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16 **UNITED STATES DISTRICT COURT**
17 **DISTRICT OF NEVADA**

18 APPLICATIONS IN INTERNET TIME, LLC,
19
20 Plaintiff,

21 v.

22 SALESFORCE.COM, INC.,
23 Defendant.

Civil Action No.: 3:13-CV-00628-RCJ-VPC

**PLAINTIFF APPLICATIONS IN
INTERNET TIME, LLC'S OPENING
CLAIM CONSTRUCTION BRIEF**

24
25
26
27 **RPX Exhibit 1059**
RPX v. AIT
28 **IPR2015-01751**

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I. INTRODUCTION

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2 Plaintiff Applications in Internet Time, LLC (“AIT”) respectfully submits this opening claim
3 construction brief.

4 The essential claim construction question is whether the claims of U.S. Patent Nos. 7,356,482
5 (“the ‘482 patent”) and 8,484,111 (“the ‘111 patent”) are limited to a particular commercial
6 embodiment licensed and sold by the original assignee of the patents, or cover what the inventors
7 actually invented. Declaration of Nicholas S. Boebel (“Beobel Decl.”), Ex. 1 (“the ‘482 patent”) and
8 Ex. 2 (“the ‘111 patent”). With respect to each disputed term, Defendant salesforce.com, Inc.
9 (“Salesforce”) seeks to improperly limit the scope of the Asserted Patents to particular embodiments
10 despite the absence of words of clear disavowal of claim scope in either the common specification or
11 file histories. Salesforce violates fundamental and long-standing canons of claim construction at
12 every turn to bolster its non-infringement position. AIT has construed each disputed term consistent
13 with the basic principle of claim construction that the words of the claim mean what they say.
14 Because Salesforce must read in limitations from the specification and file history to assert non-
15 infringement, it has not. The Court should adopt the constructions proposed by AIT.

II. BACKGROUND

16
17 The ‘482 and ‘111 patents are based on the same application originally filed on December 18,
18 1998 by Alternative Systems, Inc. (“ASI”). ASI developed and licensed information management
19 software for environmental, health, and safety applications in the late 1990s and early 2000s. The
20 ‘482 and ‘111 patents relate to an innovative system for creating and updating applications
21 developed by ASI. ASI assigned the ‘482 and ‘111 patents to AIT, a successor company owned by
22 two of ASI’s principals, one of whom (Douglas Sturgeon) is a named inventor on the patents.

A. The Asserted Claims of the ‘482 and ‘111 Patents

23
24 The asserted claims of the ‘482 and ‘111 patents are directed to a computer software
25 architecture that allows application design and deployment to be performed by individuals with
26 knowledge of the business process requirements of the customer, rather than individuals with the
27 ability to write application software code. The claims also allow the seamless updating or
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