

Exhibit “A”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

MIRROR IMAGING LLC;

Plaintiff,

V.

SUNTRUST BANKS, INC.; SUNTRUST BANK; BB&T CORPORATION; BRANCH BANKING AND TRUST COMPANY; COMPASS BANCSHARES, INC.; COMPASS BANK; FIRST HORIZON NATIONAL CORPORATION; FIRST TENNESSEE BANK NATIONAL ASSOCIATION; HSBC NORTH AMERICA HOLDINGS INC.; HSBC USA INC.; HSBC BANK USA, NATIONAL ASSOCIATION; HSBC NATIONAL BANK USA; ZIONS BANCORPORATION; ZIONS FIRST NATIONAL BANK; and AMEGY BANK NATIONAL ASSOCIATION

Defendants.

CIVIL ACTION NO. 2:08-cv-295

JURY TRIAL DEMANDED

REVISED P.R. 4-5(d) JOINT CLAIM CONSTRUCTION CHART

Pursuant to P.R. 4-5(d) and the Court’s Docket Control Order, the parties hereby submit the following Revised Joint Claim Construction Chart for United States Patent Nos. 6,963,866 and 7,552,118 that incorporates and reflects the agreements reached by the parties prior to and during the *Markman* hearing conducted on February 11, 2010:

Claim Language from Asserted Claims	Disputed Terms and Phrases	Plaintiff's Construction	Defendants' Construction	Court's Construction
<p><u>United States Patent No. 6,963,866</u></p> <p>1. A method of obtaining an electronically-stored financial document from a first storage system remotely-located from a second storage system wherein the first and second storage systems each include a plurality of financial documents stored therein and wherein each of the financial documents include at least one specific document parameter, said method comprising the steps of:</p> <p>[A]¹ storing a plurality of financial documents in a first fixed medium at the first storage system when the specific document parameter of the financial document is greater than a predetermined parameter;</p> <p>[B] storing a plurality of financial documents in a second fixed medium at the second storage system when the specific document parameter of the financial document is less than or equal to the predetermined parameter;</p>	<p>a computer terminal associated with the financial institution and connected to the off-site and on-site storage systems through a processing unit</p> <p>'866 Claim 23; '118 Claim 23</p>	<p><i>a [computer terminal]² which has access to the financial institution's computer network and is [connected] to the [off-site storage system] and the [on-site storage system] through a [processing unit]</i></p>	<p><i>the financial institution provides the computer terminal that is connected to the on-site and off-site storage systems through a processing unit</i></p>	
	<p>associating the financial institution with the on-site storage system</p> <p>'866 Claim 45</p>	AGREED	AGREED	the financial institution provides the on-site storage system
	<p>an interlinked computer program</p> <p>'118 Claim 26</p>	AGREED	AGREED	a single computer program comprised of two or more integrated computer programs
	<p>categorizing the request</p> <p>'118 Claim 32</p>	AGREED	AGREED	putting the request into a category
	<p>sequence number</p> <p>'118 Claim 33</p>	AGREED	AGREED	a sequentially incrementing identification

¹ Some claim steps are denoted with capital letters to aid in the identification of specific steps with respect to the proper ordering of the claim steps below.

² Please note that terms or phrases which are bracketed in Plaintiff's proposed constructions indicate terms or phrases which are construed elsewhere or the meanings have already been agreed to by the parties.

<p>[C] utilizing a computer terminal connected to the first and second storage systems through a processing unit;</p> <p>[D] receiving a request for at least one of the stored financial documents;</p> <p>[E] inputting the request into the computer terminal;</p> <p>[F] comparing the specific document parameter of the requested financial document to the predetermined parameter to determine if the specific document parameter is greater than, less than, or equal to the predetermined parameter after the request has been inputted;</p> <p>[G] automatically accessing the first storage system through the processing unit when the specific document parameter is greater than the predetermined parameter and automatically accessing the second storage system through the processing unit when the specific document parameter is less than or equal to the predetermined parameter; and</p> <p>[H] retrieving the requested financial document, as defined by the inputted request, in the first fixed medium when the specific document parameter is greater than the predetermined parameter and in the second fixed medium</p>				number associated with a financial document
	first storage system ‘866 Claim 1; ‘118 Claim 1	<i>a first [storage system]</i>	<i>offsite storage system</i>	
	second storage system ‘866 Claim 1; ‘118 Claim 1	<i>a second [storage system]</i>	<i>on-site storage system</i>	
	fixed medium ‘866 Claim 1; ‘118 Claims 1, 9, 37	AGREED	AGREED	a medium in which stored information does not change unless intentionally altered
	first fixed medium ‘866 Claim 1; ‘118 Claim 1	AGREED	AGREED	a first [fixed medium]
	second fixed medium ‘866 Claim 1; ‘118 Claims 1, 9	AGREED	AGREED	a second [fixed medium]
	electronically storing the plurality of financial documents in a fixed electronic medium ‘118 Claim 4	<i>using a computer system to store the [financial documents] in a medium in which stored information does not change unless intentionally altered and that</i>	<i>Term is indefinite.</i>	

<p>when a specific document parameter of the financial document is less than or equal to the predetermined parameter.</p> <p>23. A method for a financial institution to obtain a stored financial document from an off-site storage system remotely-located from an on-site storage system wherein the financial document includes at least one specific document parameter with the specific document parameter being defined as a specific document age, said method comprising the steps of:</p> <p>[A] maintaining the financial document in the off-site storage system when the specific document age of the financial document is greater than a predetermined age;</p> <p>[B] maintaining the financial document in the on-site storage system when the specific document age of the financial document is less than or equal to the predetermined age;</p> <p>[C] utilizing a computer terminal associated with the financial institution and connected to the off-site and on-site storage systems through a processing unit;</p> <p>[D] receiving a request for the financial document;</p>		<i>is designed to be accessed by a computer</i>		
	<p>an electronically-stored financial document</p> <p>‘866 Claim 1; ‘118 Claim 1</p>	<i>a [financial document] that has been stored by a computer</i>	<i>Term is indefinite</i>	
	<p>remotely-located</p> <p>‘866 Claims 1, 23, 45; ‘118 Claims 1, 23</p>	AGREED	AGREED	<p>located at a different, site or address than the second or on-site storage system</p> <p>(Court’s Preliminary Construction)</p>
	<p>reproducing the requested financial document</p> <p>‘118 Claim 26</p>	Plaintiff agrees with the Court’s Preliminary Construction: <i>“creating a physical or digital copy of the requested financial document”</i>	<i>generating a hard copy of the requested financial document</i>	
	<p>requestor</p> <p>‘866 Claim 45</p>	AGREED	AGREED	a person or legal entity requesting a financial document
	<p>retrieving the requested financial document</p> <p>‘866 Claims 1, 23, 45; ‘118 Claim 1, 23, 26</p>	PARTIES AGREE THAT THIS TERM DOES NOT NEED TO BE CONSTRUED	PARTIES AGREE THAT THIS TERM DOES NOT NEED TO BE CONSTRUED	N/A
	<p>submitting a request . . . into the computer terminal</p>	<i>entering a request</i>	<i>an operator manually enters the request into the computer terminal</i>	

<p>[E] inputting the request into the computer terminal;</p> <p>[F] comparing the specific document age of the requested financial document to the predetermined age to determine if the specific document age is greater than, less than, or equal to the predetermined age after the request has been inputted;</p> <p>[G] automatically accessing the off-site storage system through the processing unit when the specific document age is greater than the predetermined age and automatically accessing the on-site storage system through the processing unit when the specific document age is less than or equal to the predetermined age; and</p> <p>[H] automatically retrieving the requested financial document from the accessed storage system as defined by the inputted request.</p> <p>45. A method for a financial institution to obtain a stored financial document from an off-site storage system remotely-located from an on-site storage system wherein the financial document includes at least one specific document parameter with the specific document parameter being defined as a specific document age, said method</p>	'118 Claim 1, 23			
	through '866 Claims 1, 23, 45; '118 Claims 1, 23	AGREED	AGREED	by means or instrumentality of
	computer terminal '866 Claims 1, 23, 45; '118 Claims 1, 23, 27	AGREED	AGREED	a device having a display (e.g., a monitor) and a data entry mechanism (e.g., a keyboard and/or a mouse)
	processing unit '866 Claim 1, 23, 45; '118 Claims 1, 23, 27	Not subject to 35 U.S.C. § 112, ¶6. Plaintiff's proposed construction of this term is: <i>a computer</i>	Subject to 35 U.S.C. § 112, ¶6. Recited Functions: <i>automatically accessing the first / off-site storage system and automatically accessing the second / on site storage system.</i> Disclosed structure: "mainframe computer 12" is the disclosed structure for the term "processing unit" in the '866 patent, and "computer terminal 11" is the disclosed structure for the term "processing unit" in the '118 patent	
	automatically '866 Claims 1, 23,	AGREED	AGREED	without human intervention

<p>comprising the steps of:</p> <p>[A] providing an outsourcing institution associated with the off-site storage system and a requestor;</p> <p>[B] associating the financial institution with the on-site storage system wherein the outsourcing institution, requestor, and financial institution are different from each other;</p> <p>[C] maintaining the financial document with the outsourcing institution in the off-site storage system when the specific document age of the financial document is greater than a predetermined age;</p> <p>[D] maintaining the financial document with the financial institution in the on-site storage system when the specific document age of the financial document is less than or equal to the predetermined age;</p> <p>[E] utilizing a computer terminal located at the financial institution and connected to the off-site and on-site storage systems through a processing unit;</p> <p>[F] receiving a request from the requestor for the financial document at the financial institution;</p> <p>[G] inputting the request into</p>	45; '118 Claims 1, 23			
	connected '866 Claim 1, 23, 45; '118 Claims 1, 23	AGREED	AGREED	joined or linked by means of a communication circuit
	financial document '866 Claims 1, 23, 45; '118 Claims 1, 9, 23, 26, 34, 37	AGREED	AGREED	a document of a financial nature including, but not limited to, checks, checking account statements, and documents related to check and checking account statements
	image reference number '118 Claim 34	AGREED	AGREED	a specific series of numbers assigned to an image of a financial document that uniquely identifies the image
	off-site '866 Claims 23, 45; '118 Claims 23, 37	AGREED	AGREED	located remote from the on-site location
	on-site '866 Claims 23, 45; '118 Claims 23, 37	AGREED	AGREED	located at the financial institution
	storage system '866 Claim 1; '118 Claim 1	AGREED	AGREED	related computer hardware and software that electronically

the computer terminal at the financial institution after the request is received;				stores and permits retrieval of the financial documents
[H] comparing the specific document age of the requested financial document to the predetermined age to determine if the specific document age is greater than, less than, or equal to the predetermined age after the request has been inputted;	inputting the request into the computer terminal '866 Claims 1, 23, 45	AGREED	AGREED	an operator manually enters the request into the computer terminal
[I] automatically accessing the off-site storage system through the processing unit when the specific document age is greater than the predetermined age and automatically accessing the on-site storage system through the processing unit when the specific document age is less than or equal to the predetermined age; and	a specific document age '866 Claim 23, 45; '118 Claim 23	AGREED	AGREED	the amount of time in which the document has been in existence, calculated by subtracting the date that the document was captured and posted or filed at the financial institution from the present date
[J] automatically retrieving the requested financial document from the accessed storage system as defined by the inputted request.	predetermined parameter '866 Claim 1; '118 Claim 1	AGREED	AGREED	a numerical value predetermined prior to storage of the financial document
<u>United States Patent No. 7,552,118</u> 1. A method of obtaining an electronically-stored financial document from a first storage system remotely-located from a second storage system wherein the first and second storage systems each include a plurality of financial documents stored therein and	receiving a request for at least one of the stored financial documents / receiving a request for the financial document '866 Claims 1, 23	AGREED	AGREED	the financial institution is asked by a customer to provide a copy of a financial document or financial documents
	specific document parameter	AGREED	AGREED	specific numerical

<p>wherein each of the financial documents is associated with at least one specific document parameter, said method comprising the steps of:</p> <p>[A] storing a plurality of financial documents in a first fixed medium at the first storage system when the specific document parameter of the financial document is greater than a predetermined parameter;</p> <p>[B] storing a plurality of financial documents in a second fixed medium at the second storage system when the specific document parameter of the financial document is less than or equal to the predetermined parameter;</p> <p>[C] utilizing a computer terminal connected to the first and second storage systems through a processing unit;</p> <p>[D] submitting a request for at least one of the stored financial documents into the computer terminal;</p> <p>[E] comparing the specific document parameter of the requested financial document to the predetermined parameter to determine if the specific document parameter is greater than, less than, or equal to the predetermined parameter after the request has been inputted;</p>	'866 Claims 1, 23, 45; '118 Claims 1, 23			sequence
	utilizing '866 Claims 1, 23, 45; '118 Claims 1, 23	AGREED	AGREED	using
	microfiche '118 Claim 9	AGREED	AGREED	a sheet of microfilm containing images
	microfilm '118 Claim 9	AGREED	AGREED	film on which materials are photographed at a reduced size
	an outsourcing institution '866 Claim 45	AGREED	AGREED	an entity, other than the financial institution or its subsidiaries, that provides financial documents retrieval services for financial institutions
	electronically locating the requested financial document in the off-site storage system '866 Claim 35; '118 Claim 35	AGREED	AGREED	using a computer system to locate the requested financial document in the off-site storage system
	each of the financial documents is associated with at least one specific document	AGREED	AGREED	each financial document is assigned at least one specific document parameter

<p>[F] automatically accessing the first storage system through the processing unit when the specific document parameter is greater than the predetermined parameter and automatically accessing the second storage system through the processing unit when the specific document parameter is less than or equal to the predetermined parameter; and</p> <p>[G] retrieving the requested financial document, as defined by the inputted request, in the first fixed medium when the specific document parameter is greater than the predetermined parameter and in the second fixed medium when a specific document parameter of the financial document is less than or equal to the predetermined parameter.</p> <p>2. A method as set forth in claim 1 wherein the first and second fixed mediums are different from each other.</p> <p>4. A method as set forth in claim 2 wherein the step of storing a plurality of financial documents in a first fixed medium is further defined as electronically storing the plurality of financial documents in a fixed electronic medium.</p> <p>9. A method as set forth in claim 4 wherein the step of storing a plurality of financial</p>	<p>parameter</p> <p>‘118 Claim 1</p>			
	<p>feeding the request from the computer terminal into the processing unit</p> <p>‘866 Claim 27; ‘118 Claim 32</p>	AGREED	AGREED	transmitting the entered request from the computer terminal to the processing unit
	<p>the financial document is associated with at least one specific document parameter</p> <p>‘118 Claim 23</p>	AGREED	AGREED	each financial document is assigned at least one specific document parameter
	<p>predetermined age</p> <p>‘866 Claims 23, 45; ‘118 Claim 23</p>	AGREED	AGREED	a cut-off age of a document that is chosen by the financial institution either before or in conjunction with the maintaining of the document in a particular storage system that is used to determine the storage system in which the document should be stored
	<p>as defined by the inputted request</p> <p>‘866 Claims 1, 23, 45; ‘118 Claims 1, 23</p>	AGREED	AGREED	identified by the entered request

<p>documents in a second fixed medium is further defined as storing a plurality of financial documents on one of microfilm or microfiche.</p> <p>23. A method for a financial institution to obtain a stored financial document from an off site storage system remotely-located from an on-site storage system wherein the financial document is associated with at least one specific document parameter with the specific document parameter being defined as a specific document age, said method comprising the steps of:</p> <p>[A] maintaining the financial document in the off-site storage system when the specific document age of the financial document is greater than a predetermined age;</p> <p>[B] maintaining the financial document in the on-site storage system when the specific document age of the financial document is less than or equal to the predetermined age;</p> <p>[C] utilizing a computer terminal associated with the financial institution and connected to the off-site and on-site storage systems though a processing unit;</p> <p>[D] submitting a request for the financial document into the computer terminal;</p>				
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<p>[E] comparing the specific document age of the requested financial document to the predetermined age to determine if the specific document age is greater than, less than, or equal to the predetermined age after the request has been inputted;</p> <p>[F] automatically accessing the off-site storage system through the processing unit when the specific document age is greater than the predetermined age and automatically accessing the on-site storage system through the processing unit when the specific document age is less than or equal to the predetermined age; and</p> <p>[G] automatically retrieving the requested financial document from the accessed storage system as defined by the inputted request.</p> <p>24. A method as set forth in claim 23 further including the step of</p> <p>[A] processing the request to locate the requested financial document.</p> <p>25. A method as set forth in claim 24 further including the step of</p> <p>[A] reproducing the requested financial document after the request has been processed and retrieved.</p>				
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<p>26. A method as set forth in claim 25 wherein the steps of processing the request, retrieving the requested financial document, and reproducing the requested financial document are controlled by an interlinked computer program.</p> <p>27. A method as set forth in claim 23 further including the step of feeding the request from the computer terminal into the processing unit.</p> <p>32. A method as set forth in claim 27 further including the step of categorizing the request.</p> <p>33. A method as set forth in claim 27 further including the step of determining a sequence number of the requested financial document after the request has been inputted.</p> <p>34. A method as set forth in claim 33 further including the step of determining an image reference number of the requested financial document.</p> <p>37. A method as set forth in claim 23 further including the step of storing the financial document in a fixed medium at one of the off-site and on-site storage systems based on the specific document age of the financial document.</p>				
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Ordering of Claim Steps

Patent No.	Claim No.	Plaintiff's Proposed Ordering of Steps	Defendants' Proposed Ordering of Steps	Court's Ordering of Steps
6,963,866	1	AGREED	AGREED	<ul style="list-style-type: none"> • Steps [A] & [B] must be performed before all subsequent steps, except step [C], but can be performed sequentially, simultaneously, or in reverse order. • Step [C] may occur at any time, so long as it occurs before or simultaneously with steps [F], [G] & [H]. • Step [D] must occur after steps [A] and [B], but before steps [E] thru [H]. • Step [E] must occur after step [D], but before steps [F] thru [H]. • Step [F] must occur after steps [D] and [E], but before steps [G] and [H]. • Step [G] must occur after step [F], but before step [H]. • Step [H] must occur after step [G].
6,963,866	23	AGREED	AGREED	<ul style="list-style-type: none"> • Steps [A] & [B] must be performed before all subsequent steps, except step [C], but can be

				<p>performed sequentially, simultaneously, or in reverse order.</p> <ul style="list-style-type: none"> • Step [C] may occur at any time, so long as it occurs before or simultaneously with steps [F], [G] & [H]. • Step [D] must occur after steps [A] and [B], but before steps [E] thru [H]. • Step [E] must occur after step [D], but before steps [F] thru [H]. • Step [F] must occur after steps [D] and [E], but before steps [G] and [H]. • Step [G] must occur after step [F], but before step [H]. • Step [H] must occur after step [G].
6,963,866	45	AGREED	AGREED	<ul style="list-style-type: none"> • Step [A] must occur before steps [C], [D], [E], [F], [G], [H], [I] and [J]. • Step [B] must occur before steps [C], [D], [E], [F], [G], [H], [I] and [J]. • Steps [A] and [B] may be done in reverse order, or even simultaneously. • Step [C] must occur after step [A] and before steps [E], [F], [G], [H], [I] and [J].

				<ul style="list-style-type: none"> • Step [D] must occur after step [B] and before steps [E], [F], [G], [H], [I] and [J]. • Steps [C] and [D] may be done in reverse order, or even simultaneously. • Step [E] can occur at anytime, except it must occur after steps [A] and [B]. • Step [F] must occur after steps [C] and [D] but before steps [G], [H], [I] and [J]. • Step [G] must occur after step [F] but before steps [H], [I], and [J]. • Step [H] must occur after step [G] but before steps [I] and [J]. • Step [I] must occur after step [H] but before step [J]. • Step [J] occurs after all other steps of the claim have occurred.
7,552,118	1	AGREED	AGREED	<ul style="list-style-type: none"> • Steps [A] & [B] must be performed before all subsequent steps, except step [C], but can be performed sequentially, simultaneously, or in reverse order. • Step [C] may occur at any time, so long as it occurs

				<p>before or simultaneously with steps [F] & [G].</p> <ul style="list-style-type: none"> • Step [D] must occur after steps [A] & [B], but before steps [E], [F], & [G]. • Step [E] must occur after steps [A], [B], & [D], but before steps [F] & [G]. • Step [F] must occur after all preceding steps [steps [A], [B], [C], [D], & [E]], but before step [G]. Step [F] may also occur simultaneously with step [C]. • Step [G] occurs after all other steps of the claim have occurred. Step [G] may also occur simultaneously with step [C].
7,552,118	23	AGREED	AGREED	<ul style="list-style-type: none"> • Steps [A] & [B] must be performed before all subsequent steps, except step [C], but can be performed sequentially, simultaneously, or in reverse order. • Step [C] may occur at any time, so long as it occurs before or simultaneously with steps [F] & [G]. • Step [D] must occur after steps [A] & [B], but before steps [E], [F], & [G]. • Step [E] must occur after

				<p>steps [A], [B], & [D], but before steps [F] & [G].</p> <ul style="list-style-type: none"> • Step [F] must occur after all preceding steps [steps [A], [B], [C], [D], & [E]], but before step [G]. Step [F] may also occur simultaneously with step [C]. • Step [G] occurs after all other steps of the claim have occurred. Step [G] may also occur simultaneously with step [C].
7,552,118	25	AGREED	AGREED	<ul style="list-style-type: none"> • Step 25[A] must occur after steps 24[A] and 23[G].