

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

E-NUMERATE SOLUTIONS, INC. and  
E-NUMERATE, LLC,

Plaintiffs,

v.

THE UNITED STATES OF AMERICA,

Defendant.

C.A. No. 19-859-RTH

**PLAINTIFFS' PRELIMINARY PROPOSED CLAIM  
CONSTRUCTIONS FOR TERMS IDENTIFIED BY  
THE DEFENDANT**

Pursuant to the Court's Order of November 9, 2021 (D.I. 64), Plaintiffs e-Numerate Solutions, Inc. and e-Numerate, LLC (collectively "e-Numerate") hereby provide the following preliminary proposed claim constructions for terms identified by the Defendant. Plaintiffs have previously provided to Defendant their preliminary claim constructions for terms identified by Plaintiffs. Those constructions are incorporated by reference as if fully set forth herein.

Plaintiffs have sued Defendant for infringement of United States Patents 7,650,355 ("the '355 patent"); 8,185,816 ("the '816 patent"); 9,262,383 ("the '383 patent"); 9,262,384 ("the '384 patent"); 9,268,748 ("the '748 patent"); 9,600,842 ("the '842 patent"); 10,223,337 ("the '337 patent"); and 10,423,708 ("the '708 patent") (collectively, "the Asserted Patents"). Plaintiffs' preliminary proposed claim constructions for terms identified by the Defendant in

the Asserted Patents are set forth as Exhibit A.<sup>1</sup>

e-Numerate reserves the right to add additional terms, omit terms specified below, and modify terms into phrases (and vice versa), including, but not limited to, in response to terms, phrases and proposed constructions identified by Defendant the United States of America (“the Defendant”). e-Numerate further reserves the right to modify, supplement, alter, delete and/or contradict any and all of these proposed constructions as this matter proceeds.

Dated: November 19, 2021

Respectfully submitted,

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<sup>1</sup> Defendant claims that e-Numerate is not asserting claim 46 of the ‘355 patent, claim 19 of the ‘816 patent, and claims 6, 14, and 15 of the ‘383 patent. Defendant is wrong. Claim 46 of the ‘355 patent, claim 19 of the ‘816 patent and claims 6, 14 and 15 of the ‘383 patent are asserted in the Second Amended Complaint in this matter. See D.I. 53 at pars. 51, 65 and 82. In addition, infringement contentions for these claims were provided in Plaintiffs’ Second Supplemental Preliminary Infringement Contentions served on or about June 8, 2021. Defendant is referred to the following exhibits: Ex. A at page 48; Ex. B at page 32; and Ex. C at pages 22 and 24.

# EXHIBIT A

**'355 Patent**

<b>Term</b>	<b>Claims</b>	<b>Plaintiffs' Proposed Construction</b>
macro	1, 2, 3, 4, 6, 25, 26, 27, 28, 29, 30, 31, 33, 52, 53, 54, 55	Interpreted code that performs a well-defined, generally limited function
generating at least one second title corresponding to results of the operation	1, 28	Plain and ordinary meaning
interpreted code	1, 27, 28 and 54	Code that is executed by an interpreter
report	21	Plain and ordinary meaning
at least one of... and	7, 8, 9, 10, 11, 12, 14, 21, 34, 35, 36, 37, 38, 39, 41, 46, 55	At least one of ... or
the step of receiving	15 and 42	Not indefinite. In claim 15, the step referred to is "receiving a series of numerical values having tags indicating characteristics of the numerical values" in claim 15. In claim 42, the step referred to is "receiving a series of numerical values having tags indicating characteristics of the numerical values" in claim 28.
tag	1, 13, 14, 15, 27, 28, 40, 41, 42, 54	"Tag" should not be construed as a stand-alone term. Instead, the court has identified a phrase that should be construed in claims 1, 27, 28, 40, 41, 42, and 54. Defendant is referred to that construction. To the extent "tag" is used in the claims, it should be construed as "markup language tag."

meta-data	1, 13, 27, 28, 40 and 54.	Data about data
numerical values having tags indicating characteristics of the numerical value “s”	1, 27, 28 and 54	The Defendant has misquoted the claim language. Plaintiffs have proposed to include “series of” in addition to the specified language. Plaintiffs have previously provided their proposed construction of this phrase. The Defendant is referred to that construction. Additionally, Defendant is referred to that construction on the word “values.”
operation	1, 27, 28 and 54	Plain and ordinary meaning
transform	1, 27, 28 and 54	“Transform” should not be construed as a stand-alone term. Plaintiffs have identified a phrase in claims 1, 27, 28 and 54 that should be construed as “transform.” The Defendant is referred to that construction. To the extent “transform” is used, it should be construed as “convert.”

**‘816 patent**

Term	Claims	Plaintiffs’ Proposed Construction
at least one of ... and	1, 4, 10, 17, 20, 26, 27	At least one of ... or
tag	1, 3 – 8, 10, 17 and 19 – 27	“Tag” should not be construed as a stand-alone term. Instead, Plaintiffs have identified a phrase in claims 1, 10, 17, 26 and 27 that should be construed as “markup language tag.” Plaintiffs have previously provided their proposed construction of this phrase. The Defendant is referred to that construction. To the extent “tag” is used, it should be construed as “markup language tag.”
markup language	12	Not indefinite. Antecedent basis is implied, <i>inter alia</i> , by the phrase “markup document” in claim 10. No additional construction of “markup language” is needed. To the extent “markup language” is construed as Plaintiffs propose for the ‘337 patent. The Defendant is referred to that construction.
means for displaying the single data set	26	To be construed under § 112 par. 6.  Function: displaying the single data set

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