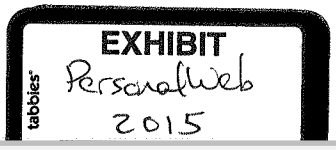
IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

PERSONALWEB TECHNOLGIES, LLC Plaintiff, vs. NEC CORPORATION OF AMERICA, INC. Defendant.	§ § § § § § § § § §	CASE NO. 6:11-CV-655 PATENT CASE
PERSONALWEB TECHNOLGIES, LLC Plaintiff, vs. GOOGLE INC. AND YOUTUBE, LLC Defendants.	§ § § § § § § § § §	CASE NO. 6:11-CV-656 PATENT CASE
PERSONALWEB TECHNOLGIES, LLC Plaintiff, vs. NETAPP, INC. Defendant.	§ § § § § § § § § §	CASE NO. 6:11-CV-657 PATENT CASE



PERSONALWEB TECHNOLGIES, LLC **Plaintiff,** **vs.** **AMAZON.COM, INC.; AMAZON WEB SERVICES LLC; AND DROPBOX, INC.** **Defendants.**	§ § § § § § § § §	**CASE NO. 6:11-CV-658** **PATENT CASE**
PERSONALWEB TECHNOLGIES, LLC **Plaintiff,** **vs.** **EMC CORPORATION, AND VMWARE, INC.** **Defendants.**	§ § § § § § § § §	**CASE NO. 6:11-CV-660** **PATENT CASE**
PERSONALWEB TECHNOLGIES, LLC **Plaintiff,** **vs.** **AUTONOMY, INC., ET AL.,** **Defendants.**	§ § § § § § § § §	**CASE NO. 6:11-CV-683** **PATENT CASE**

PERSONALWEB TECHNOLGIES, LLC **Plaintiff,** **vs.** **YAHOO! INC.** **Defendant.**	§ § § § § § § § § §	**CASE NO. 6:12-CV-658** **PATENT CASE**
PERSONALWEB TECHNOLGIES, LLC **Plaintiff,** **vs.** **APPLE INC.** **Defendant.**	§ § § § § § § § § §	**CASE NO. 6:12-CV-660** **PATENT CASE**
PERSONALWEB TECHNOLGIES, LLC **Plaintiff,** **vs.** **FACEBOOK, INC.** **Defendant.**	§ § § § § § § § § §	**CASE NO. 6:12-CV-662** **PATENT CASE**

MEMORANDUM OPINION AND ORDER

This Memorandum Opinion construes the disputed claim terms in U.S. Patent Nos. 5,978,791 ("the '791 Patent), 6,415,280 ("the '280 Patent), 6,928,442 ("the '442 Patent), 7,802,310 ("the '310 Patent), 7,945,539 ("the '539 Patent), 7,945,544 ("the '544 Patent), 7,949,662 ("the '662 Patent), 8,001,096 ("the '096 Patent), and 8,099,420 ("the '420 Patent).

Autonomy and Hewlett-Packard's Motion for Summary Judgment of Indefiniteness (6:11-CV-683, Docket No. 164) is **DENIED**. Facebook's Motion for Summary Judgment of Indefiniteness (6:12-CV-662, Docket No. 66) is **DENIED**.

BACKGROUND

The Plaintiff PersonalWeb Technologies LLC ("PersonalWeb") sued the following Defendants for infringement: NEC Corporation of America, Inc. ("NEC"); Google, Inc. and YouTube, LLC ("Google"); NetApp, Inc. ("NetApp"); Amazon.com, Inc. and Amazon Web Services LLC ("Amazon"); Dropbox, Inc. ("Dropbox"); EMC Corp. and VMWare, Inc. ("EMC"); Autonomy, Inc., Hewlett-Packard Co., and HP Enterprise Services, LLC ("HP"); Yahoo! Inc. ("Yahoo"); Apple Inc. ("Apple"); and Facebook, Inc. ("Facebook"). The Court heard oral argument on July 18, 2013.

There are nine asserted patents, all claiming priority to a common application. A number of the Patents have been the subject of post-issuance examination. Inter Partes Reviews ("IPRs") have been initiated for several of the Patents, and the Patent Trial and Appeal Board ("PTAB") has issued decisions for at least three Patents. The Patents generally relate to methods for identifying data items in a data processing system.

APPLICABLE LAW

"It is a 'bedrock principle' of patent law that 'the claims of a patent define the invention to which the patentee is entitled the right to exclude.'" *Phillips v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (en banc) (quoting *Innova/Pure Water Inc. v. Safari Water Filtration Sys., Inc.*, 381 F.3d 1111, 1115 (Fed. Cir. 2004)). In claim construction, courts examine the patent's intrinsic evidence to define the patented invention's scope. *See id.*; *C.R. Bard, Inc. v. U.S. Surgical Corp.*, 388 F.3d 858, 861 (Fed. Cir. 2004); *Bell Atl. Network Servs., Inc. v. Covad*

Commc'ns Group, Inc., 262 F.3d 1258, 1267 (Fed. Cir. 2001). This intrinsic evidence includes the claims themselves, the specification, and the prosecution history. *See Phillips*, 415 F.3d at 1314; *C.R. Bard, Inc.*, 388 F.3d at 861. Courts give claim terms their ordinary and accustomed meaning as understood by one of ordinary skill in the art at the time of the invention in the context of the entire patent. *Phillips*, 415 F.3d at 1312–13; *Alloc, Inc. v. Int'l Trade Comm'n*, 342 F.3d 1361, 1368 (Fed. Cir. 2003).

The claims themselves provide substantial guidance in determining the meaning of particular claim terms. *Phillips*, 415 F.3d at 1314. First, a term's context in the asserted claim can be very instructive. *Id.* Other asserted or unasserted claims can also aid in determining the claim's meaning because claim terms are typically used consistently throughout the patent. *Id.* Differences among the claim terms can also assist in understanding a term's meaning. *Id.* For example, when a dependent claim adds a limitation to an independent claim, it is presumed that the independent claim does not include the limitation. *Id.* at 1314–15.

"[C]laims 'must be read in view of the specification, of which they are a part.'" *Id.* (quoting *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc)). "[T]he specification 'is always highly relevant to the claim construction analysis. Usually, it is dispositive; it is the single best guide to the meaning of a disputed term.'" *Id.* (quoting *Vitronics Corp. v. Conceptronic, Inc.*, 90 F.3d 1576, 1582 (Fed. Cir. 1996)); *see also Teleflex, Inc. v. Ficosa N. Am. Corp.*, 299 F.3d 1313, 1325 (Fed. Cir. 2002). This is true because a patentee may define his own terms, give a claim term a different meaning than the term would otherwise possess, or disclaim or disavow the claim scope. *Phillips*, 415 F.3d at 1316. In these situations, the inventor's lexicography governs. *Id.* Also, the specification may resolve ambiguous claim terms "where the ordinary and accustomed meaning of the words used in the claims lack

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