United States District Court, S.D. California.

DATAQUILL LIMITED,

Plaintiff. v. **KYOCERA WIRELESS CORP,** Defendant.

Civil No. 01CV2302B (BLM)

Oct. 25, 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.

This Order supersedes the original claim construction order of May 11, 2005, and the superseding claim construction order of July 1, 2005, and thus constitutes the only superseding claim construction order in this case.

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. On October 24, 2005, the Court conducted a limited Markman hearing in the above-titled patent infringement action regarding construction of the claim term "reading sensor" in the '304 patent. Plaintiff DataQuill Limited ("DataQuill") was represented by the Competition Law Group and the law firm Hech Solberg Robinson and Goldberg. Defendant Kyocera Wireless Corp. ("Kyocera") was represented by the Competition Law Group and the law firm Hech Solberg Robinson and Goldberg. Defendant Kyocera Wireless Corp. ("Kyocera") was represented by the Law Forp. ("Kyocera") was represented by the Competition Law Group and the law firm Hech Solberg Robinson and Goldberg. 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. *This order supersedes and replaces all previous orders construing the claims of the* '304 patent.

IT IS SO ORDERED.

EXHIBIT A

UNITED 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	a reading sensor [a structure capable of detecting and
and/or sensed commands and data to produce input signals;	<i>reporting data</i>] <i>responsive</i> [<i>giving response or reaction</i>] to <i>commands and/or sensed commands and data</i> [<i>instructions</i>
	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 said input signals,	receive and process [to subject to examination or analysis]
	said input signals;
said controller coupled to a communications	said controller coupled to a <i>communications interface</i> [a
inter-face to selectively control transmission	device which enables communication between two or more
over said communications interface of	<i>devices</i>] to selectively control transmission over said
command and/or data signals as determined by said input signals processed by said controller;	communications interface of command and/or data signals as determined by said input signals processed by said controller;
said input signals processed by said controller, said communications interface being operable	said communications interface being operable <i>directly to</i>
directly to connect said data entry device to a	connect [connect without an intervening agency or step
wireless telecommunications network; and	between the data entry device and the wireless
,	<i>telecommunications network</i>] 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
	representation] coupled to said controller to display [show
said input signals processed by said controller;] commands and/or information under control of said input
	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	[<i>are</i>] a unitary assembly and 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	telecommunications network is a cellular telephone network, 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 processing
· –	

enter as required for updating information previously stored n said data entry device.
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n, 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 controller coupled to said reading sensor to receive and
process said input signals;
er-said controller coupled to a communications inter-face to
selectively control transmission over said
atacommunications interface of command and/or data
signals as determined by said input signals processed by
ns said controller; said communications interface being
operable directly to connect said data entry device to a
wireless telecommunications network; and

a display coupled to said controller to displa		a display coupled to said controller to display commands
commands and/or information under contro	l of	and/or information under control of said input signals
said input signals processed by said control	ler;	processed by said controller;
wherein said reading sensor, controller and		wherein said reading sensor, controller and display
display comprise a unitary assembly and sa	id	comprise a unitary assembly and said communications
communications interface is a cellular telep	hone	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 network and said data entry device is <i>integral</i>
telephone network and said data entry device	e is	with [formed as a unit with one or more parts] with a
integral with a cellular telephone, and wher	ein	cellular telephone, and wherein said controller is
said controller is responsive to a said comm	and to	responsive to a said command to cause downloading of
cause downloading of information from a re-	emote	information from a remote processing center as required
processing center as required for updating		for updating information previously stored in said data
information previously stored in said data e	ntry	entry device.
device.	-	
Claim 4		
A data entry device according to any of	A data	entry device according to any of claims 1, 2 or 3, wherein
claims 1, 2 or 3, wherein said	said co	ommunications interface includes a modem [a device that
communications interface includes a	conver	rts data from one form to another].
modem.		
Claim 5		
A data entry device according to any of	A d	lata entry device according to any of claims 1, 2 or 3,
claims 1, 2 or 3, wherein said reading senso	r, whe	erein said reading sensor, controller and display comprise a
controller and display comprise a hand	han	nd holdable [can be held by one hand in normal use] unit.
holdable unit.		•
Claim 6		

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A data entry device according to any of	f claims 1, 2	A data entry device according to any of claims 1, 2 or
or 3, wherein said data entry device incl	ludes a	3, wherein said data entry device includes a
rechargeable power source, means being	g provided for	rechargeable power source, means being provided for
recharging said power source.		recharging said power source.
Claim 7		
A data entry device according to any	A data entry d	levice according to any of claims 1, 2 or 3, wherein
of claims 1, 2 or 3, wherein said data	said data entry	y device comprises one or two manually operable
entry device comprises one or two	switches [dev	vices for making, breaking, or changing the connections
		al circuit, which can be operated by hand] for scrolling
• •	said display [stepping through text or graphics displayed on a
second direction for selectively	<i>display</i>] in a	first and/or second direction for selectively displaying
	- ·	ls and/or information.
information.		
Claim 8		
A data entry device according to any of	f claims 1, 2	A data entry device according to any of claims 1, 2 or
		3, wherein said data entry device comprises one or two
two manually operable switches for scr	-	manually operable switches for scrolling said display
display in a first and/or second direction	-	in a first and/or second direction for selectively
selectively displaying said commands a		displaying said commands and/or information, and
information, and wherein operation of s		wherein operation of said first and/or second switches
-		in predetermined operational states of said data entry
		device causes predetermined functions other than
functions other than scrolling functions		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,
claims 1, 2 or 3, wherein said display so		n said display screen comprises a <i>touch sensitive screen</i>
comprises a touch sensitive screen form		<i>i</i> which reacts to touch by producing a signal] forming
said reading sensor, said controller bein	-	<i>ting the function of</i>] a said reading sensor, said
arranged to be responsive to a location		ler being arranged to be responsive to a location at
which said screen is touched for user in		said screen is touched for user input.
Claim 10		
A data entry device according to any of	F A data en	try device according to any of claims 1, 2 or 3 wherein
claims 1, 2 or 3 wherein a said reading		ding sensor is for reading <i>coded data</i> [<i>data having a</i>
sensor is for reading coded data such as		able pattern or structure] such as fingerprints or
fingerprints or signatures or written text	Ŭ	s [a characteristic or mark distinctively identifying a
wherein said controller is arranged to	~	or written text, wherein said controller is arranged to
access stored information for selectable	ſ	pred information [information previously saved] for
items to determine natural language		e items to determine natural language characters or
characters or images corresponding to t		prresponding to the coded data for display.
coded data for display.		strong to the courd data for display.
Claim 12		
A data entry device according to any of	F A data	entry device according to any of claims 1, 2 or 3,
		n a said reading sensor is a <i>motion detector</i> [<i>a device</i>
is a motion detector or a scanning device		sensitive to movement] or a scanning device.
Claim 18		sensurve to movement j of a seamining device.

A data entry device according to any	A data entry device according to any of claims 1, 2 or 3 comprising
of claims 1, 2 or 3 comprising	rewritable storage [storage in which the stored information can be
rewritable storage and wherein	written over] and wherein programs [coded instructions that a
programs in said data entry device	computer follows to perform a desired sequence of operations] in said
are updateable remotely from a	data entry device are updateable remotely from a processing center.
processing center.	
Claim 20	

Claim 20		
A data entry device according to any of	A data entry	v device according to any of claims 1, 2 or 3,
claims 1, 2 or 3, comprising a carrier or	comprising	a carrier [a medium which carries one or more data
a display for a plurality of data and/or	and/or com	nand code, character, image, or graphical or
command codes for association with	alphanumer	<i>ic data representation</i>] or a display for a plurality of
means for displaying a plurality of	data and/or	command codes for association with means for
selectable items, wherein said carrier	displaying a	plurality of selectable items, wherein said carrier
carries a plurality of codes, each for a	carries a plu	urality of codes, each for a respective one of a plurality
respective one of a plurality of natural		nguage and/or numeric characters and a plurality of
language and/or numeric characters and		for controlling operation of said data entry device or a
a plurality of commands for controlling		ng system, each code being associated with a visual
operation of said data entry device or a		on of the corresponding natural language or numeric
merchandising system, each code being	*	command and/or of a graphical representation thereof.
associated with a visual representation		eans-plus-function claim. The function of the above
*		splaying a plurality of selectable items. The structure to
		function is: cols. 2:13-29; 6:51-7:9; 12:65-13:21, and
a graphical representation thereof.	their equiva	
Claim 21		
A data entry device according to any of	claims 1.2	A data entry device according to any of claims 1, 2 or
		3, comprising a carrier or a display for a plurality 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 for a
for a respective one of a plurality of natu		respective one of a plurality of natural language and/or
language and/or numeric characters and		numeric characters and a plurality of commands for
of commands for controlling operation of		controlling operation of said data entry device or a
entry device or a merchandising system,		merchandising system, each code being associated with
being associated with a visual representa		a visual representation of the corresponding natural
corresponding natural language or nume		language or numeric character or command and/or of a
or command and/or of a graphical repres		graphical representation thereof, wherein said codes are
thereof, wherein said codes are bar and/o		bar and/or dot codes and/or other product
and/or other product identifications.		identifications.
Claim 22		
A data entry device according to claim	sicl any of	A data entry device according to any of claims 1, 2 or 3
claims 1, 2 or 3 wherein a key on said da		wherein a key [a manual switch] on said data entry
device can be used for entry of a said co		levice can be used for entry of a said command and/or
and/or data.		lata.
Claim 23	L	
	oto onter	A marchandiging system comprising a data antre
A merchandising system comprising a d	ata entry	A merchandising system comprising a data entry
	-	
device according to any of claims 1, 2 or said device is programmable with inform	r 3, wherein:	

relating to user selectable merchandisable items; and	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.	selectable merchandisable items.
Claim 26	
A data entry system comprising a hand holdable dat	aA 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	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	
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; 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	a remote processing center via a telecommunications
processing center via a telecommunications network	
and for telephonic reception of information relating	relating to selectable items from said remote
to selectable items from said remote processing	processing center to said storage via said
center to said storage via said telecommunications	telecommunications network, said controller being
network, said controller being responsive to a said	responsive to a said command to cause downloading of
command to cause downloading of information from	
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 selectable	
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	
	data entry system comprising a hand holdable data entry
	it, said hand holdable unit comprising:
comprising:	
	reading sensor for sensing commands and/or data and for
data and for producing input signals in response pro-	oducing input signals in response to said sensed
	mmands and/or data;
rewritable storage programmable with rev	writable storage programmable with information relating

information relating to selectable items;	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	signals from said sensor, said controller being arranged to
being arranged to respond to commands and/or	respond to commands and or sensed commands to control
sensed commands to control said hand holdable	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	a display screen for displaying a user readable
representation or 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
e e	e
item or items from said storage to a remote	said storage to a remote processing center via a
processing center via a telecommunications	telecommunications network and for telephonic reception
network and for telephonic reception of	of information relating to said selectable items from said
information relating to said selectable items from	
said remote processing center to said storage via	telecommunications network, wherein said
said telecommunications network, wherein said	telecommunications interface is a <i>telecommunications line</i>
telecommunications interface is a	interface [a device that enables telephonic communication
	between two or more devices by wire or cable] integral to
hand holdable unit and directly connects said	said hand holdable unit and directly connects said hand-
hand-holdable unit to said telecommunications	holdable unit to said telecommunications network, and
network, and wherein said hand holdable unit	wherein said hand holdable unit includes a speaker and a
includes a speaker and a microphone permitting	microphone permitting said hand holdable unit to be used
said hand holdable unit to be used as a telephone	as a telephone handset.
handset.	
Claim 28	

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	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 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;	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 wireless telecommunications	
network and for telephonic reception of information	for telephonic reception of information relating to said
relating to said selectable items from said remote	selectable items from said remote processing center to

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 hand- holdable unit to said wireless telecommunications network.	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 hand- holdable unit to said wireless telecommunications network.
Claim 29	
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	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 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 natural language and/or numeric characters and a plurality of commands 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
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.	8-1
Claim 30	
	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 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
	control said hand holdable unit and to said data to
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 or 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 network	center via a telecommunications network and for
and for telephonic reception of information relating	telephonic reception of information relating to said
to said 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,
network, wherein said telecommunications interface	wherein said telecommunications interface is a
	telecommunications line interface integral to said hand
hand holdable unit and directly connects said hand-	holdable unit and directly connects said hand-holdable
holdable unit to said telecommunications network,	unit to said telecommunications network, and wherein
	said 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 code	associated with a visual representation of the
being associated with a visual representation of the	corresponding natural language or numeric character or
	command and/or of a graphical representation thereof.
or command and/or of a graphical representation	
thereof.	
Claim 32	
A data entry, system according to claim A data entr	ry system according to claim 26 or claim 29, wherein
	mmunications interface is integral to said hand holdable
	rectly connects [connect without an intervening agency

	nications network.
28, 29, 30 or 31, wherein said hand holdable unit includes a rechargeable power source, means being provided for recharging said power source.	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 or recharging said power source.
Claim 34	
27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.	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. <i>Claim</i> 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, 28, 29, 30 or 31, wherein said telecommunications interface includes a modem. <i>Claim 38</i>	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said telecommunications interface includes a modem.
for scrolling said display in a first and/or second direction for selectively displaying information for	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	
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 holdable unit causes predetermined functions other than scrolling functions to be performed.	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 holdable 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

responsive to a location at which said screen is touched for user input.	location at which said screen is touched for user input.
Claim 41	
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.	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	
27, 28, 29, 30 or 31, wherein a said reading sensor is a motion detector or a scanning device.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein a said reading sensor is a motion detector or a scanning device.
Claim 45	
A data entry device according to claim 44, wherein said scanning device is a camera.	A data entry device according to claim 44, wherein said scanning device is a camera.
Claim 51	
A data entry system according to any claims 26, 27, 28, 29, 30 or 31, wherein programs in said hand holdable unit are updateable remotely from said processing center.	A data entry system according to any claims 26, 27, 28, 29, 30 or 31, wherein programs in said hand holdable unit are updateable remotely from said processing center.
Claim 53	
A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, comprising a carrier for a plurality 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 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 or merchandising system, each code being associated with a visual representation of the corresponding	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, comprising a carrier for a plurality 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 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 or 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 data antre existence according to aloine 52 wherein
A data entry system according to claim 53, wherein said carrier comprises a display.	A data entry system according to claim 53, wherein 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	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.
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 or 31, wherein: said selectable items are merchandisable items; and said remote processing center initiates processing of user orders of said selectable merchandisable items. <i>Claim 59</i>	system according to any of claims 26, 27, 28, 29, 30 or 31, wherein: said selectable items are merchandisable items; and said remote processing center initiates processing of user orders of said selectable merchandisable items.
28, 30 or 31, wherein said controller is responsive to a said command to cause downloading of	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 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
controller	a microprocessor or other processing circuitry
coupled	connected or linked
data	factual 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 and reporting data
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
storage	part of a computer that accepts and retains information for subsequent use or 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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