

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

AUDIOEYE, INC.,
Plaintiff,

v.

ACCESSIBE LTD.,
Defendant.

§
§
§
§
§
§
§


6:20-CV-00997-ADA

AMENDED CLAIM CONSTRUCTION ORDER

The Court provided its preliminary constructions of disputed term on November 15, 2021. The Court then held a *Markman* hearing on November 16, 2021. *See* ECF No. 65.

After careful consideration of the Parties’ briefs, oral argument, and the applicable law, the Court enters its final constructions for each term as shown below.¹

SIGNED this 23rd day of November, 2021.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

¹ This Order **SUPERSEDES AND VACATES** the Claim Construction Order at ECF No. 68.

No.	Term	Patent	Claim(s)	AudioEye’s Proposed Construction	accessiBe’s Proposed Construction	C
1	“headless browser”	10,423,709	19	No construction is necessary, the plain and ordinary meaning should apply.	“a web browser without a graphical user interface”	“a w gra
		10,762,280	1, 19	To the extent the Court concludes a construction is necessary, it should be construed as follows: “a browser under the control of software rather than a human”		
		10,867,120	14			
2	“descriptive alt text” / “alt text description”	10,444,934	1	No construction is necessary, the plain and ordinary meaning should apply.	“descriptive text in an ‘alt’ HTML attribute”	“d tex
		10,866,691	3, 18			
	“ALT-text” / “alt text”	10,444,934	11	To the extent the Court concludes a construction is necessary, it should be construed as follows: “alternative text”	“text in an ‘alt’ HTML attribute”	
		10,867,120	15			
	“alt text tag[s]”	10,845,946	3, 19		“‘alt’ HTML attribute tag[s]”	“al
10,845,947		14				

No.	Term	Patent	Claim(s)	AudioEye's Proposed Construction	accessiBe's Proposed Construction
3	"crawling, by a computer system, the DOM associated with the web page"	10,444,934	1	<p>No construction is necessary, the plain and ordinary meaning should apply.</p> <p>To the extent the Court concludes a construction is necessary, it should be construed as follows:</p>	<p>Indefinite</p> <p>crawling: "spidering or analyzing a website to generate a list of individual web pages to be scanned"</p>
	"crawling, by a computer system, associated with the web page"	10,444,934	11	<p>"a structured navigation, by a computer system, of the DOM associated with the web page"</p> <p>"a structured navigation, by a computer system, associated with the web page"</p>	
	"crawl a user-requested web page"	10,762,280	1	<p>"structurally navigate a user-requested web page"</p>	

No.	Term	Patent	Claim(s)	AudioEye's Proposed Construction	accessiBe's Proposed Construction	C
4	"mapping"	10,444,934	1, 11	No construction is necessary, the plain and ordinary meaning should apply. To the extent the Court concludes a construction is necessary, it should be construed as follows: "correlating" / "correlate"	"assign[ing] a correspondence between an element of one set with an element of another set"	Plain
		10,809,877	1, 10			
		10,845,946	1, 14			
		10,845,947	20			
		10,762,280	1			
		10,867,120	5, 19			
5	"assigning . . . based on the determined file path"	10,444,934	1	No construction is necessary, the plain and ordinary meaning should apply. To the extent the Court concludes a construction is necessary, it should be construed as follows: "assigning, by the computer system, an alt text description generated using the determined file path"	"assigning . . . based on the string of characters used to uniquely identify a file's name and location in a directory structure"	Plain

No.	Term	Patent	Claim(s)	AudioEye's Proposed Construction	accessiBe's Proposed Construction	Co
6	"adequate alt text"	10,444,934	11	No construction is necessary, the plain and ordinary meaning should apply. To the extent the Court concludes a construction is necessary, it should be construed as follows: "[alt text] / [descriptive attribute] that is more than a missing or default value" / "a missing or default [ALT-text]"	Indefinite	"alterr na
		10,809,877	1, 10			"d desc
		10,845,946	1			Indefir "d desc
	"adequate descriptive attribute"	10,845,947	1, 10			In claim "d desc [image
		10,860,173	1, 16			Indefir "d desc
		10,866,691	1, 16			"d desc
		10,762,280	20			
	"inadequate"	10,867,120	15			

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.