

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNILOC USA, INC., et al,	§	
Plaintiffs,	§	
v.	§	Case No. 2:16-cv-00393-RWS
	§	LEAD CASE
	§	
AVG TECHNOLOGIES USA, INC.,	§	
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BITDEFENDER INC.,	§	Case No. 2:16-cv-00394-RWS
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PIRIFORM, INC.,	§	Case No. 2:16-cv-00396-RWS
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UBISOFT, INC.,	§	Case No. 2:16-cv-00397-RWS
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KASPERSKY LAB, INC.,	§	Case No. 2:16-cv-00871-RWS
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SQUARE ENIX, INC.,	§	Case No. 2:16-cv-00872-RWS
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Defendants.		

UNILOC USA, INC., et al,	§	
Plaintiffs,	§	
v.	§	Case No. 2:16-cv-00741-RWS
	§	LEAD CASE
	§	
ADP, LLC,	§	
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BIG FISH GAMES, INC.,	§	Case No. 2:16-cv-00858-RWS
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BLACKBOARD, INC.,	§	Case No. 2:16-cv-00859-RWS
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BOX, INC.,	§	Case No. 2:16-cv-00860-RWS
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ZENDESK, INC.,	§	Case No. 2:16-cv-00863-RWS
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Defendants.		

DEFENDANTS' RESPONSIVE CLAIM CONSTRUCTION BRIEF

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I. INTRODUCTION

Defendants Bitdefender Inc., Piriform, Inc., Ubisoft, Inc., Square Enix, Inc., ADP, LLC, Big Fish Games, Inc., Blackboard, Inc., Box, Inc., and Zendesk Inc. (“Defendants”)¹ hereby submit this brief in support of their proposed constructions of disputed claim terms in U.S. Pat. Nos. 6,510,466 (the “’466 patent”), 6,728,766 (the “’766 patent”), 6,324,578 (the “’578 patent”) and 7,069,293 (the “’293 patent”) (the “Asserted Patents”).²

Plaintiffs’ Uniloc USA, Inc. and Uniloc Luxembourg, SA (“Plaintiffs” or “Uniloc”) opening claim construction brief (“Pl. Br.”) disregards the intrinsic record as it applies to the claim terms in dispute. Emblematic of this disregard, Plaintiffs’ opening brief does not contain a single citation to the Specifications of the Asserted Patents (other than references to the claims).

First, with respect to the term “application programs,” Plaintiffs rely on an alleged plain and ordinary meaning that ignores definitional statements and disclaimers in the Specifications and relevant file histories of the Asserted Patents, each of which require that the claimed application programs execute on the client and not the server. Next, for “registration operations,” Plaintiffs’ failed attempt to conflate the terms “application programs” and “file packets” into a single concept is unsupported by the claims, Specifications, and file histories, each of which treats “application programs” and “file packets” as separate concepts, such that the claimed “registration operations” refer specifically to registration of application programs (not file packets). Similarly, for “license availability,” Plaintiffs again disregard that the claims, Specifications, and file histories, each require that determining that a user is authorized to access

¹ Defendant Kaspersky Lab, Inc. will indicate its claim construction positions in a separate filing.

² The ’466 and ’293 patent share a common Specification; for ease of review, citations in support of Defendants’ proposed constructions as to these patents are made collectively to the ’466 patent Specification. Likewise, the ’578 and ’766 patent share a common Specification, so citations in support of Defendants’ proposed constructions for these two patents are made collectively to the ’578 patent Specification.

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