EXHIBIT D

Foster, James J.

From:	Foster, James J.
Sent:	Tuesday, January 21, 2020 1:48 PM
To:	'Chassman, Peter J.'; 'Steven Katz'; amartin@burnslev.com; Forbes, Michael J.; James Sebel
Cc:	Ercolini, Michael; Tollefson, Brian A.; uniloc; Gillis, Maria
Subject:	RE: Uniloc v. Paychex (1:19-cv-11272-RGS): 2019-12-12 Uniloc Disclosure of claim terms -Paychex

In the Texas action, the parties filed with the court their respective proposals as to the corresponding structures for the means-plus-function terms. You may use those in your opening brief.   JJF

From: Chassman, Peter J. [mailto:PChassman@ReedSmith.com]
Sent: Tuesday, January 21, 2020 1:38 PM
To: Foster, James J. <jfoster@princelobel.com>; 'Steven Katz' <katz@fr.com>; amartin@burnslev.com; Forbes, Michael J. <MForbes@reedsmith.com>; James Sebel <sebel@fr.com>
Cc: Ercolini, Michael <mercolini@princelobel.com>; Tollefson, Brian A. <btollefson@princelobel.com>; uniloc <uniloc@princelobel.com>; Gillis, Maria <mgillis@princelobel.com>
Subject: RE: Uniloc v. Paychex (1:19-cv-11272-RGS): 2019-12-12 Uniloc Disclosure of claim terms -Paychex

Jim,

I write on behalf of Defendants.

We disagree that there is any limitation on the number of indefiniteness issues that Defendants may present to the Court. It simply makes sense to do so at the same time as claim construction, which this Court has done in the past. All of the indefiniteness contentions that we intend to raise with the Court were included in our invalidity contentions, served months ago, although we do not intend to pursue all of them. Here is a summary of what we intend to brief on indefiniteness:

- Claims 20, 22, 24, 35, 37 and 39-40 of the '578 patent are invalid as indefinite, because the Eastern District of Texas found that to be the case and Uniloc did not appeal, and, therefore, offensive collateral bars Uniloc from arguing otherwise.
- Although the Eastern District of Texas did not address the indefiniteness of claims 9, 23, 25, and 40 of the '578 patent in the case referenced above, these claims are invalid as indefinite on the same bases as the list above.
- Claims 16–46 of the '578 patent and claims 12, 14, 17 and '19 of the '293 patent are indefinite because they contain computer implemented "mean-plus-function" terms for which the specification does not disclose an algorithm as required corresponding structure. Defendants brief will focus on five exemplary terms from those claims:
  - "means for installing...to the network" ('578)
  - "means for distributing...to the network" ('578)
  - "means for providing an instance...plurality of authorized users" ('578)
  - "means for specifying a source directory and a target directory for distribution of the application program" ('293)
  - "means for distributing the file packet to the target on-demand server to make the application program available for use by a user at a client" ('293)