

U.S. Patent No. 7,628,333

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
11. A method for data exchange with a portable electronic device of the type comprising; an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a control device operatively linked to said circuit, a user interface device operatively linked to said circuit, communication ports operatively linked to said circuit, a switching element operatively linked to said electronic circuit and being in a default inactive state, and power means for providing power to said portable electronic device, said method comprising the steps of: awaiting for an activation cue to be received at a predetermined one of said communication ports; if an activation cue is received at one of said communication ports, changing the state of said switching element from its default inactive state to an activated state; and selectively triggering said control device to issue an invariable activation command, whereby said method will further comprise one of the two following steps:	Order of steps (Claim 11)	Plain and ordinary meaning. No construction necessary because there is no particular order of steps recited or required except where expressly causally limited in the claim.	Steps must be performed in the order written	

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if said switching element is in its activated state, initiating a data exchange with an external data exchange device through at least one of said communication ports; and if said switching element is in its inactive state, conveying data from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				
1. A portable electronic device, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered; a user interface device operatively linked to said electronic circuit; a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted	“a data conveyance switching element said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver” (Claim 1)	No construction necessary. Alternatively, “data conveyance switching element” means “hardware connected to and/or software running on an electronic circuit that provides switching functionality to enter into a different state for conveying data.” Not governed by 35 U.S.C. § 112, ¶ 6. To the extent the Court determines the phrase is governed by 35 U.S.C. § 112, ¶ 6: Structure: hardware connected to and/or	Governed by 35 U.S.C. § 112(6) Indefinite due to absence of corresponding algorithm in the specification under 35 U.S.C. §§ 112(2), 112(6). <u>Function</u>: being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver <u>Structure</u>: a decisional logical circuit or a series of instructions programmed onto a	

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activation cue from a source external to said portable electronic device; a data conveyance switching element operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver; and power means for providing power to said portable electronic device; wherein upon said control device being selectively triggered to issue and invariable activation command: if said switching element is in said activated state, a data exchange will be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.		software running on an electronic circuit Function: provides switching functionality to enter into a different state for conveying data	microchip or a processor/ general purpose computer/ microcontroller <u>Algorithm</u>: None OR “data conveyance switching element” shall be construed to mean “element that changes between two alternate data conveyance states”	
11. A method for data exchange with a portable electronic device of the type	“a switching element. . . being in a default	No construction necessary. Alternatively,	Governed by 35 U.S.C. § 112(6)	

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comprising; an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a control device operatively linked to said circuit, a user interface device operatively linked to said circuit, communication ports operatively linked to said circuit, a switching element operatively linked to said electronic circuit and being in a default inactive state, and power means for providing power to said portable electronic device, said method comprising the steps of: awaiting for an activation cue to be received at a predetermined one of said communication ports; if an activation cue is received at one of said communication ports, changing the state of said switching element from its default inactive state to an activated state; and selectively triggering said control device to issue an invariable activation command, whereby said method will further comprise one of the two following steps: if said switching element is in its activated state, initiating a data exchange with an external data exchange device through at least one of said communication ports; and	inactive state. . . if an activation cue is received at one of said communication ports, changing the state of said switching element from its default inactive state to an activated state” (Claims 11 and 13)	“switching element” means “hardware connected to and/or software running on an electronic circuit that provides switching functionality to enter into a different state for conveying data.” Not governed by 35 U.S.C. § 112, ¶ 6. To the extent the Court determines the phrase is governed by 35 U.S.C. § 112, ¶ 6: Structure: hardware connected to and/or software running on an electronic circuit Function: provides switching functionality to enter into a different state for conveying data	Indefinite due to absence of corresponding algorithm in the specification under 35 U.S.C. §§ 112(2), 112(6). <u>Function</u>: being in a default inactive state and, if an activation cue is received at one of said communication ports, changing the state of said switching element from its default inactive state to an activated state <u>Structure</u>: a decisional logical circuit or a series of instructions programmed onto a microchip or a processor/general purpose computer/microcontroller <u>Algorithm</u>: None OR “switching element” shall be construed to mean “element that changes between two alternate states”	

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if said switching element is in its inactive state, conveying data from said electronic circuit to said user interface device for communicating information to the portable electronic device holder. 13. A method as defined in claim 11, wherein the additional following step occurs after selectively triggering said control device if said switching element is in said activated state: conveying data from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				
1. A portable electronic device, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered; a user interface device operatively linked to said electronic circuit;	“data exchange device” (Claims 1 and 11)	No construction necessary. Not governed by 35 U.S.C. § 112, ¶ 6. To the extent the Court determines the phrase is governed by 35 U.S.C. § 112, ¶ 6. Structure: external data exchange device Function: communicates with the portable electronic device and provide data upload and/or download	Governed by 35 U.S.C. § 112(6) <u>Function</u>: exchanging data <u>Structure</u>: an electronic circuit and a data transceiver able to cooperate with a transceiver, including a portable electronic device, a computer, and an interface machine such as an automatic teller machine	

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a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted activation cue from a source external to said portable electronic device; a data conveyance switching element operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver; and power means for providing power to said portable electronic device; wherein upon said control device being selectively triggered to issue and invariable activation command: if said switching element is in said activated state, a data exchange will be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating			OR “data exchange device” shall be construed to mean “an apparatus that sends and receives data”	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
information to the portable electronic device holder. 11. A method for data exchange with a portable electronic device of the type comprising; an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a control device operatively linked to said circuit, a user interface device operatively linked to said circuit, communication ports operatively linked to said circuit, a switching element operatively linked to said electronic circuit and being in a default inactive state, and power means for providing power to said portable electronic device, said method comprising the steps of: awaiting for an activation cue to be received at a predetermined one of said communication ports; if an activation cue is received at one of said communication ports, changing the state of said switching element from its default inactive state to an activated state; and selectively triggering said control device to issue an invariable activation command, whereby said method will further comprise one of the two following steps:				

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if said switching element is in its activated state, initiating a data exchange with an external data exchange device through at least one of said communication ports; and if said switching element is in its inactive state, conveying data from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				
1. A portable electronic device, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered; a user interface device operatively linked to said electronic circuit; a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted	“invariable activation command” (Claims 1 and 11)	“a state-dependent command that is issued in response to the control device input”	“a command initiating one of two alternate data conveyance operations”	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
activation cue from a source external to said portable electronic device; a data conveyance switching element operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver; and power means for providing power to said portable electronic device; wherein upon said control device being selectively triggered to issue and invariable activation command: if said switching element is in said activated state, a data exchange will be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder. 11. A method for data exchange with a portable electronic device of the type				

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comprising; an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a control device operatively linked to said circuit, a user interface device operatively linked to said circuit, communication ports operatively linked to said circuit, a switching element operatively linked to said electronic circuit and being in a default inactive state, and power means for providing power to said portable electronic device, said method comprising the steps of: awaiting for an activation cue to be received at a predetermined one of said communication ports; if an activation cue is received at one of said communication ports, changing the state of said switching element from its default inactive state to an activated state; and selectively triggering said control device to issue an invariable activation command, whereby said method will further comprise one of the two following steps: if said switching element is in its activated state, initiating a data exchange with an external data exchange device through at least one of said communication ports; and				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
if said switching element is in its inactive state, conveying data from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				
1. A portable electronic device, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered; a user interface device operatively linked to said electronic circuit; a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted activation cue from a source external to said portable electronic device; a data conveyance switching element operatively linked to said electronic circuit, said switching element being in	“upon” (Claim 1)	Plain and ordinary meaning. No construction necessary.	Plain and ordinary meaning (<i>i.e.</i> , “when”)	

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an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver; and power means for providing power to said portable electronic device; wherein upon said control device being selectively triggered to issue and invariable activation command: if said switching element is in said activated state, a data exchange will be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				
1. A portable electronic device, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output;	“wherein upon said control device being selectively triggered to issue and [sic] invariable activation command: if said switching element is in said activated state, a data exchange will	Plain and ordinary meaning. No construction necessary.	Plain and ordinary meaning, which requires that the data conveyance operation occurs when the control device is triggered and without waiting for an activation cue	

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a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered; a user interface device operatively linked to said electronic circuit; a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted activation cue from a source external to said portable electronic device; a data conveyance switching element operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver; and power means for providing power to said portable electronic device; wherein upon said control device being selectively triggered to issue and invariable activation command: if said switching element is in said activated state, a data exchange will	be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.” (Claim 1)			

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be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				
1. A portable electronic device, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered; a user interface device operatively linked to said electronic circuit; a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted	“a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered” (Claim 1)	Not indefinite. The claim element contains permissible functional limitations that describe the apparatus by reciting its capabilities. <i>MasterMine Software, Inc. v. Microsoft Corp.</i>, 874 F.3d 1307, 1313 (Fed. Cir. 2017).	Indefinite under <i>IPXL Holdings, LLC v. Amazon.com, Inc.</i>, 430 F.3d 1377 (Fed. Cir. 2005).	

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activation cue from a source external to said portable electronic device; a data conveyance switching element operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver; and power means for providing power to said portable electronic device; wherein upon said control device being selectively triggered to issue and invariable activation command: if said switching element is in said activated state, a data exchange will be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				
1. A portable electronic device, comprising:	"wherein upon said control device being selectively triggered	Not indefinite. The claim element contains permissible functional	Indefinite under <i>IPXL Holdings, LLC v. Amazon.com, Inc.</i> , 430	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a control device operatively linked to said electronic circuit, with an invariable activation command being issued when said control device is selectively triggered; a user interface device operatively linked to said electronic circuit; a data transceiver operatively linked to said electronic circuit, said data transceiver being for exchanging data between said electronic circuit and an external data exchange device, and for receiving a selectively emitted activation cue from a source external to said portable electronic device; a data conveyance switching element operatively linked to said electronic circuit, said switching element being in an activated state upon an activation cue having been received by said data transceiver, and being in an inactive state when no activation cue was received by said data transceiver; and power means for providing power to said portable electronic device;	to issue and [sic] invariable activation command” (Claim 1)	limitations that describe the apparatus by reciting its capabilities. <i>MasterMine Software, Inc. v. Microsoft Corp.</i>, 874 F.3d 1307, 1313 (Fed. Cir. 2017). “wherein upon said control device being selectively triggered to issue and [sic] invariable activation command” means “wherein upon said control device being selectively triggered to issue an invariable activation command”	F.3d 1377 (Fed. Cir. 2005).	

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wherein upon said control device being selectively triggered to issue and invariable activation command: if said switching element is in said activated state, a data exchange will be initiated through the instrumentality of said data transceiver for exchanging data between said electronic circuit and an external data exchange device; if said switching element is in said inactive state, data will be conveyed from said electronic circuit to said user interface device for communicating information to the portable electronic device holder.				

U.S. Patent No. 9,022,294

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
12. A method for data conveyance with a cellular phone of the type comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, first and second data transceivers operatively linked to said electronic circuit, a cue receiver operatively linked to said electronic circuit, a data conveyance switching element operatively linked to said electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to said cellular phone, said method comprising the steps of: awaiting for an activation cue to be received at said cue receiver; if an activation cue is received at said cue receiver, assigning said first state to said switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element; and	Order of steps (Claim 12)	Plain and ordinary meaning. No construction necessary because there is no particular order of steps recited or required except where expressly causally limited in the claim.	Steps must be performed in the order written	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
a user selectively triggering said control device to issue an invariable activation command whereby: if said switching element is in said first state, forwarding first data to said first data transceiver for initiating a data exchange operation with a first external data exchange device over a first communication link; and if said switching element is in said second state, forwarding second data to said second data transceiver for initiating a data exchange operation with a second external data exchange device that is distinct from said first communication link.				
1. A cellular phone, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when	“a data conveyance switching element. . . said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver” (Claim 1)	No construction necessary. Alternatively, “data conveyance switching element” means “hardware connected to and/or software running on an electronic circuit that provides switching functionality to enter into a different state for conveying data.” Not governed by 35 U.S.C. § 112, ¶ 6.	Governed by 35 U.S.C. § 112(6) Indefinite due to absence of corresponding algorithm in the specification under 35 U.S.C. §§ 112(2), 112(6). <u>Function</u>: being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state	

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said control device is selectively triggered by the user; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link; a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and		To the extent the Court determines the phrase is governed by 35 U.S.C. § 112, ¶ 6: Structure: hardware connected to and/or software running on an electronic circuit Function: provides switching functionality to enter into a different state for conveying data	when no activation cue was received by said cue receiver <u>Structure</u>: a decisional logical circuit or a series of instructions programmed onto a microchip or a processor/general purpose computer/microcontroller <u>Algorithm</u>: None OR “data conveyance switching element” shall be construed to mean “element that changes between two alternate data conveyance states”	

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power means for providing power to said portable electronic device cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link.				
12. A method for data conveyance with a cellular phone of the type comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a	“a data conveyance switching element . . . capable of being in either one of a first and a second state. . . if an activation cue is received at said cue receiver, assigning said first state to said	No construction necessary. Alternatively, “data conveyance switching element” means “hardware connected to and/or software running on an electronic circuit that provides switching	Governed by 35 U.S.C. § 112(6) Indefinite due to absence of corresponding algorithm in the specification under 35 U.S.C. §§ 112(2), 112(6).	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, first and second data transceivers operatively linked to said electronic circuit, a cue receiver operatively linked to said electronic circuit, a data conveyance switching element operatively linked to said electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to said cellular phone, said method comprising the steps of: awaiting for an activation cue to be received at said cue receiver; if an activation cue is received at said cue receiver, assigning said first state to said switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element; and a user selectively triggering said control device to issue an invariable activation command whereby: if said switching element is in said first state, forwarding first data to said first data transceiver for initiating a data exchange operation with a first external data exchange device over a first communication link; and	switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element” (Claim 12)	functionality to enter into a different state for conveying data.” Not governed by 35 U.S.C. § 112, ¶ 6. To the extent the Court determines the phrase is governed by 35 U.S.C. § 112, ¶ 6: Structure: hardware connected to and/or software running on an electronic circuit Function: provides switching functionality to enter into a different state for conveying data	<u>Function</u>: being in either one of a first and a second state and, if an activation cue is received at said cue receiver, assigning said first state to said switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element <u>Structure</u>: a decisional logical circuit or a series of instructions programmed onto a microchip or a processor/general purpose computer/microcontroller <u>Algorithm</u>: None OR “data conveyance switching element” shall be construed to mean “element that changes between two alternate data conveyance states”	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
if said switching element is in said second state, forwarding second data to said second data transceiver for initiating a data exchange operation with a second external data exchange device that is distinct from said first communication link.				
1. A cellular phone, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is selectively triggered by the user; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link;	“data exchange device” (Claims 1, 8, 12, and 16)	No construction necessary. Not governed by 35 U.S.C. § 112, ¶ 6. To the extent the Court determines the phrase is governed by 35 U.S.C. § 112, ¶ 6: Structure: external data exchange device Function: communicates with the portable electronic device and provide data upload and/or download	Governed by 35 U.S.C. § 112(6) <u>Function</u>: exchanging data <u>Structure</u>: an electronic circuit and a data transceiver able to cooperate with a transceiver, including a portable electronic device, a computer, and an interface machine such as an automatic teller machine OR “data exchange device” shall be construed to mean “an apparatus that sends and receives data”	

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a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and power means for providing power to said portable electronic device cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said				

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electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link. 8. A cellular phone as defined in claim 1, wherein said first data transceiver comprises a proximity transceiver for accomplishing a wireless data exchange with a first external data exchange device through a direct link representing said first communication link where the cellular phone is conveyed toward a close proximity of the first external data exchange device and within a range to receive the activation cue to initiate the wireless data exchange. 12. A method for data conveyance with a cellular phone of the type comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a user-triggered control device operatively linked to said electronic				

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circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, first and second data transceivers operatively linked to said electronic circuit, a cue receiver operatively linked to said electronic circuit, a data conveyance switching element operatively linked to said electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to said cellular phone, said method comprising the steps of: awaiting for an activation cue to be received at said cue receiver; if an activation cue is received at said cue receiver, assigning said first state to said switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element; and a user selectively triggering said control device to issue an invariable activation command whereby: if said switching element is in said first state, forwarding first data to said first data transceiver for initiating a data exchange operation with a first external				

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data exchange device over a first communication link; and if said switching element is in said second state, forwarding second data to said second data transceiver for initiating a data exchange operation with a second external data exchange device that is distinct from said first communication link. 16. A method as defined in claim 12, wherein said first data transceiver is a proximity transceiver and the step of forwarding said first data to said first transceiver is for initiating a wireless data exchange operation with a proximate first external data exchange device through a direct link representing said first communication link where the cellular phone is conveyed toward a close proximity of the first external data exchange device and within a range to receive the activation cue to initiate the wireless data exchange.				
1. A cellular phone, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic	“invariable activation command” (Claims 1, 10, 12, and 18)	“a state-dependent command that is issued in response to the control device input”	“a command initiating one of two alternate data conveyance operations”	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is selectively triggered by the user; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link; a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; a data conveyance switching element operatively linked to said electronic circuit, said switching element being				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and power means for providing power to said portable electronic device cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link. 10. A cellular phone comprising:				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is triggered by the user; first and second data conveyance operations programmed in said electronic circuit; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being operable for data exchange over a first communication link; a second data transceiver operably linked to said electronic circuit, said second data transceiver being operable for data exchange over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
activation cue from a source external to said cellular phone; and power means, for providing power to said cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if an activation cue was received by said cue receiver, said electronic circuit will accomplish said first data conveyance operation to convey data from said electronic circuit to said first data transceiver for transmitting data through said first data transceiver; and if no activation cue was received by said cue receiver, said electronic circuit will accomplish said second data conveyance operation to convey data from said electronic circuit to said second data transceiver for transmitting data through said second data transceiver. 12. A method for data conveyance with a cellular phone of the type comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output, a user-triggered control device operatively linked to said electronic circuit, said user-triggered control				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, first and second data transceivers operatively linked to said electronic circuit, a cue receiver operatively linked to said electronic circuit, a data conveyance switching element operatively linked to said electronic circuit and capable of being in either one of a first and a second state, and power means for providing power to said cellular phone, said method comprising the steps of: awaiting for an activation cue to be received at said cue receiver; if an activation cue is received at said cue receiver, assigning said first state to said switching element, while if no activation cue is received at said cue receiver, assigning said second state to said switching element; and a user selectively triggering said control device to issue an invariable activation command whereby: if said switching element is in said first state, forwarding first data to said first data transceiver for initiating a data exchange operation with a first external				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
data exchange device over a first communication link; and if said switching element is in said second state, forwarding second data to said second data transceiver for initiating a data exchange operation with a second external data exchange device that is distinct from said first communication link. 18. A method as defined in claim 12, wherein the step of selectively triggering said control device to issue the invariable activation command comprises selectively triggering one of the manually activated button, the keypad for receiving a PIN code, the biometric parameter detector and a combination thereof.				
1. A cellular phone, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation	“upon” (Claims 1 and 10)	Plain and ordinary meaning. No construction necessary	Plain and ordinary meaning (<i>i.e.</i>, “when”)	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
command, with said invariable activation command being issued when said control device is selectively triggered by the user; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link; a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
power means for providing power to said portable electronic device cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link. 10. A cellular phone comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is triggered by the user; first and second data conveyance operations programmed in said electronic circuit; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being operable for data exchange over a first communication link; a second data transceiver operably linked to said electronic circuit, said second data transceiver being operable for data exchange over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; and power means, for providing power to said cellular phone;				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if an activation cue was received by said cue receiver, said electronic circuit will accomplish said first data conveyance operation to convey data from said electronic circuit to said first data transceiver for transmitting data through said first data transceiver; and if no activation cue was received by said cue receiver, said electronic circuit will accomplish said second data conveyance operation to convey data from said electronic circuit to said second data transceiver for transmitting data through said second data transceiver.				
1. A cellular phone, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable	“wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for	Plain and ordinary meaning. No construction necessary	Plain and ordinary meaning, which requires that the data conveyance operation occurs when the control device is triggered and without waiting for an activation cue	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
activation command being issued when said control device is selectively triggered by the user; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link; a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and	sending data from said electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link.” (Claim 1)			

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
power means for providing power to said portable electronic device cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link.				
10. A cellular phone comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic	“wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if an activation cue was received by said	Plain and ordinary meaning. No construction necessary.	Plain and ordinary meaning, which requires that the data conveyance operation occurs when the control device is triggered and without waiting for an activation cue	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is triggered by the user; first and second data conveyance operations programmed in said electronic circuit; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being operable for data exchange over a first communication link; a second data transceiver operably linked to said electronic circuit, said second data transceiver being operable for data exchange over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; and power means, for providing power to said cellular phone;	cue receiver, said electronic circuit will accomplish said first data conveyance operation to convey data from said electronic circuit to said first data transceiver for transmitting data through said first data transceiver; and if no activation cue was received by said cue receiver, said electronic circuit will accomplish said second data conveyance operation to convey data from said electronic circuit to said second data transceiver for transmitting data through said second data transceiver.” (Claim 10)			

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if an activation cue was received by said cue receiver, said electronic circuit will accomplish said first data conveyance operation to convey data from said electronic circuit to said first data transceiver for transmitting data through said first data transceiver; and if no activation cue was received by said cue receiver, said electronic circuit will accomplish said second data conveyance operation to convey data from said electronic circuit to said second data transceiver for transmitting data through said second data transceiver.				
8. A cellular phone as defined in claim 1, wherein said first data transceiver comprises a proximity transceiver for accomplishing a wireless data exchange with a first external data exchange device through a direct link representing said first communication link where the cellular phone is conveyed toward a close proximity of the first external data exchange device and within a range to receive the	“conveyed toward a close proximity” (Claims 8 and 16)	Plain and ordinary meaning. No construction necessary	Indefinite	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
activation cue to initiate the wireless data exchange. 16. A method as defined in claim 12, wherein said first data transceiver is a proximity transceiver and the step of forwarding said first data to said first transceiver is for initiating a wireless data exchange operation with a proximate first external data exchange device through a direct link representing said first communication link where the cellular phone is conveyed toward a close proximity of the first external data exchange device and within a range to receive the activation cue to initiate the wireless data exchange.				
1. A cellular phone, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being	“a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command,	Not indefinite. The claim element contains permissible functional limitations that describe the apparatus by reciting its capabilities. <i>MasterMine Software, Inc. v. Microsoft Corp.</i>, 874 F.3d 1307, 1313 (Fed. Cir. 2017).	Indefinite under <i>IPXL Holdings, LLC v. Amazon.com, Inc.</i>, 430 F.3d 1377 (Fed. Cir. 2005).	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
issued when said control device is selectively triggered by the user; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link; a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and	with said invariable activation command being issued when said control device is selectively triggered by the user” (Claim 1)			

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
power means for providing power to said portable electronic device cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link.				
10. A cellular phone comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a	“a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile	Not indefinite. The claim element contains permissible functional limitations that describe the apparatus by reciting its capabilities. <i>MasterMine Software, Inc. v. Microsoft Corp.</i>, 874 F.3d 1307, 1313 (Fed. Cir. 2017).	Indefinite under <i>IPXL Holdings, LLC v. Amazon.com, Inc.</i>, 430 F.3d 1377 (Fed. Cir. 2005).	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is triggered by the user; first and second data conveyance operations programmed in said electronic circuit; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being operable for data exchange over a first communication link; a second data transceiver operably linked to said electronic circuit, said second data transceiver being operable for data exchange over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; and power means, for providing power to said cellular phone;	screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is triggered by the user” (Claim 10)			

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if an activation cue was received by said cue receiver, said electronic circuit will accomplish said first data conveyance operation to convey data from said electronic circuit to said first data transceiver for transmitting data through said first data transceiver; and if no activation cue was received by said cue receiver, said electronic circuit will accomplish said second data conveyance operation to convey data from said electronic circuit to said second data transceiver for transmitting data through said second data transceiver.				
1. A cellular phone, comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable	“wherein upon said control device being selectively triggered by the user to issue said invariable activation command” (Claims 1 and 10)	Not indefinite. The claim element contains permissible functional limitations that describe the apparatus by reciting its capabilities. <i>MasterMine Software, Inc. v. Microsoft Corp.</i>, 874 F.3d 1307, 1313 (Fed. Cir. 2017).	Indefinite under <i>IPXL Holdings, LLC v. Amazon.com, Inc.</i>, 430 F.3d 1377 (Fed. Cir. 2005).	

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
activation command being issued when said control device is selectively triggered by the user; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being for exchanging data between said electronic circuit and a first external data exchange device over a first communication link; a second data transceiver operatively linked to said electronic circuit, said second data transceiver being for exchanging data between said electronic circuit and a second external data exchange device over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; a data conveyance switching element operatively linked to said electronic circuit, said switching element being assigned a first state upon an activation cue having been received by said cue receiver, and being assigned a second state when no activation cue was received by said cue receiver; and				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
power means for providing power to said portable electronic device cellular phone; wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if said switching element is in said first state, a first data conveyance operation will be initiated through the instrumentality of said first data transceiver for sending data from said electronic circuit to the first external data exchange device over said first communication link; and if said switching element is in said second state, a second data conveyance operation will be initiated through the instrumentality of said second data transceiver for sending data from said electronic circuit to the second external data exchange device over said second communication link. 10. A cellular phone comprising: an electronic circuit capable of storing data therein, capable of processing data, and capable of data input and output; a user-triggered control device operatively linked to said electronic				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
circuit, said user-triggered control device configured to be operated by a user via one of a button, a keypad, a tactile screen, and a biometric parameter detector, and after being operated issue an invariable activation command, with said invariable activation command being issued when said control device is triggered by the user; first and second data conveyance operations programmed in said electronic circuit; a first data transceiver operatively linked to said electronic circuit, said first data transceiver being operable for data exchange over a first communication link; a second data transceiver operably linked to said electronic circuit, said second data transceiver being operable for data exchange over a second communication link that is distinct from said first communication link; a cue receiver operatively linked to said electronic circuit for receiving an activation cue from a source external to said cellular phone; and power means, for providing power to said cellular phone;				

Claim(s)	Claim Term	Plaintiff's Construction	Defendants' Construction	Court's Construction
wherein upon said control device being selectively triggered by the user to issue said invariable activation command: if an activation cue was received by said cue receiver, said electronic circuit will accomplish said first data conveyance operation to convey data from said electronic circuit to said first data transceiver for transmitting data through said first data transceiver; and if no activation cue was received by said cue receiver, said electronic circuit will accomplish said second data conveyance operation to convey data from said electronic circuit to said second data transceiver for transmitting data through said second data transceiver.				