United States District Court, S.D. California.

DATAQUILL LIMITED, Plaintiff. v. KYOCERA WIRELESS CORP,

Defendant.

Civil No. 01CV2302B (BLM)

July 1, 2005.

David Powers Berten, Gregory John Smith, Kelly Eberspecher, Rhett Dennerline, Competition Law Group, Chicago, IL, Gregory S. Markow, Hecht Solberg Robinson and Goldberg, San Diego, CA, for Plaintiff.

Anthony J. Dain, Procopio Cory Hargreaves and Savitch, San DIEGO, Ca, for Defendant.

SUPERSEDING CLAIM CONSTRUCTION ORDER FOR UNITED STATES PATENT NUMBER 6,058,304

RUDI M. BREWSTER, District Judge.

Pursuant to Markman v. Westview Instruments, Inc., 517 U.S. 370 (1996), on May 3-5, 2005, the Court conducted a Markman hearing in the above-titled patent infringement action regarding construction of the disputed claim terms for U.S. Patent Number 6,058,304 ("the '304 patent"). Plaintiff Dataquill Limited ("Dataquill") was represented by the Competition Law Group, and Defendant Kyocera Wireless Corp. ("Kyocera") was represented by the law firm Procopio Cory Hargreaves & Savitch LLP.

At the Markman hearing, the Court, with the assistance of the parties, analyzed claim terms in order to prepare jury instructions interpreting the pertinent claims at issue in the '304 patent. Additionally, the Court and the parties prepared a "case glossary" for terms found in the claims and the specification for the '304 patent considered to be technical in nature which a jury of laypersons might not understand clearly without specific definition.

After careful consideration of the parties' arguments and the applicable statutes and case law, the Court **HEREBY CONSTRUES** the claims in dispute in the '304 patent and ISSUES the relevant jury instructions as written in Exhibit A, attached hereto. Further, the Court **HEREBY DEFINES** all pertinent technical terms as written in Exhibit B, attached hereto.

IT IS SO ORDERED.

EXHIBIT A

UNITED STATES PATENT NUMBER 6.058.304-CLAIM CHART

VERBATIM CLAIM LANGUAGE	
COURT'S CLAIM INTERPRETATION Claim 1	
A data entry device for use in a data entry system, said data entry device comprising:	A data entry device for use in a data entry system, said data entry device comprising:
a reading sensor responsive to commands and/or sensed commands and data to produce input signals;	a reading sensor [a structure capable of detecting external stimuli] responsive [giving response or reaction] to commands and/or sensed commands and data [instructions and factual information] to produce input signals [output of the reading sensor to be received by a controller];
a controller coupled to said reading sensor to receive and process said input signals;	a controller [a microprocessor or other processing circuitry] coupled [connected or linked] to said reading sensor to receive and process [to subject to examination or analysis] said input signals;
said controller coupled to a communications inter-face to selectively control transmission over said. communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect said data entry device to a wireless telecommunications network; and	said controller coupled to a <i>communications interface</i> [<i>a device which enables communication between two or more devices</i>] to selectively control transmission over said communications interface of command and/or data signals as determined by said input signals processed by said controller; said communications interface being operable directly to connect [<i>connect without an intervening agency or step between the data entry device and the wireless telecommunications network</i>] said data entry device to a wireless telecommunications network; and
a display coupled to said controller to display commands and/or information, under control of said input signals processed by said controller;	a <i>display</i> [<i>an electronic element that provides a visual</i> <i>representation</i>] coupled to said controller to <i>display</i> [<i>show</i>] commands and/or information under control of said input signals processed by said controller;
is responsive to a said command to cause downloading of information from a remote processing center as required for updating information previously stored in said data entry device.	wherein said reading sensor, controller and display <i>comprise</i> [<i>are</i>] a unitary assembly ana said communications interface is a cellular telephone network interface and said wireless telecommunications network is a cellular telephone network, and wherein said controller is responsive to a said command to cause <i>downloading</i> [<i>transferring from one place to storage at another</i>] of information from a remote processing center as required for updating information previously stored in said data entry device.
Claim 2	
A data entry device for use in a data entry syste said data entry device comprising:	m, A data entry device for use in a data entry system, said data entry device comprising:
a reading sensor responsive to commands and/o sensed commands and data to produce input signals;	or a reading sensor responsive to commands and/or sensed commands and data to produce input signals;

	coupled to said reading sensor to receive and
	input signals;
said controller coupled to a communications inter-said controll	
face to selectively control transmission over said. selectively c	
communications interface of command and/or datacommunicat	
	etermined by said input signals processed by
processed by said controller; said communications said controll	
	ectly to connect said data entry device to a
data entry device to a wireless wireless tele	communications network; and
telecommunications network; and	
a display coupled to said controller to display a display co	upled to said controller to display commands
	nation under control of said input signals
	y said controller;
	l reading sensor, controller and display
	initary assembly and said communications
	a cellular telephone network interface and
	s telecommunications network is a cellular
	etwork and said data entry device is <i>integral</i>
	d as a unit with one or more parts] with a
	x –
	bhone, and wherein said controller is
said controller is responsive to a said command to responsive t	
	from a remote processing center as required
	information previously stored in said data
information previously stored in said data entry entry device	
device.	
Claim 4	
	according to any of claims 1, 2 or 3, wherein
	s interface includes a modem [a device that
•	one form to another].
modem.	
Claim 5	
A data entry device according to any of A data entry dev	ice according to any of claims 1, 2 or 3,
claims 1, 2 or 3, wherein said reading sensor, wherein said rea	ding sensor, controller and display comprise a
controller and display comprise a hand <i>hand holdable</i> [can be held by one hand in normal use] unit.
holdable unit.	-
Claim 6	
A data entry device according to any of claims 1, 2 A data en	try device according to any of claims 1, 2 or
	n said data entry device includes a
rechargeable power source, means being provided for rechargea	•
	g said power source.
Claim 7	g said power source.
	anding to only of stating 1.0 - 0 - 1
	ording to any of claims 1, 2 or 3, wherein
· · · · · · · · · · · · · · · · · · ·	omprises one or two <i>manually operable</i>
· · · · ·	paking, breaking, or changing the connections
• •	which can be operated by hand] for scrolling
	· · ·
	through text or graphics displayed on a or second direction for selectively displaying

said o	commands and/or information.
mprise rolling on for and/or said f ed ope	br displaying said commands and/or information, and first wherein operation of said first and/or second switches in predetermined operational states of said data entry device causes predetermined functions other than
f creen ning a ng at nput.	
s r st, s e a s	A data entry device according to any of claims 1, 2 or 3 wherein a said reading sensor is for reading <i>coded data</i> [<i>data having a</i> <i>recognizable pattern or structure</i>] such as fingerprints or <i>signatures</i> [<i>a characteristic or mark distinctively identifying a</i> <i>person</i>] or written text, wherein said controller is arranged to access <i>stored information</i> [information previously saved] for selectable items to determine natural language characters or images corresponding to the coded data for display.
f g sense ice.	A data entry device according to any of claims 1, 2 or 3, sorwherein a said reading sensor is a <i>motion detector</i> [<i>a device</i> <i>that is sensitive to movement</i>] or a scanning device.
ewrita ritten omput ata en f A c r con and	a entry device according to any of claims 1, 2 or 3 comprising able storage [storage in which the stored information can be n over] and wherein programs [coded instructions that a atter follows to perform a desired sequence of operations] in said ntry device are updateable remotely from a processing center. data entry device according to any of claims 1, 2 or 3, mprising a carrier [a medium which carries one or more data ad/or command code, character, image, or graphical or phanumeric data representation] or a display for a plurality of
	f claimpris rollin on for and/o said ed op prede to b f creer ning at nput. f s t, e the f g sens ce. f data ewrite rompu at ar f f creer f f c c c c c c c c c c c c c c c c c

selectable items, wherein said carrier carries a plurality of codes, each for a respective one of a plurality of natural language and/or numeric characters and a plurality of commands for controlling operation of said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural language or means is: on numeric character or command and/or of perform the a graphical representation thereof.	r command codes for association with means for a plurality of selectable items, wherein said carrier lurality of codes, each for a respective one of a plurality language and/or numeric characters and a plurality of 6 for controlling operation of said data entry device or a sing system, each code being associated with a visual tion of the corresponding natural language or numeric or command and/or of a graphical representation thereof. means-plus-function claim. The function of the above displaying a plurality of selectable items. The structure to is function is: cols. 2:13-29; 6:51-7:9; 12:65-13:21, and valents.
Claim 21	
or 3, comprising a carrier or a display for a plurality of data and/or command codes for association with means for displaying a plurality of selectable items, wherein said carrier carries a plurality of codes, eac for a respective one of a plurality of natural language and/or numeric characters and a plurality of commands for controlling operation of said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof, wherein said codes are bar and/or dot codes and/or other product identifications.	respective one of a plurality of natural language and/or numeric characters and a plurality of commands for controlling operation of said data entry device or a merchandising system, each code being associated with a visual representation of the corresponding natural language or numeric character or command and/or of a graphical representation thereof, wherein said codes are
Claim 22	
A data entry device according to claim [sic] any of claims 1, 2 or 3 wherein a key on said data entry device can be used for entry of a said command and/or data.	A data entry device according to any of claims 1, 2 or 3 wherein a <i>key</i> [<i>a manual switch</i>] on said data entry device can be used for entry of a said command and/or data.
Claim 23	
A merchandising system comprising a data entry device according to any of claims 1, 2 or 3, wherein:	A merchandising system comprising a data entry device according to any of claims 1, 2 or 3, wherein:
said device is programmable with information relating to user selectable merchandisable items; and	said device is programmable with information relating to user selectable merchandisable items; and
said interface is coupleable to a remote processing center for initiating processing of user orders of said selectable merchandisable items.	said interface is coupleable to a remote processing center for initiating processing of user orders of said selectable merchandisable items.
Claim 26	
A data entry system comprising a hand holdable da entry unit, said hand holdable unit comprising:	taA data entry system comprising a hand holdable data entry unit, said <i>hand holdable</i> [<i>can be held by one</i> <i>hand in normal use</i>] unit comprising:
a reading sensor for sensing commands and/or data	a reading sensor for sensing commands and/or data and

and for producing input-signals in response to said	d for producing input signals in response to said sensed commands and/or data;
sensed commands and/or data; rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;	n rewritable storage programmable with information relating to a plurality of items, user selectable by means of said reading sensor;
a controller connected to receive and process said input signals from said sensor, said controller bein arranged to respond to commands and/or sensed commands to control said hand holdable unit and said data to select a said item; and	ng signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and	a display screen for displaying a user readable representation or said commands and said stored information for said selected item; and
said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said selectal items, wherein said hand holdable unit includes a speaker and a microphone permitting said hand holdable unit to be used as a telephone handset. <i>Claim 27</i>	ng relating to selectable items from said remote processing center to said storage via said telecommunications network, said controller being d responsive to a said command to cause downloading of ominformation from said remote processing center as required for updating information previously stored in said rewritable storage for one or more of said ble selectable items, wherein said hand holdable unit includes a speaker and a microphone permitting said hand holdable unit to be used as a telephone handset.
data entry unit, said hand holdable unit comprising:	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising:
data and for producing input signals in response to said sensed commands and/or data;	a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed commands and/or data;
rewritable storage programmable with information relating to selectable items;	rewritable storage programmable with information relating to selectable items;
input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and	a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and a telecommunications interface for telephonic transmission

processing center via a telecommunications network and for telephonic reception of information relating to said selectable items from rem said remote processing center to said storage via said telecommunications network, wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and directly connects said hand-holdable unit to said telecommunications network, and wherein said hand holdable unit	d storage to a remote processing center via a ecommunications network and for telephonic reception information relating to said selectable items from said note processing center to said storage via said ecommunications network, wherein said ecommunications interface is a <i>telecommunications line</i> <i>erface</i> [<i>a device that enables telephonic communication</i> <i>tween two or more devices by wire or cable</i>] integral to d hand holdable unit and directly connects said hand- ldable unit to said telecommunications network, and herein said hand holdable unit includes a speaker and a crophone permitting said hand holdable unit to be used
Claim 28	
A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising: a reading sensor for sensing commands and/or data and for producing input signals in response to said	A data entry system comprising a hand holdable data entry unit, said hand holdable unit comprising: a reading sensor for sensing commands and/or data and for producing input signals in response to said sensed
sensed commands and/or data;	commands and/or data;
rewritable storage programmable with information	rewritable storage programmable with information
relating to selectable items;	relating to selectable items;
a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;	a controller connected to receive and process said input signals from said sensor, said controller being arranged to respond to commands and/or sensed commands to control said hand holdable unit and to said data to select a said item;
a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and	a display screen for displaying a user readable representation of said commands and said stored information for said selected item; and
a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a wireless telecommunications network and for telephonic reception of information relating to said selectable items from said remote processing center to said storage via said wireless telecommunications network, wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and directly connects said hand- holdable unit to said wireless telecommunications network.	a telecommunications interface for telephonic transmission of information relating to a selected item or items from said storage to a remote processing center via a wireless telecommunications network and for telephonic reception of information relating to said selectable items from said remote processing center to said storage via said wireless telecommunications network, wherein said telecommunications interface is a telecommunications line interface integral to said hand holdable unit and directly connects said hand- holdable unit to said wireless telecommunications network.

 Claim 29

 A data entry system comprising a hand holdable data

 A data entry system comprising a hand holdable data

 entry unit, said hand holdable unit comprising:

 entry unit, said hand holdable unit comprising:

a reading sensor for sensing commands and/or data	a reading sensor for sensing commands and/or data and
and for producing input signals in response to said	for producing input signals in response to said sensed
sensed commands and/or data;	commands and/or data;
rewritable storage programmable with information	rewritable storage programmable with information
relating to a plurality of items, user selectable by	relating to a plurality of items, user selectable by
means of said reading sensor;	means of said reading sensor;
a controller connected to receive and process said	a controller connected to receive and process said input
input signals from said sensor, said controller being	signals from said sensor, said controller being arranged
arranged to respond to commands and/or sensed	to respond to commands and/or sensed commands to
commands to control said hand holdable unit and to	control said hand holdable unit and to said data to
said data to select a said item; and	select a said item; and
a display screen for displaying a user readable	a display screen for displaying a user readable
representation of said commands and said stored	representation of said commands and said stored
information for said selected item;	information for said selected item;
and said system further comprising: a	and said system further comprising: a
telecommunications interface for telephonic	telecommunications interface for telephonic
transmission of information relating to a selected	transmission of information relating to a selected item
item or items from said storage to a remote	or items from said storage to a remote processing
processing center via a telecommunications network	
and for telephonic reception of information relating	telephonic reception of information relating to
to selectable items from said remote processing	selectable items from said remote processing center to
center to said storage via said telecommunications	said storage via said telecommunications network, said
network, said controller being responsive to either a	controller being responsive to either a said command
said command or a said sensed command to cause	or a said sensed command to cause downloading of
downloading of information from said remote	information from said remote processing center as
processing center as required for updating	required for updating information previously stored in
information previously stored in said rewritable	said rewritable storage for one or more of said
storage for one or more of said selectable items, and	-
wherein said system further comprises a carrier for a	
plurality of data and/or command codes for	command codes for association with means for
association with means for displaying a plurality of	displaying a plurality of said selectable items, wherein
said selectable items, wherein said carrier carries a	said carrier carries a plurality of codes, each for a
plurality of codes, each for a respective one of a	respective one of a plurality of natural language and/or
plurality of natural language and/or numeric	numeric characters and a plurality of commands for
characters and a plurality of commands for	controlling operation of said data entry system or a
controlling operation of said data entry system or a	merchandising system, each code being associated with
merchandising system, each code being. associated	a visual representation of the corresponding natural
with a visual representation of the corresponding	language or numeric character or command and/or of a
natural language or numeric character or command	graphical representation thereof.
and/or of a graphical representation thereof.	
Claim 30	
A data entry system comprising a hand holdable data	A data entry system comprising a hand holdable data
entry unit, said hand holdable unit comprising:	entry unit, said hand holdable unit comprising:
a reading sensor for sensing commands and/or data	a reading sensor for sensing commands and/or data and
and for producing input signals in response to said	for producing input signals in response to said sensed
sensed commands and/or data;	commands and/or data;
rewritable storage programmable with information	rewritable storage programmable with information

		relating to selectable items;
		a controller connected to receive and process said input
input signals from said sensor, said controller being		signals from said sensor, said controller being arranged
arranged to respond to commands and/or	sensed	to respond to commands and/or sensed commands to
commands to control said hand holdable	unit and to	control said hand holdable unit and to said data to
said data to select a said item;		select a said item;
a display screen for displaying a user read	lable	a display screen for displaying a user readable
representation of said commands and said		representation of said commands and said stored
information for said selected item; and		information for said selected item; and
a telecommunications interface for telepho	onic	a telecommunications interface for telephonic
transmission of information relating to a s		transmission of information relating to a selected item
item or items from said storage to a remo		or items from said storage to a remote processing
		center via a telecommunications network and for
and for telephonic reception of informatic		telephonic reception of information relating to said
to said selectable items from said remote	•	selectable items from said remote processing center to
center to said storage via said telecommu		said storage via said telecommunications network,
network, wherein said telecommunication		wherein said telecommunications interface is a
		telecommunications line interface integral to said hand
hand holdable unit and directly connects s	-	holdable unit and directly connects said hand-holdable
holdable unit to said telecommunications		unit to said telecommunications network, and wherein
		said data entry system further comprises a carrier for a
a carrier for a plurality of data and/or con		plurality of data and/or command codes for association
codes for association with means for disp		with means for displaying a plurality of said selectable
plurality of said selectable items, wherein		items, wherein said carrier carries a plurality of codes,
carrier carries a plurality of codes, each for		each for a respective one of a plurality of natural
respective one of a plurality of natural lar		language and/or numeric characters and a plurality of
and/or numeric characters and a plurality		commands for controlling operation of said data entry
commands for controlling operation of sa		system or a merchandising system, each code being
entry system or a merchandising system,		associated with a visual representation of the
being associated with a visual representat		corresponding natural language or numeric character or
		command and/or of a graphical representation thereof.
or command and/or of a graphical represe		command and/or or a graphical representation thereor.
thereof.	Intation	
Claim 32		
	A 1-4	-
A data entry system according to claim		y system according to claim 26 or claim 29, wherein
		nmunications interface is integral to said hand holdable
e		rectly connects [connect without an intervening agency
		ween the hand holdable unit and the
		nications network] said hand-holdable unit to said
telecommunications network.	telecommu	nications network.
Claim 33		
A data entry system according to any of claims 26,		A data entry system according to any of claims 26, 28
28, 29, 30 or 31, wherein said hand holdable unit		29, 30 or 31, wherein said hand holdable unit includes
includes a rechargeable power source, means being		a rechargeable power source, means being provided fo
provided for recharging said power source.		recharging said power source.
Claim 34		

27, 29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.	29 or 30, wherein said telecommunications interface is a wireless telecommunications network interface.
Claim 35	
A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface. <i>Claim</i> 37	A data entry system according to any of claims 26, 27, 29, 30 or 31, wherein said telecommunications interface is a cellular telephone network interface.
-	A data antry system according to any of alaims 26, 27
A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said telecommunications interface includes a modem.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said telecommunications interface includes a modem.
Claim 38	interface includes a modelin.
A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31, wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage.
Claim 39	
27, 28, 29, 30 or 31 wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second, direction for selectively displaying information for respective selectable or selected items from said storage, and wherein operation of said first and/or second switches in predetermined operational states	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein said hand holdable unit comprises one or two manually operable switches for scrolling said display in a first and/or second direction for selectively displaying information for respective selectable or selected items from said storage, and wherein operation of said first and/or second switches in predetermined operational states of said hand noldable unit causes predetermined functions other than scrolling functions to be performed.
Claim 40	
27, 28, 29, 30 or 31 wherein said display screen comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein said display screen comprises a touch sensitive screen forming a said reading sensor, said controller being arranged to be responsive to a location at which said screen is touched for user input.
Claim 41	
27, 28, 29, 30 or 31 wherein a said reading sensor is for reading coded data, wherein said controller is arranged to access the stored information for	A data entry system according to any of claims 26, 27, 28, 29, 30 or 31 wherein a said reading sensor is for reading coded data, wherein said controller is arranged to access the stored information for selectable items to determine natural language characters or images corresponding to the coded data for display.

Claim 44	
A data entry system according to any of claims 26,	A data entry system according to any of claims 26, 27,
27, 28, 29, 30 or 31, wherein a said reading sensor is	28, 29, 30 or 31, wherein a said reading sensor is a
a motion detector or a scanning device.	motion detector or a scanning device.
Claim 45	
A data entry device according to claim 44, wherein	A data entry device according to claim 44, wherein
said scanning device is a camera.	said scanning device is a camera.
Claim 51	
A data entry system according to any claims 26, 27,	A data entry system according to any claims 26, 27,
28, 29, 30 or 31, wherein programs in said hand	28, 29, 30 or 31, wherein programs in said hand
holdable unit are updateable remotely from said	holdable unit are updateable remotely from said
processing center.	processing center.
Claim 53	
	A data entry system according to any of claims 26, 27,
	28, 29, 30 or 31, comprising a carrier for a plurality of
	data and/or command codes for association with means
	for displaying a plurality of selectable items, wherein
	said carrier carries a plurality of codes, each for a
	respective one of a plurality of natural language and/or
	numeric characters and a plurality of commands for
	controlling operation of said data entry or
	merchandising system, each code being associated with
	a visual representation of the corresponding natural
	language or numeric character or command and/or of a
	graphical representation thereof.
and/or of a graphical representation thereof.	graphical representation thereor.
Claim 55	
	A data antry system according to slaim 52 wherein
A data entry system according to claim 53, wherein said carrier comprises a display.	A data entry system according to claim 53, wherein said carrier comprises a display.
Claim 56	
	A data antin materia according to any of alaine 26, 27
	A data entry system according to any of claims 26, 27,
	28, 29, 30 or 31, wherein a key on said data entry unit
· · · · · · · · · · · · · · · · · · ·	can be used for entry of a said command and/or data.
data.	
Claim 57	
A merchandising system comprising a data entry	A merchandising system comprising a data entry
	system according to any of claims 26, 27, 28, 29, 30 or
or 31, wherein: said selectable items are	31, wherein: said selectable items are merchandisable
merchandisable items; and said remote processing	items; and said remote processing center initiates
center initiates processing of user orders of said	processing of user orders of said selectable
selectable merchandisable items.	merchandisable items.
Claim 59	
A data entry system according to any of claims 27,	A data entry system according to any of claims 27, 28,
A data entry system according to any of claims 27, 28, 30 or 31, wherein said controller is responsive to	30 or 31, wherein said controller is responsive to a said
A data entry system according to any of claims 27, 28, 30 or 31, wherein said controller is responsive to a said command to cause downloading of	A data entry system according to any of claims 27, 28, 30 or 31, wherein said controller is responsive to a said command to cause downloading of information from said remote processing center as required for updating

required for updating information previously stored in said rewritable storage for one or more of said selectable items.	information previously stored in said rewritable storage for one or more of said selectable items.
Claim 60	
A data entry system according to any of claims 28, 29, 30 or 31 wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset .	A data entry system according to any of claims 28, 29, 30 or 31 wherein said hand holdable unit includes a speaker and/or microphone permitting said hand holdable unit to be used as a telephone handset.

EXHIBIT B

GLOSSARY OF TERMS

TERM	DEFINITION
carrier	a medium which carries one or more data and/or command code, character,
	image, or graphical or alphanumeric data representation
coded data	data having a recognizable pattern or structure
commands and/or	instructions
sensed commands	
communications	a device which enables communication between two or more devices
interface	
comprise	are
controller	a microprocessor or other processing circuitry
coupled	connected or linked
data	factual information
directly connects	connect without an intervening agency or step between the hand holdable unit and the telecommunications network
directly to connect	connect without an intervening agency or step between the data entry device and the wireless telecommunications network
display (n.)	an electronic element that provides a visual representation
display (v.)	show
downloading	transferring from one place to storage at another
forming	assuming the function of
hand holdable	can be held by one hand in normal use
input signals	output of the reading sensor to be received by a controller
integral with	formed as a unit with one or more parts
key	a manual switch
manually operable	devices for making, breaking, or changing the connections in an electrical
switches	circuit, which can be operated by hand
modem	a device that converts data from one form to another
motion detector	a device that is sensitive to movement
process (v.)	to subject to examination or analysis
programs	coded instructions that a computer follows to perform a desired sequence of operations

reading sensor	a structure capable of detecting external stimuli
responsive	giving response or reaction
rewritable storage	storage in which the stored information can be written over
scrolling said display	stepping through text or graphics displayed on a display
signature	a characteristic or mark distinctively identifying a person
storage	part of a computer that accepts and retains information for subsequent use or retrieval
stored information	information previously saved
telecommunications line	a device that enables telephonic communication between two or more devices
interface	by wire or cable
touch sensitive screen	screen which reacts to touch by producing a signal

S.D.Cal.,2005. DataQuill Ltd. v. Kyocera Wireless Corp.

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