

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

ATTENTIVE MOBILE INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 22-1163 (CJB)
	)	
317 LABS, INC. d/b/a EMOTIVE,	)	
	)	
Defendant.	)	
ATTENTIVE MOBILE INC.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 23-087 (CJB)
	)	
STODGE INC. d/b/a POSTSCRIPT,	)	
	)	
Defendant.	)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Modified Rule 16 Scheduling Order (D.I. 52, C.A. 22-1163 and D.I. 51, C.A. 23-87), Plaintiff Attentive Mobile Inc. (“Plaintiff”) and Defendants 317 Labs, Inc. d/b/a Emotive and Stodge Inc. d/b/a Postscript (“Defendants”) hereby provide this Joint Claim Construction Chart for U.S. Patent Nos. 11,416,887 (“the ’887 patent”), 11,416,897 (“the ’897 patent”), and 11,553,074 (“the ’074 patent”).

Agreed Terms		
Claim Terms or Phrases	Patent/Claim(s)	Agreed Construction
“a mobile device requesting and/or a webpage”	'897 Patent, claim 15	“a mobile device requesting and/or loading a webpage”
“the user data”	'897 Patent, claim 15	“user data sent from the mobile device to the at least one server”
“user data”	'897 Patent, claim 17	“the user data”

Disputed Terms					
Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
[1] Uniform Resource Identifier (URI)	'887 Patent, claim 1; '897 Patent, claims 16 and 24; '074 Patent, claims 1, 8, 16, and 23.	Plain and Ordinary Meaning, wherein the Plain and Ordinary Meaning is "a link that identifies a resource."	'887 Patent, at 2:7-11; 3:17-23; 10:27-48; 11:35-46; 18:62-19:15. Provisional application: 62/511,413, at [0005], [0006], [0007], [0010]-[0012], [0016]-[0018], [0028], Figure 1, Figure 2, Figure 3.	"a compact sequence of characters that identifies a resource and that follows the syntax defined by Section 3 of the Internet Engineering Task Force's RFC 3986 standard"	'887 Patent, at Fig. 7, 1:30-42, 2:7-24, 3:8-23, 3:59-67, 4:24-32, 7:13-17, 7:49-59, 10:16-36, 11:35-46, 14:57-59, 15:9-18, 15:23-36, 18:62-19:15, 19:15-24 Provisional application: [0006], [0007], [0015], [0029] Appl. No. 15/986,569 File History ('569 File History), Non-Final Office Action at 6-7 (3-21-2019). '569 File History, Final Office Action at 8-10 (8-8-2019). '569 File History, Reply and

¹ The three Asserted Patents are in the same patent family and have substantially the same specification. For ease of reference, the Parties cite to the '887 Patent specification herein.

² The Parties reserve the right and ability to rely on the portions of the intrinsic record cited by the other side (with Plaintiff being on one side and Defendants being on the other) in support of their side's position and/or against the other side's position.

Disputed Terms					
Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
					Amendment Under 37 C.F.R. § 1.114 at 9-10 (10-7-2019). '569 File History, Non-Final Office Action at 4-5, 6, 9 (2-20-2020). '569 File History, Response to Office Action at 8-10 (3-13-2020). '569 File History, Applicant-Initiated Interview Summary, Continuation Sheet and Interview Agenda Continuation Sheet (3-25-2020). '569 File History, Final Office Action at 3 (6-26-2020). '569 File History, Reply and Amendment Under 37

Disputed Terms					
Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
					C.F.R. § 1.116 at 8-9 (7-21-2020). '569 File History, Advisory Action Before the Filing of an Appeal Brief (9-1-2020). '569 File History, Appeal Brief Under 37 C.F.R. § 41.37 at 14-16 (11-23-2020). '569 File History, Amendment/Response to Office Action at 10-11 (7-16-2021). Appl. No. 11/170,380 File History ('380 File History), Response to Office Action at 9, 12 (4-8-2021). '380 File History, Amendment and Response to Office Action at 2, 7-10 (6-1-2021).

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Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
					'380 File History, Amendment and Response to Office Action at 11-14 (8-27-2021). '074 File History, Office Action at 18 (03-04-2022) Appl. No. 17/888,373 ('373 File History), Office Action Summary (claims 1-25) at 13 (03-23-2023) '373 File History, Office Action Summary (claims 1-21) at 17 (03-23-2023) U.S. Patent No. 9,806,942 to Saxena. U.S. Patent No. 9,811,395 to Greenwood.

Disputed Terms					
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[2] "means for causing (1) the mobile device to transition from the first application to a second application different from the first application in response to the mobile device detecting a first interaction with the invitation, the second application being a messaging application, and (2) the second application to automatically populate a custom text message based	'897 Patent, claim 15.	Means-plus-function term under 35 U.S.C. § 112(6). Function: causing (1) the mobile device to transition from the first application to a second application different from the first application in response to the mobile device detecting a first interaction with the invitation, the second application being a messaging application, and (2) the second application to automatically populate a custom text message based on the user data. Corresponding Structure: a link configured to cause the claimed functions.	'887 Patent, at 3:8-28; 3:54-4:11; 9:4-26; 10:32-11:46; 13:64-14:4; 14:57-15:2; 15:9-18; 15:21-54; 18:37-19:36; FIGS. 2A-2D; FIGS. 3A-3E; FIGS. 5A-5I; FIGS. 6A-6I. Provisional application 62/511,413, at [0006], [0007], [0010]-[0012], [0016]-[0018], [0028], Figure 1, Figure 2, Figure 3.	Means-plus-function term under 35 U.S.C. § 112(6). Function: causing (1) the mobile device to transition from the first application to a second application different from the first application in response to the mobile device detecting a first interaction with the invitation, the second application being a messaging application, and (2) the second application to automatically populate a custom text message based on the user data. Corresponding Structure: a URI deeplinking to a messaging application and configured to cause performance of the claimed functions.	'887 Patent, at Fig. 7, 1:30-42, 2:7-24, 3:8-23, 3:59-67, 4:24-32, 7:13-17, 7:49-59, 10:16-36, 11:35-46, 14:57-59, 15:9-18, 15:23-36, 18:62-19:15, 19:15-24, 20:38-21:20, claims 1 and 24. Provisional application: [0006], [0007], [0015], [0029] '897 File History, Non-Final Office Action at 2-5 (3-17-2022). '897 File History, Amendment/Response to Office Action at 13-16 (5-18-2022). '897 File History, Notice of Allowance at 2-10 (6-6-2022).

Disputed Terms					
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on the user data"					'569 File History, Non-Final Office Action at 6-7 (3-21-2019). '569 File History, Final Office Action at 8-10 (8-8-2019). '569 File History, Reply and Amendment Under 37 C.F.R. § 1.114 at 9-10 (10-7-2019). '569 File History, Non-Final Office Action at 4-5, 6, 9 (2-20-2020). '569 File History, Response to Office Action at 8-10 (3-13-2020). '569 File History, Applicant-Initiated Interview Summary, Continuation Sheet

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Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
					and Interview Agenda Continuation Sheet (3-25-2020). '569 File History, Final Office Action at 3 (6-26-2020). '569 File History, Reply and Amendment Under 37 C.F.R. § 1.116 at 8-9 (7-21-2020). '569 File History, Advisory Action Before the Filing of an Appeal Brief (9-1-2020). '569 File History, Appeal Brief Under 37 C.F.R. § 41.37 at 14-16 (11-23-2020). '569 File History, Amendment/Response to Office Action at 10-11 (7-16-2021).

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Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
					'380 File History, Response to Office Action at 9, 12 (4-8-2021). '380 File History, Amendment and Response to Office Action at 2, 7-10 (6-1-2021). '380 File History, Amendment and Response to Office Action at 11-14 (8-27-2021). '074 File History, Office Action at 18 (03-04-2022) '373 File History, Office Action Summary (claims 1-25) at 13 (03-23-2023) '373 File History, Office Action Summary (claims 1-

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					21) at 17 (03-23-2023) U.S. Patent No. 9,806,942 to Saxena. U.S. Patent No. 9,811,395 to Greenwood.
[3] "integration tag"	'887 Patent, claim 1; '897 Patent, claim 16; '074 Patent, claims 1, 8, 16, and 23.	Plain and Ordinary Meaning, wherein the Plain and Ordinary Meaning is "integrator instructions"	'887 Patent, at 5:35-52; 5:60-6:2; 8:21-26; 11:59-12:14; 12:15-62; 14:33-56; FIG. 1. Provisional application 62/511,413, at: [0021]-[0027].	"code that at some point is included on a webpage and that, when executed, causes a user mobile device to send a request to the click-to-text server for, and receive from the click-to-text server, promotional messages associated with a client"	'887 Patent, at Fig. 1, Fig. 5A, Abstract, 1:56-2:28, 4:52-5:52, 7:34-39, 8:19-39, 9:27-32, 11:47-57, 11:59-12:14, 12:15-45, 12:45-62, 12:63-13:33, 14:34-56, 16:49-17:8, 18:21-36. Provisional application: [0014], [0021]-[0028]. '074 File History, Office Action at 36 (03-04-2022)
[4] "means for displaying an invitation to	'897 Patent, claim 15.	Means-plus-function term under 35 U.S.C. § 112(6).	'887 Patent at 5:35-42; 11:59-12:62;	Means-plus-function term under 35 U.S.C. § 112(6).	'887 Patent, at Fig. 1, Fig. 5A, Abstract, 1:56-2:28, 4:52-5:52,

Disputed Terms					
Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
subscribe to a text messaging subscription service via a first application"		Function: displaying an invitation to subscribe to a text messaging subscription service via a first application. Corresponding Structure: a tag configured to cause the claimed functions.	14:36-56; 16:49-17:8. Provisional application 62/511,413, at: [0013]-[0016], [0021]-[0027], [0029].	Function: displaying an invitation to subscribe to a text messaging subscription service via a first application. Corresponding Structure: an integration tag configured to cause performance of the claimed functions.	7:34-39, 8:19-39, 9:27-32, 11:47-57, 11:59-12:14, 12:15-45, 12:45-62, 12:63-13:33, 13:56-64, 14:5-33, 14:34-56, 15:3-11, 16:49-17:8, 18:21-36, 20:38-21:20. Provisional application: [0014], [0021]-[0028]. '897 File History, Non-Final Office Action at 2-5 (3-17-2022). '897 File History, Amendment/Response to Office Action at 13-16 (5-18-2022). '074 File History, Office Action at 36 (03-04-2022)
[5] "webpage"	'887 Patent, claim 1; '897	Plain and Ordinary Meaning, wherein the Plain and Ordinary Meaning is "a page	'887 Patent, at 1:56-2:28; 3:8-23; 3:29-47; 6:66-7:29; 11:59-12:14; 12:63-13:33;	"a specific page within a website"	'887 Patent, at 11:67-12:4, 14:14-17, 14:43-47, 12:67-13:12, 12:63-13:3.

Disputed Terms					
Claim Terms or Phrases	Patent/Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence ^{1,2}	Defendants' Proposed Construction	Defendants' Intrinsic Evidence ^{1,2}
	Patent, claims 18 and 19.	accessible over the World Wide Web”	14:5-33; 14:34-56; 14:57-15:2; 15:19-54; 16:49-17:8; 17:38-44; 18:29-36.		
[6] “identifier associated with at least one of the webpage or the user data”	'887 Patent, claim 1.	Plain and Ordinary Meaning, wherein the Plain and Ordinary Meaning is “identifier associated with the webpage, the user data, or both without limitation on what the identifier may additionally be associated with”	'887 Patent, at 8:14-28; 9:27-46; 10:16-48; 12:15-45; 15:32-54; 15:66-16:48; 17:15-67; 18:37-19:15.	“identifier associated with (1) the webpage served by the client server with the integration tag; and/or (2) the user data sent by the mobile device loading the webpage”	'887 Patent, at 8:14-28, 16:57-17:8.
[7] “custom [text] message”	'887 Patent, claim 1; '897 Patent, claims 15 and 24.	Plain and Ordinary Meaning, wherein the Plain and Ordinary Meaning is “message that is customized”	'887 Patent, at 7:52-8:3; 15:41-65; 19:37-56.	“message with its editable parts customized”	'887 Patent, at 3:24-26, 7:54-65, 15:41-61, 19:37-44.
[8] “authenticate the mobile device” / “authenticate a user of the mobile device”	'887 Patent, claims 3, 4, 9, 10; '897 Patent, claim 19 / '887 Patent, claims 6 and 7.	No construction necessary, as each of the claims that use the terms specify how the authentication is to be performed.	'887 Patent, at 8:14-44; 15:66-16:24; 17:17-67; 19:57-20:6.	“verify the identity of the mobile device” / “verify the identity of a user of the mobile device”	'887 Patent, at 8:14-45, 15:66-16:10, 17:17-29. Provisional Application: [0033].

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