission of information relating to a selected 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 said storage via said telecommunications network, wherein said telecommunications interface is a telecommunications line interface [a device that enables telephonic communication telecommunications line interface integral to said between two or more devices by wire or cable 1 integral to said hand holdable unit and directly connects said handholdable 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

Claim 28

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;

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 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 center 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 a telecommunications line interface integral to said hand holdable unit and directly connects said handholdable unit to said wireless telecommunications network.

- 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:
 - 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;
 - 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 transmission of information relating to a selected item or items from said storage to a remote processing center 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 a telecommunications line interface integral to said hand holdable unit and directly connects said handholdable unit to said wireless telecommunications network.

Claim 29

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
and for producing input signals in response to said	for producing input signals in response to said sensed
sensed commands and/or data;	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
input signals from said sensor, said controller being	signals from said sensor, said controller being arranged
arranged to respond to commands and/or sensed	to respond to commands and/or sensed commands to
commands to control said hand holdable unit and to	control said hand holdable unit and to said data to
said data to select a said item; and	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;	information for said selected item;
and said system further comprising: a	and said system further comprising: a
telecommunications interface for telephonic	telecommunications interface for telephonic
transmission of information relating to a selected	transmission of information relating to a selected item
item or items from said storage to a remote	or items from said storage to a remote processing
processing center via a telecommunications network	center via a telecommunications network and for
and for telephonic reception of information relating	telephonic reception of information relating to
to selectable items from said remote processing	selectable items from said remote processing center to
center to said storage via said telecommunications	said storage via said telecommunications network, said
network, said controller being responsive to either a	controller being responsive to either a said command
said command or a said sensed command to cause	or a said sensed command to cause downloading of
downloading of information from said remote	information from said remote processing center as
processing center as required for updating	required for updating information previously stored in
information previously stored in said rewritable	said rewritable storage for one or more of said
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	command codes for association with means for displaying a plurality of said selectable items, wherein
said selectable items, wherein said carrier carries a	said carrier carries a plurality of codes, each for a
plurality of codes, each for a respective one of a	respective one of a plurality of natural language and/or
plurality of natural language and/or numeric	numeric characters and a plurality of commands for
characters and a plurality of commands for	controlling operation of said data entry system or a
controlling operation of said data entry system or a	merchandising system, each code being associated with
merchandising system, each code being. associated	a visual representation of the corresponding natural
with a visual representation of the corresponding	language or numeric character or command and/or of a
natural language or numeric character or command	graphical representation thereof.
and/or of a graphical representation thereof.	
Claim 30	
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
and for producing input signals in response to said	for producing input signals in response to said sensed
sensed commands and/or data;	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
input signals from said sensor, said controller bein	
arranged to respond to commands and/or sensed	to respond to commands and/or sensed commands to
commands to control said hand holdable unit and	_
said data to select a said item;	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	transmission of information relating to a selected item
item or items from said storage to a remote	or items from said storage to a remote processing
processing center via a telecommunications netwo	
and for telephonic reception of information relatin	
to said selectable items from said remote processing	
center to said storage via said telecommunications	
network, wherein said telecommunications interface	
	aidtelecommunications line interface integral to said hand
hand holdable unit and directly connects said hand	<u> </u>
holdable unit to said telecommunications network	· ·
	sessaid data entry system further comprises a carrier for a
a carrier for a plurality of data and/or command	plurality of data and/or command codes for association
codes for association with means for displaying a	with means for displaying a plurality of said selectable
plurality of said selectable items, wherein said	items, wherein said carrier carries a plurality of codes,
carrier carries a plurality of codes, each for a	each for a respective one of a plurality of natural
respective one of a plurality of natural language	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	system or a merchandising system, each code being
entry system or a merchandising system, each cod	
being associated with a visual representation of th	
	ter command and/or of a graphical representation thereof.
or command and/or of a graphical representation	8-1
thereof.	
Claim 32	
	entry system according to claim 26 or claim 29, wherein
	communications interface is integral to said hand holdable
	directly connects [connect without an intervening agency
	between the hand holdable unit and the
	munications network] said hand-holdable unit to said
	munications network.
	Humcations network.
Claim 33	A data antity system according to any of claims 26, 29
A data entry system according to any of claims 26	• • •
28, 29, 30 or 31, wherein said hand holdable unit	29, 30 or 31, wherein said hand holdable unit includes
includes a rechargeable power source, means being	
provided for recharging said power source.	recharging said power source.
Claim 34	A data antina arctica arctica de C. 1.1. 26.27
A data entry system according to any of claims 26	6, A data entry system according to any of claims 26, 27,

27, 29 or 30, wherein said telecommunications	29 or 30, wherein said telecommunications interface is
interface is a wireless telecommunications network interface.	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.	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, 28, 29, 30 or 31, wherein said	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said telecommunications
telecommunications interface includes a modem.	interface includes a modem.
Claim 38	
A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage.
Claim 39	
comprises one or two manually operable switches for scrolling said display in a first and/or second, direction for selectively displaying information for respective selectable or selected items from said storage, and wherein operation of said first and/or second switches in predetermined operational states	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage, and wherein operation of said first and/or second switches in predetermined operational states of said hand noldable unit causes predetermined functions other than scrolling functions to be performed.
Claim 40	
A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 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.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 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.
Claim 41	
	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein a said reading sensor is for reading coded data, wherein said controller is arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display.

Claim 44	
A data entry system according to any of claims 26,	A data entry system according to any of claims 26, 27,
27, 28, 29, 30 or 31, wherein a said reading sensor is	28, 29, 30 or 31, wherein a said reading sensor is a
a motion detector or a scanning device.	motion detector or a scanning device.
Claim 45	
A data entry device according to claim 44, wherein	A data entry device according to claim 44, wherein
said scanning device is a camera.	said scanning device is a camera.
Claim 51	
A data entry system according to any claims 26, 27,	A data entry system according to any claims 26, 27,
28, 29, 30 or 31, wherein programs in said hand	28, 29, 30 or 31, wherein programs in said hand
holdable unit are updateable remotely from said	holdable unit are updateable remotely from said
processing center.	processing center.
Claim 53	Free cosming control.
A data entry system according to any of claims 26,	A data entry system according to any of claims 26, 27,
27, 28, 29, 30 or 31, comprising a carrier for a	28, 29, 30 or 31, comprising a carrier for a plurality of
	data and/or command codes for association with means
<u>r</u>	for displaying a plurality of selectable items, wherein
selectable items, wherein said carrier carries a	said carrier carries a plurality of codes, each for a
	_ ·
plurality of codes, each for a respective one of a	respective one of a plurality of natural language and/or
plurality of natural language and/or numeric	numeric characters and a plurality of commands for
characters and a plurality of commands for	controlling operation of said data entry or
controlling operation of said data entry or	merchandising system, each code being associated with
	a visual representation of the corresponding natural
with a visual representation of the corresponding	language or numeric character or command and/or of a
natural language or numeric character or command	graphical representation thereof.
and/or of a graphical representation thereof.	
Claim 55	
A data entry system according to claim 53, wherein	A data entry system according to claim 53, wherein
said carrier comprises a display.	said carrier comprises a display.
Claim 56	
	A data entry system according to any of claims 26, 27
	28, 29, 30 or 31, wherein a key on said data entry unit
· ·	can be used for entry of a said command and/or data.
data.	
Claim 57	
A merchandising system comprising a data entry	A merchandising system comprising a data entry
system according to any of claims 26, 27, 28, 29, 30	system according to any of claims 26, 27, 28, 29, 30 or
or 31, wherein: said selectable items are	31, wherein: said selectable items are merchandisable
merchandisable items; and said remote processing	items; and said remote processing center initiates
center initiates processing of user orders of said	processing of user orders of said selectable
selectable merchandisable items.	merchandisable items.
Claim 59	
A data entry system according to any of claims 27,	A data entry system according to any of claims 27, 28,
28, 30 or 31, wherein said controller is responsive to	30 or 31, wherein said controller is responsive to a said
a said command to cause downloading of	command to cause downloading of information from
information from said remote processing center as	said remote processing center as required for updating
1	1 & Table 1

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

controller a microprocessor or other processing circuitry

coupledconnected or linkeddatafactual information

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

and the telecommunications network

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

and the wireless telecommunications network

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

display (v.) show

downloading transferring from one place to storage at another

forming assuming the function of

hand holdable can be held by one hand in normal use

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

integral with formed as a unit with one or more parts

key a manual switch

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

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

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

operations

reading sensor a structure capable of detecting external stimuli

responsive giving response or reaction

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

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

S.D.Cal.,2005.

DataQuill Ltd. v. Kyocera Wireless Corp.

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