



**Table of Contents**

**I. BACKGROUND..... 4**

**II. LEGAL PRINCIPLES ..... 4**

**III. CONSTRUCTION OF AGREED TERMS ..... 9**

**IV. CONSTRUCTION OF DISPUTED TERMS IN THE STEFIK PATENTS ..... 10**

A. “repository” and “trusted” ..... 10

B. “physical integrity” ..... 16

C. “communications integrity” ..... 18

D. “behavioral integrity” ..... 19

E. “content” and “digital content” ..... 21

F. “rights,” “usage rights,” and “usage rights information” ..... 23

G. “usage rights” (‘160 Patent)..... 33

H. “digital work” ..... 35

I. “digital document” and “document” ..... 37

J. “requester mode of operation” and “server mode of operation” ..... 40

K. “manner of use” ..... 43

L. “render” and “rendering” ..... 45

M. “authorization object” ..... 48

N. “identification certificate” and “digital certificate” ..... 51

O. “nonce” and “random registration identifier” ..... 53

P. “distributed repository” ..... 56

Q. “document platform” ..... 61

R. “validating” ..... 65

S. “determining, by the document platform” ..... 68

T. “grammar” ..... 72

U. “description structure” ..... 75

V. “means for communicating with a master repository for obtaining an identification certificate for the repository” ..... 76

W. “means for processing a request from the means for requesting” ..... 80

X. “means for checking whether the request is for a permitted rendering of the digital content in accordance with rights specified in the apparatus” ..... 85

Y. “means for receiving the authorization ob[j]ect when it is determined that the request should be granted” ..... 88

Z. “means for requesting a transfer of the digital content from an external memory to the storage” ..... 91

AA. “means for processing the request to make the digital content available to the rendering engine for rendering when the request is for a permitted rendering of the digital [content],” “means for authorizing the repository for making the digital content available for rendering, wherein the digital content can be made available for rendering only by an authorized repository,” and “means for making a request for an authorization object required to be included within the repository for the apparatus to render the digital content” ..... 95

**V. CONSTRUCTION OF DISPUTED TERMS IN THE NGUYEN PATENTS ..... 98**

A. “repository” ..... 99

B. “license” ..... 99

C. “meta-right” ..... 102

D. “usage rights” ..... 106

E. “manner of use” ..... 108

F. “state variable” ..... 109

G. “the at least one state variable identifies a location where a state of rights is tracked” .... 114

H. “specifying, in a first license, . . . at least one usage right and at least one meta-right for the item, wherein the usage right and the meta-right include at least one right that is shared among one or more users or devices” ..... 116

I. “means for obtaining a set of rights associated with an item” ..... 119

J. “means for determining whether the rights consumer is entitled to the right specified by the meta-right” ..... 122

K. “means for exercising the meta-right to create the right specified by the meta-right” ..... 125

L. “means for generating a license including the created right, if the rights consumer is entitled to the right specified by the meta-right” ..... 128

**VI. CONSTRUCTION OF DISPUTED TERMS IN THE DUNKELD PATENT ..... 130**

A. “detect[ing] a transfer” ..... 131

B. “instance” ..... 133

C. “other portion” ..... 136

D. “over said network between user devices” ..... 140

**VII. CONCLUSION ..... 143**

## I. BACKGROUND

Plaintiff brings suit alleging infringement of United States Patents No. 6,963,859 (“the ‘859 Patent”), 7,523,072 (“the ‘072 Patent”), 7,225,160 (“the ‘160 Patent”), 7,269,576 (“the ‘576 Patent”), 8,370,956 (“the ‘956 Patent”), 8,393,007 (“the ‘007 Patent”) (collectively, the “Trusted Repository Patents” or “Stefik Patents”), 7,774,280 (“the ‘280 Patent”), 8,001,053 (“the ‘053 Patent”) (collectively, the “Meta Rights Patents,” “Nguyen/Chen Patents,” or “Nguyen Patents”), and 8,583,556 (“the ‘556 Patent,” also referred to as the “Transaction Tracking Patent” or the “Dunkeld Patent”) (all, collectively, “the patents-in-suit”). (Dkt. No. 304, Exs. A-I.)

The parties have presented the patents-in-suit as three distinct groups, as set forth above, and the Court addresses those three groups in turn, below.

The Court heard oral arguments on February 6, 2015. The parties did not present oral argument as to all disputed terms. Instead, “[g]iven the large number of disputed claim terms,” the parties chose to present oral arguments on terms identified in the parties’ January 23, 2015 Joint Notice Regarding *Markman* Hearing. (Dkt. No. 365.) The parties also presented oral argument regarding one additional group of terms identified by the Court, namely “nonce” and “random registration identifier” in the Stefik Patents. The parties did not present oral arguments regarding any other disputed terms and instead submitted those disputes on the briefing.

## II. LEGAL PRINCIPLES

It is understood that “[a] claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention.” *Burke, Inc. v. Bruno Indep. Living Aids, Inc.*, 183 F.3d 1334, 1340 (Fed. Cir. 1999). Claim construction is clearly an issue of law for the court to decide. *Markman v.*

*Westview Instruments, Inc.*, 52 F.3d 967, 970-71 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996).

To ascertain the meaning of claims, courts look to three primary sources: the claims, the specification, and the prosecution history. *Markman*, 52 F.3d at 979. The specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. *Id.* A patent's claims must be read in view of the specification, of which they are a part. *Id.* For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims. *Id.* "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." *Watts v. XL Sys., Inc.*, 232 F.3d 877, 882 (Fed. Cir. 2000).

Nonetheless, it is the function of the claims, not the specification, to set forth the limits of the patentee's invention. Otherwise, there would be no need for claims. *SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). The patentee is free to be his own lexicographer, but any special definition given to a word must be clearly set forth in the specification. *Intellicall, Inc. v. Phonometrics, Inc.*, 952 F.2d 1384, 1388 (Fed. Cir. 1992). Although the specification may indicate that certain embodiments are preferred, particular embodiments appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. *Electro Med. Sys., S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1054 (Fed. Cir. 1994).

This Court's claim construction analysis is substantially guided by the Federal Circuit's decision in *Phillips v. AWH Corporation*, 415 F.3d 1303 (Fed. Cir. 2005) (en banc). In *Phillips*, the court set forth several guideposts that courts should follow when construing claims. In particular, the court reiterated that "the claims of a patent define the invention to which the

# 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.