

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NICE LTD., NICE SYSTEMS INC., and)	
MATTERSIGHT CORP.,)	
)	
Plaintiffs,)	C.A. No. 18-2024-RGA-SRF
)	
v.)	
)	
CALLMINER, INC.,)	
)	
Defendant.)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to the Amended Scheduling Order (D.I. 98), Plaintiffs NICE Ltd., NICE Systems Inc., and Mattersight Corp. (“NICE”), and Defendant CallMiner, Inc. (“CallMiner”) hereby submit this Joint Claim Construction Chart identifying for the Court the claim terms of the Asserted Patents for which the parties have a dispute, together with the parties’ proposed constructions of the disputed claim language and citations to the supporting intrinsic evidence. Copies of the relevant patents and portions of the intrinsic evidence relied upon by the parties are attached hereto as follows:

Patents at Issue:

Exhibit	Patent
A	6,246,752
B	6,252,946
C	6,785,370
D	6,937,706
E	7,599,475
F	7,714,878
G	8,023,639
H	8,204,884
I	8,553,872
J	8,611,523
K	9,942,400

Exhibit	Patent
L	10,021,248
M	10,104,233
N	7,346,509
O	8,583,434
P	10,582,056

Other Intrinsic Evidence:

Exhibit	Document
1	'706 Prosecution History, at 2001-07-13 Second Preliminary Amendment,
2	'370 Prosecution History, at 2001-08-14 Second Preliminary Amendment
3	'878 Patent Prosecution History at 2009-05-06 applicant remarks.
4	'878 patent prosecution history at 2009-05-05 examiner interview.
5	'872 Prosecution History at 2012-08-14 OA Response
6	<i>Peterson.</i>
7	'872 Prosecution History at 2012-03-25 Amendment, pp. 4-5, Remarks
8	IPR2020-00220, Ex. 2007
9	IPR2020-00220, Paper 23
10	IPR2020-00578, Patent Owner Preliminary Response
11	'434 Patent CallMiner's Amendment Dated Feb. 22, 2011.
12	IPR2020-00616 Patent Owner's Preliminary Response
13	09/876,958 File History, 2001-08-15 Remarks
14	10/362,096 File History, App as filed
15	'872 Applicant Arguments/Remarks Made in an Amendment, August 14, 2012, at Page 6
16	'582 5-5-09 Interview Summary
17	Reserved
18	'582 10-14-09 Remarks
19	'582 5-6-09 Remarks
20	2011/0208522A1
21	8,797,255
22	9,607,500

Exhibit	Document
23	WO2009063445A2
24	11/365,432 File History, 2006-03-01

ASHBY & GEDDES

/s/ Andrew C. Mayo

Steven J. Balick (#2114)
Andrew C. Mayo (#5207)
500 Delaware Avenue, 8th Floor
P.O. Box 1150
Wilmington, DE 19899
(302) 654-1888
sbalick@ashbygeddes.com
amayo@ashbygeddes.com

Attorneys for Plaintiffs

DLA PIPER LLP (US)

/s/ Brian A. Biggs

Brian A. Biggs (#5591)
Erin E. Larson (#6616)
1201 North Market Street, Suite 2100
Wilmington, DE 19801-1147
(302) 468-5700
brian.biggs@us.dlapiper.com
erin.larson@us.dlapiper.com

Attorneys for Defendant

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AGREED CONSTRUCTIONS

Claim Term	Claim(s)	Agreed Construction
“event”	’752: claim 14, ’946: claims 6, 9, 10 ’370: claims 1, 24 ’706: claims 20, 27	<u>Agreed Construction</u> : an action or occurrence detected by a computer program
“telephony events”	’752: claim 14, ’946: claims 6, 9, 10 ’370: claims 1, 24 ’706: claims 20, 27	<u>Agreed Construction</u> : actions or occurrences detected by a computer program that are related to what happens to a telephone call (such as the initiation of the call, the addition or removal of callers, the transfer of the telephone call, or the termination of the calls).
“segment of the telephone call” / “segment of the call” / “segments of telephone calls”	’946: claims 6, 9, 10 ’370: claims 1, 8, 24	<u>Agreed Construction</u> : a portion of a telephone call that is bounded by telephony events.
“thread”	’706: claim 27	<u>Agreed Construction</u> : a part of a program that can execute independently of other parts.
“a time-based being representation of the telephonic communication”	’639: claim 1	<u>Agreed Construction</u> : a time-based representation of the telephonic communication
“the one or more interactions recordings selected with relation to said quality task”	’872: claim 1	<u>Agreed Construction</u> : the one or more interaction recordings selected with relation to said quality task

Claim Term	Claim(s)	Agreed Construction
“failings to select”	’872: claim 1	<u>Agreed Construction</u> : fails to select
“event”	’878: claim 1	<u>Agreed Construction</u> : an occurrence to be identified within the interaction or metadata captured
“displaying a graphical representation of the one or more interaction recordings and the evaluation form, wherein the evaluation form is used to evaluate the one or more interaction recordings”	’872: claim 1	<u>Agreed Construction</u> : displaying a graphical representation of the one or more interaction recordings and the predefined evaluation form, wherein the predefined evaluation form is used to evaluate the one or more interaction recordings
“types a first type and a second, different type”	’523: Claim 8	<u>Agreed Construction</u> : types, including a first type and a second, different type
“receive, by one or more servers, a plurality of types of electronic customer communication data configured to provide a user interface comprising a web site, web portal, or virtual portal or application”	’400: Claim 11	<u>Agreed Construction</u> : receive, by one or more servers, a plurality of types of electronic customer communication data, configured to provide a user interface comprising a web site, web portal, or virtual portal or application.

Claim Term	Claim(s)	Agreed Construction
“instructions that, when executed, receive a plurality of types of electronic customer communication data configured to provide a user interface comprising a web site, web portal, or virtual portal or application”	'400: Claim 21	Agreed Construction: instructions that, when executed, receive a plurality of types of electronic customer communication data, configured to provide a user interface comprising a web site, web portal, or virtual portal or application.
“computer telephony interpretation event[s]”	'523: Claim 1, 8, 15	Agreed Construction: a computer telephony integration (CTI) event or a communication object
“telephony event data”	'946: claims 6, 9, 10 '370: claims 1, 4, 24	Agreed Construction: data regarding telephony events

CONTESTED CONSTRUCTIONS

U.S. Patent Nos. 6,246,752, 6,252,946, 6,785,370, 6,937,706

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"event data"	'752: claim 14 '706: claims 20, 27	No construction necessary (not indefinite). <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. A, '752 patent, 5:6-11, 6:47-64, 7:48-8:8, 8:48-64, 27:9-63; Ex. D, '706 patent, 5:10-15, 6:50-67, 7:50-8:9, 8:49-65, 26:49-27:35.	<i>Indefinite</i> (no antecedent basis).
"confidence factor"	'752: claim 16, '706: claims 20, 27	No construction necessary. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. A, '752 patent, Abstract, Fig. 5, 9:28-45, 10:4-7, 10:4-11:24, 14:61-41, 20:53-21:4, 31:46-55; Ex. D, '706 patent, Abstract, Fig. 5, 9:30-47, 10:6-11:33, 15:1-47, 20:55-21:6, 31:15-25; <i>see also</i> Ex. 1, '706 Prosecution History, at 2001-07-13 Second Preliminary Amendment, pp. 7-10; Ex. 2, '370 Prosecution History, at 2001-08-14 Second Preliminary Amendment, pp. 3-6.	<u>Proposed Construction:</u> a numeral yielded by a weighted algorithm that uses a match quality expressed in a percentage <u>Supporting Intrinsic Evidence:</u> <i>See e.g.,</i> '752 patent, FIG. 5; 10:8-11:12; 15:20-41, and similar recitations in the '706 patent. 09/876,978 File History, 2001-07-13 Remarks, pp. 7, 9. 09/876,958 File History, 2001-08-15 Remarks, p. 4.

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"confidence factor algorithm"	'370: claim 4	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. C, '370 patent, Abstract, Fig. 5, 8:58-9:8, 9:34-10:64, 14:33-15:12, 21:47-65, 33:14-23; <i>see also, e.g.,</i> Ex. 1, '706 Prosecution History, at 2001-07-13 Second Preliminary Amendment, pp. 7-10; Ex. 2, '370 Prosecution History, at 2001-08-14 Second Preliminary Amendment, pp. 3-6.</p>	<p><u>Proposed Construction:</u> weighted algorithm that uses a match quality expressed in a percentage and yields a numeral that is used to select the best apparent match candidate</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '370 patent, FIG. 5; 9:38-51; 14:59-15:12.</p> <p>09/876,978 File History, 2001-07-13 Remarks, pp. 7, 9.</p> <p>09/876,958 File History, 2001-08-15 Remarks, p. 4.</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"master call record representing the lifetime of the telephone call"	'946: claims 6, 9, 10, '370: claims 1, 24	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. B, '946 patent, Abstract, Figs. 10, 16, 16B, 17, 18, 2:62-3:42, 5:44-6:53, 6:65-8:3, 9:19-52, 19:4-20:7, 23:66-25:13, 28:11-29:53, 31:66-32:6, 32:16-31, 33:1-11, 33:34-34:8, 40:64-47:58, 55:1-55:54; Ex. C, '370 patent, Abstract, Figs. 10, 16, 16B, 17, 18, 2:55-3:30, 5:21-6:23, 6:35-7:36, 8:45-9:8, 18:17-29, 22:45-23:36, 27:1-28:12, 30:43-50, 30:59-31:6, 31:40-50, 32:5-43, 38:58-45:64, 53:1-45.</p>	<p><u>Proposed Construction:</u> call-centric data structure of the telephone call that includes a detailed cumulative start-to-finish history of a telephone call, including all telephony events (<i>e.g.</i>, called party and calling party numbers, trunk and channel ID, date and time, agent ID, ringing duration) and participants</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '946 patent, 3:16-23; 7:54-8:2; 5:50-58; 6:40-53; 9:18-30; 19:4-23:20; 20:45-24:37; 29:63-30:36; 29:45-48; 31:23-31; 32:32-41; 33:1-34:9; 35:43-37:55; 40:38-47:59; 62:46-51; 64:41-51; FIGs. 16-18, and similar recitations in the '370 patent.</p> <p>09/876,958 File History, 2001-08-15 Remarks, pp. 3-4.</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"data indicating the location of the recorded audio data for the segment of the call"	'946: claims 6, 9, 10, '370: claims 1, 24	No construction necessary. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. B, '946 patent, Abstract, 3:16-42, 9:11-17, 24:66-25:13, 29:23-44, 30:15-27, 31:54-32:31, 40:64-43:30, 45:45-46:55, 55:1-55:54, 62:47-51, 65:16-67:31; Ex. C, '370 patent, Abstract, 3:7-30, 8:37-43, 23:23-36, 28:13-32, 29:1-12, 30:31-31:6, 38:58-41:19, 43:29-45:1, 53:1-45, 60:18-22, 62:22-64:23.	<u>Proposed Construction:</u> data indicating the location of recorded audio data for the segment of the call = data identifying the geographic location of the recorder that recorded the audio segment of the call recorder "location" = plain and ordinary meaning, <i>i.e.</i> , "physical location of the device that captured and converted an audio signal into an audio file on a storage medium" <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '946 patent, 3:16-23; 9:10-16; 30:15-36; 31:54-32:30; 33:1-32; 35:49-36:20; 37:24-28; 37:56-67; 42:8-43:54; 62:52-54; 68:25-45, Claim 8, FIGs. 16A, 20, 20A, and similar recitations in the '370 patent.
"recorder locations"	'370: claim 8	No construction necessary (not indefinite). <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. C, '370 patent, Abstract, 3:7-30, 8:37-44, 23:23-36, 28:13-32, 29:1-12, 30:51-31:6, 38:58-41:50, 43:29-45:1, 53:1-45, 60:18-27, 62:22-64:23.	<i>Indefinite (no antecedent basis)</i>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"recorders"	'946: claims 6, 9, 10, '370: claims 1, 24	No construction necessary. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. B, '946 patent, Abstract, Figs. 1, 2, 5:44-50, 6:34-40, 30:58-31:9; Ex. C, '370 patent, Abstract, Figs. 1, 2, 5:21-27, 6:6-12, 29:40-57.	<u>Proposed Construction:</u> plain and ordinary meaning, <i>i.e.</i> , device that captures and converts audio signals into an audio file on a storage medium <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '946 patent, 3:16-23; 9:10-16; 30:15-36; 31:54-32:30; 33:1-32; 35:49-36:20; 37:24-28; 37:56-67; 42:8-43:54; 62:52-54; 68:25-45, Claim 8, FIGs. 16A, 20, 20A, and similar recitations in the '370 patent.

U.S. Patent No. 7,599,475

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"processing on the audio signal" / "processing on a part of the audio signal"	Claims 1, 11	No construction necessary. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, 2:11-3:33, 3:56-4:4, 4:12-22, 7:66-8:6.	<u>Proposed Construction:</u> performing analysis of the audio signal waveform / performing analysis on a part of the audio signal waveform <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, Abstract, 2:11-14, 2:25-51, 3:64-4:12, 5:59-6:31, 6:62-7:22, 7:25-38, 7:42-63, 9:29-43, 10:12-14

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"performing additional processing on a part of the audio signal"	Claim 1	<p><u>Proposed Construction:</u> performing a process on a part of the audio signal other than word spotting, phonetic decoding, emotion detection, call flow analysis, or talk analysis that identifies additional terms not limited to the predetermined parameters of the initial processing.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 1:56-2:2, 2:11-3:33, 3:64-4:35, 5:59-62, 5:56-67, 6:13-33, 6:62-7:22, 7:23-27, 7:39-8:33, 8:34-9:12, 9:29-10:23, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> performing analysis of the audio signal waveform / performing analysis on a part of the audio signal waveform</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, Abstract, 2:11-14, 2:25-51, 3:64-4:12, 5:59-6:31, 6:62-7:22, 7:25-38, 7:42-63, 9:29-43, 10:12-14</p>
"output of the additional processing"	Claims 1, 11	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 1:56-2:2, 2:11-3:33, 3:56-4:35, 5:59-62, 5:56-67, 6:13-33, 6:62-7:22, 7:23-27, 7:39-8:33, 8:34-9:12, 9:29-10:23, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> data ascertained from the additional processing on a part of the audio waveform</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, Abstract, 2:11-14, 2:25-51, 3:64-4:12, 5:59-6:31, 6:62-7:22, 7:25-38, 7:42-63, 9:29-43, 10:12-14</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"a presentation step for presenting a presentation of the at least one aspect related to the organization"	Claim 5	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: presenting a presentation of the at least one aspect related to the organization</p> <p>Act: presenting the results of the analysis of the at least one event and the output of the additional processing, including a comparison of an event identified from the initial processing with the additional words identified from the additional processing, in graphical, textual, or table format</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 2:22-24, 2:40-48, 3:16-17, 6:39-48, 6:62-7:22, 8:34-9:13, 9:59-10:3, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: "presenting a presentation of the at least on aspect related to the organization"</p> <p>Act: "graphic representation", "textual representation", "table representation", "tabloid representation", "text file representation"</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, 2:22-24, 2:39-48, 6:38-43, 8:29-9:8, 9:67-10:1, Fig. 3.</p>
"link analysis"	Claims 5, 7, 8	<p><u>Proposed Construction:</u> a process that compares the output of the additional processing to the event to determine at least one related concept</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 2:53-64, 6:31-61, 8:16-33, 9:48-66, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> a process that finds relationships</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, 8:16-23.</p> <p>US20110208522 at [0099]; WO2009063445 at 17:15-21; US 8797255 at 11:3-6; US 9607500 at 5:30-31.</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"root cause analysis"	Claims 5, 7, 8	<p><u>Proposed Construction:</u> a process that identifies output from the additional processing as the reason or cause for the at least one event</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 2:53-64, 6:31-61, 8:16-33, 8:40-47, 9:48-66, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> a process aimed at revealing the reason or the cause for the at least one event</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> US20110208522 at [0099]; US 8797255 at 11:1-3.</p>
"initial processing component for activating an at least one initial processing engine" / "initial processing component for" / "initial processing engine for"	Claim 11	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: locating an at least one event within the audio signal, the at least one event associated with a time indication within the audio signal</p> <p>Structure: instruction code designed to run on one or more computers that executes a word spotting process, a phonetic decoding process, an emotion detection process, a talk analysis, or a call flow analysis process on the audio signal using one or more predefined parameters</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, 2:11-64, 2:65-3:14, 3:64-4:35, 5:56-67, 6:2-15, 6:25-33, 6:62-7:22, 7:25-63, 8:34-67, 9:14-24, 9:29-42, 9:52-59, 10:4-23, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: "activating an at least one initial processing engine"</p> <p>Structure: <i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, Abstract; 2:11-14, 2:25-51, 3:64-4:12, 5:59-6:9, 6:62-7:22, 7:25-38, 7:42-63, 9:29-43, 10:12-14</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“additional processing component for activating an at least one additional processing engine” / “additional processing component for”</p>	<p>Claim 11</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: performing additional processing on a part of the audio signal, the part extending at least a first predetermined length of time preceding the time indication associated with the event and at least a second predetermined length of time following the time indication associated with the event, the additional processing providing output related to the audio signal</p> <p>Structure: instruction code designed to run on one or more computers that executes a speech-to-text transcription process on the part of the audio signal</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 1:56-2:2, 2:11-3:33, 3:64-4:35, 5:59-62, 5:56-67, 6:13-33, 6:62-7:22, 7:23-27, 7:39-8:33, 8:34-9:12, 9:29-10:23, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: activating an at least one additional processing engine</p> <p>Structure: <i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, Abstract, 2:11-14, 2:16-19, 2:25-53, 3:64-4:16, 5:59-6:31, 6:62-7:22, 7:25-38, 7:42-8:17, 9:29-48, 10:7-14</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“analysis component for analyzing the at least one event and the output of the additional processing to reveal the at least one aspect related to the organization” / “analysis component for”</p>	<p>Claim 11</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: analyzing the at least one event and the output of the additional processing to reveal the at least one aspect related to the organization</p> <p>Structure: instruction code designed to run on one or more computers that compares the output from the initial processing component with the output from the additional processing component's speech-to-text process using an analysis technique that comprises link analysis, root cause analysis, finding relations, finding connections, finding an at least one hidden pattern, or clustering of at least two audio segments based on the initial processing</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 2:53-64, 6:31-61, 8:16-33, 8:40-47, 9:48-66, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: analyzing the at least one event and the output of the additional processing to reveal the at least one aspect related to the organization</p> <p>Structure: <i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, 2:19-24, 2:53-58, 3:56-64, 4:16-22, 6:31-38, 6:64-61, 8:17-29, 9:48-59</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"capturing or logging component for"	Claim 11	<p>No construction necessary.</p> <p><i>In the alternative</i>, if "capturing or logging component for" is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE's proposed construction is as follows.</p> <p>Function: capturing or logging</p> <p>Structure: instruction code designed to run on one or more computers that executes a capturing or logging process</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. E, '475 patent, Abstract, 1:21-34, 2:59-64, 3:14-33, 4:36-58, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: capturing or logging audio signal</p> <p>Structure: <i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '475 patent, 2:22-24, 2:39-48, 6:38-43, 8:29-9:8, 9:67-10:1, Fig. 3.</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“presentation component for presenting the at least one aspect related to the organization” / “presentation component for”</p>	<p>Claim 13</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: presenting the at least one aspect related to the organization</p> <p>Structure: instruction code designed to run on one or more computers that presents the results of the analysis component in graphical, textual, or table format, including the comparison of the output identified from the initial processing component with the output identified from the additional processing component's speech-to-text process</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. E, '475 patent, Abstract, 2:22-24, 2:40-48, 3:16-17, 6:39-48, 6:62-7:22, 8:34-9:13, 9:59-10:3, Figs. 1-4.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: “presenting a presentation the at least one aspect related to the organization”</p> <p>Act: “graphic representation”, “textual representation”, “table representation”, “tabloid representation”, “text file representation”</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '475 patent, 2:22-24, 2:39-48, 6:38-43, 8:29-9:8, 9:67-10:1, Fig. 3.</p>

U.S. Patent No. 7,714,878

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"data format structure"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. F, '878 patent, 6:3-15, 6:50-58, 9:50-11:6, 11:48-52, 12:8-10, 12:27-30, 12:39-41, 12:60-64, 13:7-9, 14:11-17, 17:35-38, Figs. 1-4.</p>	<p><i>Indefinite</i></p> <p>In the alternative: "data structure"</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '878 patent, 6:3-8</p> <p>10/507,582 File History, 2009-05-06 Remarks, p. 12; 2009-05-05 Examiner Interview Summary.</p>
"screen stream"	Claim 1	<p><u>Proposed Construction:</u> information relating to the screen of an agent's computer</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. F, '878 patent, Abstract, 3:65-4:1, 4:4-7, 10:38-57; Ex. 3, '878 patent prosecution history at 2009-05-06 remarks.</p>	<p><u>Proposed Construction:</u> sequence of one or more visual occurrences on the screen of an agent's computer</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '878 patent, 2:19-21, 3:19-24, 3:65-4:7, 5:43-46, 6:17-34, 6:50-58, 8:43-49, 9:50-62, 10:16-23, 10:40-54, 10:59-66, 11:13-19, 11:39-48, 13:63-14:2, 14:33-40.</p> <p>10/507,582 File History, 2009-05-06 Remarks, p. 12; 2009-05-05 Examiner Interview Summary.</p> <p>10/362,096 File History, Application as Filed, 3:13-16.</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"recording ... a first part of the at least one screen stream comprising a screen event in a data format structure"	Claim 1	<p>No separate construction necessary; <i>see</i> terms <i>supra</i>.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See supra</i>, supporting evidence for the terms "data format structure," "screen stream," and "screen event."</p>	<p><u>Proposed Construction:</u> converting a first part of a sequence of screen events on an agent's screen into a data format structure, rather than a video stream or image sequence</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '878 patent, 3:19-24, 3:65-4:7, 5:43-46, 6:17-34, 6:50-58, 8:43-49, 9:50-62, 10:16-23, 10:40-54, 10:59-66, 11:13-19, 11:39-48, 13:63-14:2, 14:33-40, FIG. 1.</p> <p>10/507,582 File History, 2009-05-06 Remarks, p. 12; 2009-05-05 Examiner Interview Summary.</p> <p>10/362,096 File History, Application as Filed, 3:13-16.</p>
"automatically marking locations"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. F, '878 patent, 9:62-64, 12:11-46; Ex. 4, '878 patent prosecution history at 2009-05-05 examiner interview</p>	<p><i>Indefinite</i></p> <p>In the alternative: automatically adding information at locations</p> <p><u>Supporting Intrinsic Evidence:</u> 10/507,582 File History, 2009-10-14 Remarks, p. 14; 05-05 Examiner Interview Summary.</p>

U.S. Patent No. 8,023,639

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"code segment for" terms	Claims 1, 6, 7	<p>No construction necessary. These terms do not invoke § 112, ¶ 6.</p> <p>Alternatively, in the event these limitations are determined to invoke § 112, ¶ 6, <i>see infra</i>.</p>	<p><i>Indefinite</i></p> <p>These terms are means-plus-function limitations; there is no structure disclosed in the specification sufficient to perform the respective recited functions of the "code segment for" limitations.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g., '639 patent, 2:46-3:6, 15:54-57, 17:14-16, 17:22-18:4, 18:47-65,</i></p>
"a code segment for receiving an input transmission of a predetermined call rule"	Claims 1, 7	<p>No construction necessary.</p> <p><i>In the alternative</i>, if "code segment for" is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE's proposed construction is as follows.</p> <p>Function: receiving an input transmission of a predetermined call rule.</p> <p>Structure: the general-purpose computer described at Ex. G, '639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 2:53-53 ("The computer program receives an input transmission of a predetermined call rule."), 3:2-6 ("The computer program receives an input transmission of a predetermined call rule that is comprised</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g., '639 patent, 3:2-6; 5:14-26; 6:12-44; 7:28-8:22</i></p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
		of at least one of the following thresholds: a call duration threshold, a non-interaction threshold, a distress event threshold, a third party dialog threshold, and a call transfer threshold.”) or as described at 4:26-31, 7:28-8:22, 15:41-45, 15:57-59, Figs. 1, 2, and structural equivalents thereof.	
“a code segment for receiving a telephonic communication” / “a code segment for receiving a plurality of recorded telephonic communications”	Claims 1, 7	<p>No construction necessary.</p> <p><i>In the alternative</i>, if “code segment for” is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE’s proposed construction is as follows.</p> <p>Function: receiving a telephonic communication / receiving a plurality of recorded telephonic communications</p> <p>Structure: the general-purpose computer described at Ex. G, ’639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 2:54-55(“The computer program also receives a telephonic communication”), 3:7-8 (“The computer program also receives a plurality of recorded telephonic communications”), or as described at 4:31-32, 8:23-11:50, 15:45-46, 15:59-60, Fig. 1, and structural equivalents thereof.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, 4:20-25; 8:36-51; 9:32-50; FIGs. 4, 5 & 6</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“a code segment for determining call attributes associated with the telephonic communication” / “a code segment for determining call attributes associated with the respective recorded telephonic communications categorized in at least one of the plurality of call sets”</p>	<p>Claims 1 ,7</p>	<p>No construction necessary.</p> <p><i>In the alternative</i>, if “code segment for” is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE’s proposed construction is as follows.</p> <p>Function: determining call attributes associated with the telephonic communication / determining call attributes associated with the respective recorded telephonic communications categorized in at least one of the plurality of call sets.</p> <p>Structure: the general-purpose computer described at Ex. G, ’639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 2:54-56 (“The computer program . . . determines the call attributes associated with the telephonic communication.”), 3:10-16 (“The computer program determines call attributes associated with the respective recorded telephonic communications that are categorized in at least one of the call sets. The call attributes generally correspond to the thresholds of the call rule, and can include one or more of the following: call duration data, non-interaction data, distress event data, third party dialog data and call</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, 14:32-15:7; 2:31-41; 3:7-23; 3:32- 39; FIG. 1</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
		transfer data.”), or as described at 4:32-37, 14:32-15:7, 15:45-50, 15:59-61, Fig. 1, 9, 10, and structural equivalents thereof. <i>See also, e.g.,</i> Ex. G., '639 Patent 15:16-18.	
“a code segment for comparing the call rule to the call attributes of the telephonic communication” / “a code segment for comparing the predetermined call rule to the call attributes associated with the recorded telephonic communications categorized in at least one of the plurality of call sets”	Claims 1, 7	No construction necessary. <i>In the alternative</i> , if “code segment for” is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE’s proposed construction is as follows. Function: comparing the call rule to the call attributes of the telephonic communication / comparing the predetermined call rule to the call attributes associated with the recorded telephonic communications categorized in at least one of the plurality of call sets Structure: the general-purpose computer described at Ex. G, '639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 2:56-58 (“The call rules are compared by the computer program to the call attributes of the telephonic communication.”), 3:16-19 (“The computer program then compares the predetermined call rule to the call attributes associated with the recorded telephonic communications	<i>Indefinite</i> <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '639 patent, FIGs. 2, 9 & 10; 2:18-21; 2:36-41; 3:17-19; 4:35-41; 15:8-21; 15:45- 53; 15:61-65

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
		categorized in one of the call sets.”), or as described at 4:37-39, 15:8-18, 15:50-52, 15:61-63, Fig. 1, and structural equivalents thereof.	
“a code segment for generating output data indicative of the complexity of the telephonic communication” / “a code segment for generating output data indicative of the complexity of the call type”	Claims 1, 7	<p>No construction necessary.</p> <p><i>In the alternative</i>, if “code segment for” is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE’s proposed construction is as follows.</p> <p>Function: generating output data indicative of the complexity of the telephonic communication / generating output data indicative of the complexity of the call type</p> <p>Structure: the general-purpose computer described at Ex. G, ’639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 2:58-59 (“Output data indicative of the complexity of the telephonic communication is then generated.”), 3:19-21 (“Output data indicative of the complexity of the call type is then generated and transmitted.”) or as described at 4:39-41, 15:12-13, 15:52-53, 15:63-65, Fig. 1, and structural equivalents thereof.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, FIG 1 (item 60); 2:58-62; 3:19-23; 15:11-35; 15:63-65</p>

Claim Term	Claim(s)	Plaintiffs’ Proposed Construction, Intrinsic Evidence	Defendant’s Proposed Construction, Intrinsic Evidence
<p>“a code segment for generating a graphical user interface for viewing the telephonic communication on display” / “a code segment for generating a graphical user interface for viewing on a display at least one of the telephonic communications categorized in at least one of the plurality of call sets”</p>	<p>Claims 1, 7</p>	<p>No construction necessary.</p> <p><i>In the alternative</i>, if “code segment for” is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE’s proposed construction is as follows.</p> <p>Function: generating a graphical user interface for viewing the telephonic communication on display / generating a graphical user interface for viewing on a display at least one of the telephonic communications categorized in at least one of the plurality of call sets</p> <p>Structure: the general-purpose computer described at Ex. G, ’639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 3:29-38 (“From that audio file a graphical user interface for viewing the telephonic communication on a display is generated . . .”), or as described at 15:66-16:35, and structural equivalents thereof.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, 3:27-38; 15:66-16:35</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"a code segment for generating an audio file of the telephonic communication"	Claim 6	<p>No construction necessary.</p> <p><i>In the alternative</i>, if "code segment for" is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE's proposed construction is as follows.</p> <p>Function: generating an audio file of the telephonic communication</p> <p>Structure: the general-purpose computer described at Ex. G, '639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 3:27-29 ("According to still another aspect of the present invention, the computer program generates an audio file of the telephonic communication.") or as described at 11:51-14:7, 15:66-16:1, Figs. 4, 5, 6, 7, and structural equivalents thereof.</p> <p><i>See also, e.g.</i>, Ex. G, '639 patent, 14:39-45.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '639 patent, 3:27-38;11:51-14:7; FIGs. 4, 5, 7 & 8</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“a code segment for categorizing each of the plurality of recorded telephonic communications into one of a plurality of call sets”</p>	<p>Claim 7</p>	<p>No construction necessary.</p> <p><i>In the alternative</i>, if “code segment for” is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE’s proposed construction is as follows.</p> <p>Function: categorizing each of the plurality of recorded telephonic communications into one of a plurality of call sets</p> <p>Structure: the general-purpose computer described at Ex. G, ’639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 3:7-10 (“The computer program also . . . categorizes each of the recorded telephonic communications into one of a plurality of call sets (i.e., call types).”), or as described at 4:32, 14:8-31, Fig. 1, and structural equivalents thereof.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, FIG. 1 (item 30); 3:7-23; 14:8-35; 15:8-12</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
“a code segment for transmitting the output data”	Claim 7	<p>No construction necessary.</p> <p><i>In the alternative</i>, if “code segment for” is construed as invoking pre-AIA 35 U.S.C. § 112(6) for this term, then NICE’s proposed construction is as follows.</p> <p>Function: transmitting the output data</p> <p>Structure: the general-purpose computer described at Ex. G, ’639 Patent, 4:44-7:27 and Fig. 3, and configured as described at 3:19-21 (“Output data indicative of the complexity of the call type is then generated and transmitted.”) or as described at 15:12-13, FIG. 1, and structural equivalents thereof.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, 3:19-23; 15:8-25</p>
“predetermined call rule”	Claims 1, 7	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. G, ’639 patent, 2:52-53, 3:2-6, 3:16-19, 3:24-26, 3:51-52, 4:26-41, 7:28-38, 15:54-65, Fig. 2.</p>	<p><u>Proposed Construction:</u> a call rule that is not customer configurable</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, 2:51-53, 3:2-6, 3:16-19, 16:66-17:3</p>
“complexity of [a/the] telephonic communication” / “complexity of the [telephonic communication] call type”	Claims 1, 7	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. G, ’639 patent, 1:15-19, 1:42-55, 1:56-63, 2:7-3:41, 3:48-50, 4:18-25, 4:26-50, 15:8-25, 15:35-65, Fig. 1.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, ’639 patent, 1:41-46, 2:7-13, 2:18-21, 2:56-59, 3:58-62, 15:35-39, 15:63-65</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"automatically and dynamically generated"	Claim 4	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See supra</i>, evidence cited for the term "Complexity...."</p> <p><i>See also, e.g.</i>, Ex. G, '639 patent, 3:24-26, 7:28-38, 15:8-25.</p>	<p><i>Indefinite</i></p> <p>In the alternative: generating one predetermined call rule by automatically adjusting thresholds based on complexity</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '639 patent, 3:24-26, 7:36-38, 15:12-13, 15:22-25</p>

U.S. Patent No. 8,204,884

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"interaction information units"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. H, '884 patent, Abstract, 1:46-3:47, 3:51-5:59, 3:61-4:12, 7:8-33, 8:4-27, 9:28-10:41, 10:42-11:54, 11:67-12:3, 12:21-43, 13:8-17, 13:19-14:41, 14:41-15:16, 19:50-67, 20:19-41, 27:28-28:67, 33:53-35:19, Figs. 1, 2B, 3, 4, 5, 6.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '884 patent, Abstract, 3:55-60, 4:1-7, 8:17-25, 10:46-48, FIG. 2A, FIG. 3, 9:34-41, 13:19-14:41, 14:28-31, 29:6-9, 31:26-28, 11:47-51</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"rule based content analysis engine"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. H, '884 patent, Abstract, 3:55-5:59, 8:4-9:27, 9:28-10:41, 11:55-12:43, 18:17-67, 21:34-27:27, 28:25-67, 30:13-65, 33:5-20, 33:53-35:19, 35:49-36:28, Figs. 2A, 2B, 4, 5, 6.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: selectively analyzing the at least one of the at least two interaction information units suitable for further analysis by applying content analysis rules on said content data items, including non-text based analysis</p> <p>Structure: <i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '884 patent, 10:16-34, 11:61-67, 23:3-17, Fig. 2B</p>
"suitable for further analysis"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. H, '884 patent at 9:54-10:41, 14:42-15:44, 17:53-18:67, 27:28-28:24, Figs. 2A, 2B, 4, 5, 6.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '884 patent, 9:54-10:4, 14:58-63, 17:53-64</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"screen event"	Claim 1	<p><u>Proposed Construction:</u> events identified by a system in response to one or more of the following: (i) actions performed by the agent in association with the use of a system as viewed by the agent on the screen display; (ii) data entered into all or part (Region Of Interest) of the display or non-displayed window (window might not be in focus); (iii) operating system screen related events; and/or (iv) pre-defined multi-sequence events.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. H, '884 patent, 2:53-3:34.</p>	<p><u>Proposed Construction:</u> events identified by a system in response to actions performed by the agent in association with: (i) the use of a system as viewed by the agent on the screen display including but not limited to keyboard press, mouse click; (ii) data entered into all or part (Region Of Interest) of the display or non-displayed window (window might not be in focus); and/or (iii) operating system screen related events</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '884 patent, 3:22-34</p>
"occurred substantially at the time"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. H, '884 patent, 7:34-8:3, 11:55-12:20, 19:1-67, 21:65-23:2, 23:3-17, 35:20-36:27, Figs. 2A, 2B, 4, 5, 6.</p>	<p><i>Indefinite</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '884 patent, 11:67-12:3, 19:38-53; 22:42-46; 31:29-35</p>
"quality management [electronic] evaluation forms"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. H, '884 patent, 3:55-5:59, 8:4-9:27, 9:28-10:41, 11:55-12:20, 12:44-13:18, 14:14-41, 33:37-52, 35:20-36:28, Fig. 11.</p>	<p><u>Proposed Construction:</u> a form with preset questions and instructions used to evaluate quality</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '884 patent, 9:12-15, 12:16-20, 14:14-28, 33:5-18, 35:51-36:8, Fig. 2B, Fig. 11</p>

U.S. Patent No. 8,553,872

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"quality task"	Claim 1	<p><u>Proposed Construction:</u> executable logic that performs a quality evaluation of one or more interaction recordings.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. I, '872 patent, 14:39-44, 16:7-9, 15:13-17, 16:19-20, 9:16-21, 4:21-47, 5:10-18, 5:40-6:62, 7:19-24, 7:56-8:20, 9:16-63, 10:5-31, 10:46-11:26, FIGS. 2A, 2B-I, 2B-II, 2C, 2D, 2E, 3, and 4; Ex. 5, '872 Prosecution History at, e.g., 2012-08-14 OA Response at p. 6; Ex. 6, Peterson at 25:50-64.</p>	<p><u>Proposed Construction:</u> an associated collection of KPIs, logic, actions, evaluation forms, parameters, thresholds, criteria, settings, configuration, context, aspects or any other applicable data or information</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '872 patent, 6:5-9, 6:13-18, 6:22-30, 7:59-65</p> <p>File History, Applicant Arguments/Remarks Made in an Amendment, August 14, 2012, at Page 6</p>
"selecting from a plurality of interaction recordings one or more selected interaction recordings for evaluations, the one or more interactions recordings selected with relation to said quality task"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. I, '872 patent, 14:45-48, 14:59-64, 15:5-9, 15:12-16, 16:17-19, 1:24-39, 2:66-3:46, 4:7-20, 6:49-62, 7:33-55, 7:61-65, 10:32-45, 11:8-42, FIG. 4.</p>	<p><u>Proposed Construction:</u> automatically and non-randomly selecting, from a plurality of interaction recordings, and excluding manual selecting</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '872 patent, 3:19-23, 3:44-46, 7:66-8:2, 14:37-42</p> <p>File History, Applicant Arguments/Remarks Made in an Amendment, August 14, 2012, at Page 6</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"predefined evaluation form"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. I, '872 patent, 14:37-58, 3:32-46, 8:10-28, 11:43-49, FIGS. 2A and 2D.</p>	<p><u>Proposed Construction:</u> form used to evaluate one or more interaction recordings, including preset check boxes and preset instructions</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '872 patent, 8:21-28</p>
"key performance indicator (KPI)"	Claim 1	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. I, '872 patent, 14:43-44, 15:3-4, 16:10-14, 16:15-16, 4:48-63, 5:40-6:3, 6:5-9, 7:56-8:9, 10:46-11:7, 12:35-13:16; FIGS. 2C and 3; Ex. 7, '872 Prosecution History, <i>e.g.,</i> at 2012-03-25 Amendment, pp. 4-5, Remarks (distinguishing over Bourne); Ex. 5, 2012-08-14 Amendment, pp. 2-6 (claim amendments and remarks).</p>	<p><u>Proposed Construction:</u> a measure of performance that may include metrics, parameters, rules, thresholds, or other criteria, but that excludes business rules</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '872 patent, 5:46-54, 6:5-9, 7:59-65, 12:35-58</p> <p>File History, Applicant Arguments/Remarks Made in an Amendment, August 14, 2012, at Page 6</p>

U.S. Patent No. 8,611,523

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“a module for processing said telephonic communication into a plurality of computer telephony interpretation events”</p> <p>“processing said telephonic communication into a plurality of computer telephony interpretation event”</p>	Claim 1, 8, 15	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: processing said telephonic communication into a plurality of computer telephony interpretation events.</p> <p>Structure: the general purpose computer described at 5:43-8:20 and configured as described at 15:56-57 (“the voice data to be mined and analyzed is first translated into a text file”), 16:7-8 (“The voice data from the stereo recording is converted to text.”), and structural equivalents thereof.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. J, '523 patent, 5:43-8:20, 15:56-57, 16:7-8, FIGS. 2-3.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: processing said telephonic communication into a plurality of computer telephony interpretation events</p> <p>Structure: <i>insufficient structure disclosed.</i></p> <p>“processing said telephonic communication into a plurality of computer telephony interpretation event”</p> <p><u>Proposed Construction:</u> analyzing said telephonic communication to identify a plurality of computer telephony interpretation events</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '523 patent, 1:18-25; 2:39-44; 2:48-54; 5:43-8:20; 9:45-62; 12:33-13:4; 14:67-15:7; 15:39-16:27; 16:66-17:22; 19:26-40; FIGs. 1, 2, 5-7, 10-15.</p>

<p>“a module for analyzing said plurality of computer telephony interpretation events and classifying said plurality of computer telephony interpretation events into a first type and a second, different type”</p>	<p>Claim 1</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: analyzing said plurality of computer telephony interpretation events and classifying said plurality of computer telephony interpretation events into a first type and a second, different type.</p> <p>Structure: the general purpose computer described at Ex. J, ’523 patent, 5:43-8:20 and configured as described at 16:10-11 (“Objects may be identified ... within the text.”), 16:18-20 (“FIG. 12 illustrates the words of the CSR and customer as communications objects, as well as CTI (Computer Telephony Integration) events”), FIGS. 10 and 11 (Analytic Step only, and only portion of Analytic Step directed to identifying objects of speech); FIG. 12 (identification of communications objects and CTI Events Steps only), 15:65-66 (“communication objects ... may be typed (i.e., classified) into categories), 16:1-3 (“the method of the present invention searches for and identifies text-based keywords relevant to each of the predefined type categories”), 16:10-11 (Objects may be ... typed (i.e., classified within the text”), 17:1-4 (“Word libraries for types ... may be applied against the text ... from a telephonic</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: analyzing said plurality of computer telephony interpretation events and classifying said plurality of computer telephony interpretation events into a first type and a second, different type</p> <p>Structure: <i>insufficient structure disclosed.</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> ’523 patent, 1:18-25, 2:48-5, 5:43-8:3, 8:4-20, 9:45-62, 12:33-13:4, 14:67-15:7, 15:39-16:27, 16:66-17:22, 19:26-40, FIGs. 1, 2, 5-7, 10-15.</p>
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Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
		<p>communication.”), and structural equivalents thereof.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. J, '523 patent, 5:43-8:20, 16:10-11, 16:18-20, 15:65-66, 16:1-3, 16:10-11, 17:1-4, FIGS. 10-12.</p>	
<p>“a module for classifying at least one of the plurality of computer telephony interpretation events as negotiations”</p> <p>“classifying ... as a negotiation” / “classifying ... as negotiations”</p>	<p>Claim 3, 10, 17</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: classifying at least one of the plurality of computer telephony interpretation events as negotiations</p> <p>Structure: the general purpose computer described at Ex. J, '523 patent, 5:43-8:20 and configured as described at 17:41-43 (“the typed (i.e., classified) communications segments may be used to identify negotiations between a CSR and a customer”), 17:46-51 (“negotiation libraries (e.g., libraries of words related to want, probe, offer, acceptance, refusal, follow-on offer, etc.) ... are compared with identified business objects”), and structural equivalents thereof</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, Ex. J, '523 patent, 5:43-8:20, 17:41-43, 17:46-51.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: classifying at least one of the plurality of computer telephony interpretation events as negotiations, (which is <i>indefinite</i>)</p> <p>Structure: <i>insufficient structure disclosed.</i></p> <p>“classifying ... as a negotiation” / “classifying ... as negotiations”: <i>Indefinite</i></p> <p>In the alternative: using a predefined library of words related to want, probe, offer, acceptance, refusal, follow-on offer to identify an already classified event as a negotiation</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.</i>, '523 patent, 8:4-20, 4:64-67, 17:41-18:8, FIG. 17</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"a module for determining the number of computer telephony interpretation events classified as negotiation"	Claim 4	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: determining the number of computer telephony interpretation events classified as negotiation</p> <p>Structure: the general purpose computer described at Ex. J, '523 patent, 5:43-8:20 and configured as described at 17:51-53 ("The number of negotiation segments in a telephonic communication may be used"), and structural equivalents thereof</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. J, '523 patent, 5:43-8:20, 17:51-53.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: determining the number of computer telephony interpretation events classified as negotiation</p> <p>Structure: <i>insufficient structure disclosed.</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '523 patent, 4:64-17, 8:4-20, 17:41-18:8, FIG. 17</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“a module for determining a negotiation strength indicator based on the number of computer telephony interpretation events classified as negotiation”</p> <p>“negotiation strength indicator”</p>	Claim 4	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: determining a negotiation strength indicator based on the number of computer telephony interpretation events classified as negotiation</p> <p>Structure: the general purpose computer described at Ex. J, '523 patent, 5:43-8:20 and configured as described at 17:51-53 (“The number of negotiation segments in a telephonic communication may be used to determine the negotiation strength of the CSR”) or as described at 17:54-18:4, FIG. 18, and structural equivalents thereof</p> <p><u>Supporting Intrinsic Evidence:</u> See, e.g., Ex. J, '523 patent, 5:43-8:20, 17:51-53, 17:54-18:4, FIG. 18.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: “determining a negotiation strength indicator based on the number of computer telephony interpretation events classified as negotiation”</p> <p>Structure: <i>insufficient structure disclosed.</i></p> <p>In the alternative: the general purpose computer described at 5:43-61 configured to perform the steps of FIG. 18, comprising calculating the total duration of all events classified as negotiation, determining a population average from similar call types where the average time duration for negotiation portions of calls is determined, and determining whether the percentage of time spent negotiating is above or below the population average</p> <p>negotiation strength indicator: <i>Indefinite.</i></p> <p><u>Supporting Intrinsic Evidence:</u> See, e.g., '523 patent, 8:4-20, 5:1-4, 17:41-18:8, Fig. 18</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
<p>“a module for processing said telephonic communication into constituent voice data”</p> <p>“processing said telephonic communication into constituent voice data”</p>	<p>Claims 7, 14, 15</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: processing said telephonic communication into constituent voice data.</p> <p>Structure: the general purpose computer described at Ex. J, '523 patent, 5:43-8:20 and configured as described at 2:41-43 (“The method comprises separating a telephonic communication into at least first constituent voice data and second constituent voice data.”), 8:41-44 (“the method of the present invention more specifically comprises the step of separating a telephonic communication 2 into first constituent voice data and second constituent voice data 40.”), FIG. 4 (step 40), and structural equivalents thereof.</p> <p><u>Supporting Intrinsic Evidence:</u> See, e.g., Ex. J, '523 patent, 5:43-8:20, 2:41-43, 8:41-44, FIG. 4.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: processing said telephonic communication into constituent voice data</p> <p>Structure: the general purpose computer described at 5:43-61, configured as described at 13:37-14:7, 14:8-18, and 14:51-64</p> <p><u>Supporting Intrinsic Evidence:</u> See, e.g., '523 patent, 2:41-43, 3:44-57, 5:43-8:3, 8:4-20, 8:21-24, 8:41-44, 9:45-62, 12:33-60, 13:1-26, 13:37-45, 13:56-14:43, 14:19-50, 14:51-15:2, 15:8-29, 15:39-42, FIGs. 1-12.</p> <p>“processing said telephonic communication into constituent voice data” = separating said telephonic communication into at least one of first constituent voice data or second constituent voice data</p> <p><u>Supporting Intrinsic Evidence:</u> See, e.g., 523 patent, 13:37-14:18, 14:51-64, 15:39-42, 16:6-17, FIGs. 10-12.</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
“a module for analyzing said constituent voice data to form communication objects”	Claim 7	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: analyzing said constituent voice data to form communication objects.</p> <p>Structure: the general purpose computer described at Ex. J, '523 patent, 5:43-8:20 and configured as described at 8:44-46 (“One of the first or second constituent voice data may then be separately analyzed at step 42.”), FIG. 4 (step 42), FIGS. 10 and 11 (“Identify ... the ‘back and forth flow between customer and CSR”), and structural equivalents thereof.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. J, '523 patent, 5:43-8:20, 8:44-46, FIGS. 4, 10, and 11.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: analyzing said constituent voice data to form communication objects</p> <p>Structure: <i>insufficient structure disclosed.</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '523 patent, Abstract, 1:18-24, 2:4-7, 2:11-15, 2:43-58, 3:10-14, 5:43-8:3, 8:4-20, 8:24-27, 8:44-48, 9:45-62, 12:33-60, 15:2-7, 15:42-44, 15:48-16:45, 16:50-65, 16:66-17:27, 17:41-46, 19:26-40, FIGs. 1-3, 5-7, 10-16.</p>

<p>“a module for classifying the communications objects into types and forming segments of communications objects”</p>	<p>Claim 7</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: classifying the communications objects into types and forming segments of communications objects</p> <p>Structure: the general purpose computer described at Ex. J, ’523 patent, 5:43-8:20 and configured as described at 8:46-48 (“At step 44, the first constituent voice data or the second constituent voice data may be classified by a particular classification type.”), 17:1-5 (“Word libraries for types such as setup, information exchange, positive comment, and miscommunication may be applied against the text of the customer and the CSR from a telephonic communication”), 16:3-5 (“The typed communication objects may then be further categorized to form segments of objects according to type.”), 16:28-29 (“Upon classification of the customer and CSR communication objects, segments of like objects may be formed.”), FIG. 12 (segment identification block), and structural equivalents thereof</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. J, ’523 patent, 5:43-8:20, 8:46-48, 17:1-5, 16:3-5, 16:28-29, FIG. 12.</p>	<p><u>Proposed Construction:</u> Subject to pre-AIA 35 U.S.C. § 112(6)</p> <p>Function: classifying the communications objects into types and forming segments of communications object</p> <p>Structure: <i>insufficient structure disclosed.</i></p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> ’523 patent, Abstract, 1:18-24, 2:43-3:24, 3:29-43, 5:43-8:3, 8:4-20, 8:44-48, 9:45-62, 12:33-60, 15:2-7, 15:42-44, 15:48-16:45, 16:50-65, 16:66-17:27, 17:41-53, 19:26-40, FIGs. 1-3, 5-7, 10-17.</p>
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Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"communication object(s)" / "communications objects"	Claims 8, 14, 15	<p><u>Proposed Construction:</u> Objects of speech and/or the back and forth flow of a call</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. J, '523 patent, FIGS. 10-12, 2:4-15, 4:42-52, 15:48-16:32, 16:50-17:22.</p>	<p><u>Proposed Construction:</u> words spoken by a participant on a call</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '523 patent, 2:4-27, 15:5-7, 15:63-16:32, 17:1-6, FIG. 12</p>
"segments of communication objections"	Claims 7, 14, 15	<p>For claims 14 and 15 not subject to pre-AIA 35 U.S.C. § 112(6):</p> <p><u>Proposed Construction:</u> Groups of communication objects</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. J, '523 patent, FIGS. 12-15, 2:4-27, 2:38-54, 3:29-43, 4:50-59, 16:18-17:53.</p>	<p><u>Proposed Construction:</u> groups of like communication objects</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '523 patent, 16:1-17:59, FIGs. 12-14, 16</p>

U.S. Patent No. 9,942,400

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"behavioral assessment data"	Claims 1, 11, 21	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. K, '400 patent, 12:12-17, 14:14-21, 14:44-53, 15:30-41, 16:10-13, 18:56-59, Fig. 5.</p>	<p><u>Proposed Construction:</u> data, including a personality type, generated by applying a predetermined linguistic-based psychological behavioral model</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '400 patent, 2:13-36, 2:43-5:35, 14:14-15:30, 17:55-19:12, 29:20-43, 30:22-59, 31:11-16, , 31:11-16, FIGs. 7, 14</p>
<p>"wherein the user includes the identified customer"</p> <p>/</p> <p>"display instructions to a user via reporting engine, wherein the instructions are based on the generated behavioral assessment data ... wherein the user includes the identified customer"</p>	Claims 1, 11, 21	<p>No construction necessary (not indefinite)</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. K, '400 patent, 6:1-2, 6:25-26, 6:51-52, 8:38-51, 9:23-31, 13:36-49, 19:42-20:5.</p>	<p><i>Indefinite</i></p> <p>CallMiner Statement: The additional claim language was discussed during the meet and confer process.</p>

U.S. Patent No. 10,021,248

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"caller interaction event"	Claims 1, 8, 10, 12, 18, 20, 24	<p>No construction necessary.</p> <p><i>In the alternative:</i> "call"</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. L, '248 patent, 6:49-52, 24:64-25:4.</p>	<p>Proposed Construction: event specific to a particular interaction, rather than a particular customer.</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> '248 patent, 6:67-7:9, 7:31-38, 7:39-43, 24:57-61,</p>
"caller event data"	Claims 1, 12, 20	<p>Proposed Construction: Linguistic and non-linguistic event data corresponding to an identifying indicia and a predetermined time interval</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. L, '248 Patent at 4:5-20, 4:36-45, 5:12-18, 5:64-6:20, 12:47-59, 20:50-52, 22:32-35, 22:48-50, 22:58-65, 23:1-3, 23:35-41, 23:42-56, 24:6-25, 24:64-25:4, Fig. 12, Fig. 13.</p> <p><i>See also</i> Ex. 8, IPR2020-00220, Ex. 2007 at ¶¶40-48; Ex. 9, IPR2020-00220, Paper 23 at 9-13.</p>	<p>Proposed Construction: data in a caller interaction that comprises non-linguistic events and/or voice data</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> '248 patent, 5:64-67, 22:45-56, 23:28-54</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"extract[ing] caller event data from the caller interaction event"	Claims 1, 12, 20	<p>Proposed Construction: Apply[ing] a non-linguistic based analytic tool and a linguistic-based psychological behavioral model to the caller interaction event to identify caller event data.</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. L, '248 patent, 3:1-5, 3:13-17, 5:64-6:8, 6:67-7:9, 12:47-59, 20:52-55, 22:35-44, 23:28-41, 24:57-61.</p> <p><i>See also,</i> Ex. 8, IPR2020-00220, Ex. 2007 at ¶¶49-51; Ex. 9, IPR2020-00220, Paper 23 at 13-15.</p>	<p>Proposed Construction: duplicating, for analysis or processing, caller event data from the caller interaction event</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> '248 patent, Abstract, 3:27-51</p>
"selected categories of the caller event data"	Claims 1, 12, 20	<p>Proposed Construction: User-selected attributes of the caller event data to identify a subset of the caller interaction events to be included in the report.</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. L, '248 patent, 5:19-28, 7:23-26, 13:41-48, 26:31-43, Figs. 19, 22, 24.</p> <p><i>See also,</i> Ex. 8, IPR2020-00220, Ex. 2007 at ¶¶52-56; Ex. 9, IPR2020-00220, Paper 23 at 15-19.</p>	<p>No construction necessary</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> '248 patent, Abstract, 3:26-51</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"customer satisfaction"	Claims 1, 12, 20	No construction necessary (not indefinite) <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. L, '248 Patent at 7:54-67, 23:1-10, 25:5-24, 26:8-27:12, 27:18-29, Fig. 20, Fig. 22, Fig. 24, Fig. 25.	<i>Indefinite</i> <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '248 patent, 26:8-13
"caller distress"	Claims 8, 16, 24	No construction necessary (not indefinite) <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. L, '248 Patent at 5:6-18, 5:64-6:20, 21:53-22:21, 22:30-44, 22:57-23:10, 23:38-448, Fig. 2, Fig. 13	<i>Indefinite</i> <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '248 patent, 26:66-27:4, 27:37-28:3

U.S. Patent No. 10,104,233

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"behavioral assessment data"	Claims 1, 11	<p>No construction necessary.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. M, '233 Patent at 6:35-46, 23:56-63, 24:14-21, 24:49-59, Fig. 13.</p>	<p><u>Proposed Construction:</u> data, including a personality type, generated by applying a predetermined linguistic-based psychological behavioral model</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '233 patent, Abstract, Figs. 2, 5, 6, 11-13, 1:25-30, 2:35-39, 2:51-60, 2:65-3:4, 3:45-64, 3:65-4:14, 4:15-35, 4:36-52, 4:53-5:10, 5:47-52, 5:55-59, 6:13-19, 6:41-46, 6:49-54, 6:62-67, 8:21-25, 8:34-38, 9:12-19, 9:49-62, 14:47-60, 15:37-44, 22:6-9, 22:10-12, 22:27-32, 22:33-39, 22:53-23:10, 23:38-45, 23:55-57, 23:64-24:1, 24:1-13, 24:14-21, 24:22-24, 24:49-57, 24:60-62, 25:27-33, 25:34-40, 25:49-64, 26:8-11, 26:30-32, 26:43-46.</p> <p>11/365,432 File History, August 10, 2011 OA Response at 2.</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"linguistic-based psychological behavioral model"	Claims 1, 11	<p>No construction necessary.</p> <p><i>In the alternative:</i> psychological model for evaluating behaviors based on language</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. M, '233 patent, 2:51-3:8, 15:37-44, 22:10-20, 22:27-32, 24:14-21, 25:49-64.</p>	<p><u>Proposed Construction:</u> a predetermined algorithm based on psychological principles that uses behavioral signifiers identified in analyzed voice data to decipher a linguistic pattern that corresponds to one or more personality types</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '233 patent, Abstract; Figs. 4, 5, 12, 13; 2:51-59; 2:65-3:4; 3:16-20; 3:45-64; 3:65-4:14; 4:15-35; 4:36-52; 4:53-5:10; 5:11-21; 5:47-50; 6:35-46; 6:47-58; 6:5-19; 6:63-65; 14:30-33; 14:47-60; 14:54-57; 14:61-15:19; 15:36-46; 15:7-19; 22:10-20; 22:27-33; 22:33-52; 22:53-23:33; 23:42-49; 24:22-36; 25:20-33; 25:49-54; 25:55-64</p>

U.S. Patent Nos. 7,346,509, 8,583,434

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"word alternatives" / "plurality of alternatives"	'509: Claims 1, 3, 7, 8 '434: Claims 1, 5, 10, 12	<u>Proposed Construction:</u> a collection of words that each potentially match a spoken word or phrase. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. N, '509 Patent, 1:31-37, 6:29-44; Ex. O, '434 patent, 1:32-38, 7:8-23.	<u>Proposed Construction:</u> possible match having a probability of correctly identifying what was spoken Term should be singular: "word alternative" <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '509 Patent, Claims 1, 8; Abstract; Fig. 4; 1:31-42; 2:2-8; 2:21-23; 2:25-27; 3:1-9; 3:10-24; 4:53-67; 5:1-16; 6:39-58; 7:4-20; 12:64-13:4; '434 Patent, Claims 1, 10, 12, 21.
"lexicon"	'509: Claims 1, 6, 8, 13 '434: Claims 1, 12	<u>Proposed Construction:</u> a collection of reference words employed to make word determinations based on matches to a spoken word or phrase. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. N, '509 Patent, 1:31-35, 5:3-11, 5:37-39; Ex. 10, IPR2020-00578, Patent Owner Preliminary Response at 2; Ex. O, '434 patent, 1:32-38, 5:53-59, 6:18-20; Ex. 12, IPR2020-00616, Patent Owner Preliminary Response at 3.	<u>Proposed Construction:</u> a collection of reference data employed to determine what was spoken <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '509 Patent, Claims 1, 6, 8, 13; Abstract; 1:31-42; 2:21-27; 3:1-9; 3:10-24; 4:53-67; 5:1-16; 6:39-58; 7:4-20; 12:64-13:4; '434 Patent, Claims 1, 12, 21.

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"loading...to a database" / "loading...to an electronic file storage"	'509: Claims 1, 7, 8 '434: Claims 1, 12	Proposed Construction: storing an organized collection of data to permanent storage. Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. N, '509 Patent, 7:44-55; Ex. O, '434 patent, 8:22-33.	Proposed Construction: Plain and ordinary meaning; i.e., loading...to electronic file storage Supporting Intrinsic Evidence: <i>See, e.g.,</i> '509 Patent, Claims 1, 7, 8; Abstract; 4:5-28; 5:17-27; 5:65-6:4; 7:30-55; 10:6-16; 10:55-59; 12:64-13:4; Figs. 1, 2; '434 Patent, Claims 1, 12.
"subsequent analysis"	'509: Claims 1, 8	Proposed Construction: an analysis occurring after, and distinct from, the identification and loading of word alternatives and assigned probabilities. Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. N, '509 Patent, 7:42-55.	Proposed Construction: Plain and ordinary meaning; i.e., later analysis Supporting Intrinsic Evidence: <i>See, e.g.,</i> '509 Patent, Claims 1, 8; Abstract; 3:10-18; 3:42-44; 4:28-5:27; 6:5-17; 6:18-8:11; Figs. 3, 4.
"a comparison of the frequencies of the first word alternative and the second word alternative" / "comparing the frequency at which the particular word alternative occurs with the frequency at which the second word alternative occurs"	'509: Claims 1, 2, 8 '434: Claim 3	Proposed Construction: an indication of the relative prevalence of the first word alternative and the second word alternative associated with the plurality of spoken words. Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. N, '509 Patent, 6:44-51, 8:12-20, FIG. 5; Ex. O, '434 patent, 4:11-18, 9:7-14, FIG. 5.	Proposed Construction: A comparison of the relative prevalence of the first/particular word alternative against the relative prevalence of the second word alternative Supporting Intrinsic Evidence: <i>See, e.g.,</i> '509 Patent, Claims 1, 2, 9; 3:25-44; 8:12-44; Fig. 5; '434 Patent, Claims 3, 4, 14, 15.

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"pattern"	'509: Claims 3, 4, 5, 11, 13 '434: Claims 5, 10	<u>Proposed Construction:</u> A data construct embodying one or more word alternatives for communicating a concept. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. N, '509 Patent, 8:49-51; <i>see also id.</i> , 3:32-36; Ex. O, '434 patent, 4:18-22, 9:25-27.	<u>Proposed Construction:</u> A data construct that represents a way to communicate a concept <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '509 Patent, Claims 3, 4, 5, 10, 11, 12; 1:52-54; 2:49-58; 3:32-44; 8:46-11:42; 12:64-13:4; Figs. 6, 7, 8; '434 Patent, Claims 5, 10, 11, 16, 17, 25, 26; 2:40-48.
"plurality of time periods"	'509: Claim 2 '434: Claims 4, 15	<u>Proposed Construction:</u> distinct segments of time associated with the plurality of spoken words. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. N, '509 Patent, 8:21-31, FIG. 5; Ex. O, '434 patent, 8:65-9:6, FIG. 5.	<u>Proposed Construction:</u> Plain and ordinary meaning; i.e., two or more time periods <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '509 Patent, Claims 2, 9; 3:25-44; 8:12-44; 12:64-13:4; Fig. 5.
"in the aggregate"	'434: Claims 1, 10, 12	<u>Proposed Construction:</u> considering all units. <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. 11, CallMiner's Amendment Dated Feb. 22, 2011 at 13.	<u>Proposed Construction:</u> Plain and ordinary meaning; i.e., collectively <u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> '434 Patent, Claims 1, 10, 12, 21; 9:21-11:4; 11:25-12:113:31-38; Fig. 6.

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"concept"	'434: Claims 5, 10	<p>Proposed Construction: a generic idea generalized from particular instances of one or more word alternatives.</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. O, '434 patent, 2:5-14, 9:25-31.</p>	<p>Proposed Construction: Plain and ordinary meaning; i.e., idea</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> '434 Patent, Claims 5, 10, 16, 25; 4:18-29; 9:21-12:25; Figs. 6, 7, 8; '434 File History, Amendment Feb. 2, 2011, p.12.</p>

U.S. Patent No. 10,582,056

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"a computer-based communications analytics facility"	'056: Claim 1	<p>Proposed Construction: A unified system configured to analyze each of an acoustic characteristic, language characteristic, and nonword symbol from each of a plurality of conversations.</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. P, '056 Patent, 15:8-16:41.</p>	<p>Proposed Construction: A system for analyzing an acoustic characteristic, language characteristic, and/or non-word symbol in a plurality of communications.</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. P, '056 Patent, 4:34-60; 14:58-61; 18:42-45; FIG 5; FIG 14</p>
"contextual analysis"	'056: Claim 1	<p>Proposed Construction: An examination of communications to identify sensitive or privileged information.</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. P, '056 Patent, 11:15-18; 41:27-36.</p>	<p>Proposed Construction: Plain and ordinary meaning</p> <p>Supporting Intrinsic Evidence: <i>See, e.g.,</i> Ex. P, '056 Patent, 18:19-41; 41:32-36; 44:18-21</p>

Claim Term	Claim(s)	Plaintiffs' Proposed Construction, Intrinsic Evidence	Defendant's Proposed Construction, Intrinsic Evidence
"aggregation of the language characteristic, the acoustic characteristic and the nonword symbol"	'056: Claim 1	<p><u>Proposed Construction:</u> A value accumulated from scores calculated for each of the language characteristic, the acoustic characteristic, and the non-word symbol.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. P, '056 Patent, 15:50-59; 24:6-26:62.</p>	<p><u>Proposed Construction:</u> A value that uses the analysis of the language characteristics, the acoustic characteristics, and/or the non-word symbol.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. P, '056 Patent, 25:28-50; 26:32-62FIG 15; FIG 16</p>
"non-word symbol"	'056: Claims 1, 3	No construction necessary.	<p><u>Proposed Construction:</u> Something other than a word, such as an emoticon, a capitalization, a punctuation, an ellipsis, or a spacing.</p> <p><u>Supporting Intrinsic Evidence:</u> <i>See, e.g.,</i> Ex. P, '056 Patent, 3:25-27; 4:64-67; 5:4-6; 12:44-48; 12:53-55; 16:36-40</p>