

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

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UNILOC USA, INC. <i>et al.</i> ,	§	Civil Action No. 2:16-cv-642-JRG
	§	LEAD CASE
Plaintiffs,	§	
	§	
v.	§	
	§	
SAMSUNG ELECTRONICS AM., INC.,	§	
	§	
Defendant.	§	
_____	§	
v.	§	
<u>APPLE INC.</u>	§	Civil Action No. 2:16-cv-638-JRG
v.	§	
<u>BLACKBERRY CORP. <i>et al.</i></u>	§	Civil Action No. 2:16-cv-639-JRG
v.	§	
<u>WHATSAPP INC.</u>	§	Civil Action No. 2:16-cv-645-JRG
v.	§	
<u>FACEBOOK, INC.</u>	§	Civil Action No. 2:16-cv-728-JRG
v.	§	
<u>GREEN TOMATO LIMITED.</u>	§	Civil Action No. 2:16-cv-731-JRG
v.	§	
<u>PLAYSTATION MOBILE INC.</u>	§	Civil Action No. 2:16-cv-732-JRG

**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to P.R. 4-5(d) and the Court’s Sixth Amended Docket Control Order (Dkt. No. 230), Plaintiffs Uniloc USA, Inc. and Uniloc Luxembourg, S.A. (collectively “Uniloc”); and Consolidated Defendants, Samsung Electronics America, Inc. (“Samsung”); Apple, Inc. (“Apple”); Blackberry Corporation and Blackberry Limited (collectively “Blackberry”); WhatsApp, Inc. (“WhatsApp”); Facebook, Inc. (“Facebook”); Green Tomato Ltd. (“Green Tomato”); and PlayStation Mobile Inc. (“PlayStation Mobile”) (collectively “Defendants”) submit this joint claim construction chart of disputed constructions of the disputed claim terms of Uniloc’s U.S. Patent Nos. 7,535,890 (“the ’890 patent”), 8,199,747 (“the ’747 patent”), 8,243,723 (“the ’723 patent”), 8,724,622 (“the ’622 patent”) and 8,995,433 (“the ’433 patent”) (collectively the “Asserted Patents”).<sup>1</sup>

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<sup>1</sup> Defendant Green Tomato has yet to make an appearance in this action.

The parties have yet to reach agreement as to the construction of the following claim terms, phrases and clauses recited in one or more of the patents-in-suit:<sup>2</sup>

<b>Terms, Phrases and Clauses</b>	<b>Uniloc's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
<b>connection object messages</b>  '622 patent claim 24, 25, 26	[AGREED]	[AGREED]	“messages containing data representing the state of the connection and code (one or more methods) for establishing and maintaining the logical connections between an instant voice messaging server and instant voice messaging clients”

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<sup>2</sup> Uniloc has not asserted infringement of every patent against every defendant. Similarly, as to a given patent, not every claim is asserted against every defendant accused of infringing that patent. As such, only those Defendants who are currently accused of infringement of a given claim propose construction of a term within that claim. The remaining Defendants reserve their right to address those claims at the appropriate time, should they subsequently be accused of infringement.

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>“client”</b></p> <p>‘890 patent claim 1, 4, 6, 9, 14, 15, 18, 20, 23, 28, 29, 32, 34, 37, 40, 41, 43, 51, 52, 54, 57, 62, 63, 65, 68, 69</p> <p>‘723 patent claim 1</p> <p>’622 patent claim 3, 24, 27, 38</p> <p>’433 patent claim 1, 9</p>	<p>“instant messaging software or hardware”</p> <p>Dkt. No. 211 (Uniloc’s Opening CC Br.) at 4-5.</p> <p>Dkt. No. 223 (Uniloc’s Reply CC Br.) at 1-2.</p>	<p>“instant voice messaging terminal connected over a network to a server”<sup>3</sup></p> <p>Dkt. No. 220 (Defs.’ Responsive CC Br.) at 12-14.</p>	

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<sup>3</sup> Defendants Responsive Brief stated “To the extent Uniloc’s objection is to the wording ‘connected over a network to a server,’ similar wording also would properly capture the client/server context such as ‘that connects over a network to a server’ or ‘for connecting over a network to a server.’” Dkt. No. 220 at 13.

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>“instant voice message”</b></p> <p>‘890 patent claim 1, 5, 6, 9, 14, 15, 19, 20, 23, 28, 29, 33, 34, 37, 40, 41, 42, 43, 51, 53, 54, 57, 62, 64, 65, 68, 69</p> <p>‘747 patent claim 1, 2, 3, 12, 13</p> <p>‘723 patent claim 1, 2, 3</p> <p>‘622 patent claim 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39</p> <p>‘433 patent claim 1, 2, 3, 4, 5, 7, 8, 9, 11, 12, 14, 16, 17, 18, 21, 25, 26</p>	<p>“a voice message that is capable of being delivered immediately”</p> <p>Dkt. No. 211 at 5-7.</p> <p>Dkt. No. 223 at 2.</p>	<p>“voice message to be delivered immediately to an available recipient”</p> <p>Dkt. No. 220 at 1-4.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>“instant voice messaging”</b></p> <p>’890 patent claim 1, 14, 28, 40, 51, 62</p> <p>’747 patent claim 1, 2, 3, 12, 13</p> <p>’723 patent claim 1-3</p> <p>’622 patent claim 13, 14, 16-19, 21, 22, 27, 28, 31-34, 38</p> <p>’433 patent claim 1, 9</p>	<p>“messaging of voice messages that are capable of being delivered immediately”</p> <p>Dkt. No. 211 at 5-7.</p> <p>Dkt. No. 223 at 2.</p>	<p>“messaging wherein a voice message is to be delivered immediately to an available recipient”</p> <p>Dkt. No. 220 at 1-4.</p>	
<p><b>“network interface”</b></p> <p>’622 patent claim 3, 24, 27, 38</p> <p>’433 patent claim 1</p>	<p>“component that provides connectivity to the network”</p> <p>Dkt. No. 211 at 7.</p>	<p>Plain and ordinary meaning. Alternatively, “component or functionality that provides connectivity to the network”</p> <p>Dkt. No. 220 at 16.</p>	
<p><b>“node”</b></p> <p>’747 patent claim 2</p> <p>’723 patent claim 1</p>	<p>“potential recipient”</p> <p>Dkt. No. 211 at 7-8.</p> <p>Dkt. No. 223 at 2-3.</p>	<p>Indefinite</p> <p>Dkt. No. 220 at 14-16.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>the server temporarily storing the instant voice message if a selected recipient is unavailable /</b></p> <p><b>temporarily storing at the server the instant voice message if a selected recipient is unavailable /</b></p> <p><b>temporarily storing the instant voice message at the external server if a selected recipient is unavailable /</b></p> <p><b>if there is no connection with the one of the plurality of instant voice message client system [sic] identified as the recipient, the instant voice message is stored /</b></p> <p><b>temporarily storing the instant voice message if a recipient is unavailable /</b></p> <p><b>the instant voice message is temporarily stored when at least one recipient is unavailable /</b></p> <p><b>stores the instant voice message for the one or more intended recipients</b></p>	<p>Plain meaning</p> <p>Dkt. No. 211 at 8-10.</p> <p>Dkt. No. 223 at 3-5.</p>	<p>“[the server] temporarily storing the instant voice message only if a selected recipient is unavailable”</p> <p>Dkt. No. 220 at 7-9.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>who are not currently available /</b></p> <p><b>temporarily storing the instant voice message if a selected recipient is unavailable</b></p> <p>'890 patent claim 1, 14, 28, 40, 51, 62</p> <p>'622 patent claim 11</p> <p>'723 patent claim 1</p> <p>'747 patent claim 1, 2, 3</p> <p>'433 patent claim 26</p>			



Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>delivering the stored instant voice message to the selected recipient once the selected recipient becomes available /</b></p> <p><b>delivering from the server the stored instant voice message to the selected recipient once the selected recipient becomes available /</b></p> <p><b>delivered when the one of the plurality of instant voice message client systems identified as the recipient re-established [sic] a connection /</b></p> <p><b>delivering the stored instant voice message to the recipient once the recipient becomes available /</b></p> <p><b>delivers the instant voice message to the one or more intended recipients who are not currently available when the instant voice messaging server determines that the not currently available one or</b></p>	<p>Plain meaning</p> <p>Dkt. No. 211 at 10-11.</p> <p>Dkt. No. 223 at 5-6.</p>	<p>“pushing the stored instant voice message to the selected recipient when the selected recipient is determined to be available”</p> <p>Dkt. No. 220 at 9-12.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>more intended recipients become available / receiving a temporarily stored instant voice message when a recipient becomes available</b></p> <p>'890 patent claim 1, 14, 28, 40, 51, 62</p> <p>'622 patent claim 11</p> <p>'723 patent claim 1</p> <p>'433 patent claim 26</p> <p>'747 patent claim 1, 2, 3</p>			
<p><b>available / unavailable / availability</b></p> <p>'890 patent claim 1, 5, 14, 19, 28, 33, 40, 42, 51, 53, 62, 64</p> <p>'723 patent claim 1</p> <p>'747 patent claim 1, 2, 3</p> <p>'433 patent claim 25</p>	<p>Plain meaning</p> <p>Dkt. No. 211 at 11-12.</p>	<p>available/availability: "connected to the [network/server]"</p> <p>unavailable: "disconnected from the [network/server]"</p> <p>Dkt. No. 220 at 4-7.</p>	

<b>Terms, Phrases and Clauses</b>	<b>Uniloc's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
<b>object field</b>  '622 patent claim 3	"A block of data being carried by the message object"  Dkt. No. 211 at 12-14.	Plain and ordinary meaning  Dkt. No. 220 at 16-18.	
<b>action field</b>  '622 patent claim 4	"A block of data identifying permitted actions"  Dkt. No. 211 at 12-14.	Plain and ordinary meaning  Dkt. No. 220 at 16-18.	
<b>identifier field</b>  '622 patent claim 6	"A block of data uniquely identifying the message"  Dkt. No. 211 at 12-14.	Plain and ordinary meaning  Dkt. No. 220 at 16-18.	
<b>source field</b>  '622 patent claim 7	"A block of data with a globally unique identifier of the sender"  Dkt. No. 211 at 12-14.	Plain and ordinary meaning  Dkt. No. 220 at 16-18.	
<b>destination field</b>  '622 patent claim 8	"A block of data with the globally unique identifier of the intended recipient"  Dkt. No. 211 at 12-14.	Plain and ordinary meaning  Dkt. No. 220 at 16-18.	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>one or more external recipients connected to the external and transmits . . .</b></p> <p>'890 patent claim 29</p>	<p>Plain meaning</p> <p>Dkt. No. 211 at 14.</p>	<p>Indefinite</p> <p>Dkt. No. 220 at 18-19.</p>	
<p><b>"document handler"</b></p> <p>'622 patent claim 27</p> <p>'433 patent claim 14</p>	<p>"component of the client platform that oversees the retrieving, sending, receiving and storing of one or more documents (or files) attached to instant voice messages from/to the one or more selected IVM recipients that may be communicating with the IVM client"</p> <p>Dkt. No. 211 at 15-17.</p> <p>Dkt. No. 223 at 6-10.</p>	<p>This term is subject to 35 U.S.C. § 112(6), and should be analyzed in the context of the "document handler" terms discussed below.</p> <p>Dkt. No. 220 at 25-27.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>document handler to create a link between the instant voice message and the one or more files</b></p> <p>'433 patent claim 14</p>	<p>Plain meaning and not subject to 35 U.S.C. § 112(6)</p> <p>If this term is found to be subject to § 112(6), then—</p> <p>Function: “create a link between the instant voice message and the one or more files”</p> <p>Structure: The document handler 306 is a component that oversees the retrieving, sending, receiving and storing of one or more documents (or files) attached to instant voice messages from/to the one or more selected IVM recipients that may be communicating with the IVM client 208. When an instant voice message is to be transmitted to the one or more IVM recipients, one or more documents may be attached to the instant voice message to be, stored or displayed by the</p>	<p>Subject to 35 U.S.C. § 112(6):</p> <p><u>Function</u>: create a link between the instant voice message and the one or more files.</p> <p><u>Structure</u>: Indefinite.</p> <p>Dkt. No. 220 at 25-27.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	<p>one or more selected IVM recipients, as described in the '622 patent at 12:24-34 and Fig. 3, and/or equivalents.</p> <p>Dkt. No. 211 at 17-19.</p> <p>Dkt. No. 223 at 6-10.</p>		

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>document handler system / document handler system for attaching one or more files to the instant voice message</b></p> <p>'622 patent claim 27</p>	<p>Plain meaning and not subject to 35 U.S.C. § 112(6)</p> <p>If this term is found to be subject to § 112(6), then—</p> <p>Function: “attaching one or more files to the instant voice message”</p> <p>Structure: The document handler 306 is a component that oversees the retrieving, sending, receiving and storing of one or more documents (or files) attached to instant voice messages from/to the one or more selected IVM recipients that may be communicating with the IVM client 208. When an instant voice message is to be transmitted to the one or more IVM recipients, one or more documents may be attached to the instant voice message to be, stored or displayed by the one or more selected IVM</p>	<p>Subject to 35 U.S.C. § 112(6):</p> <p><u>Function</u>: attaching one or more files to the instant voice message.</p> <p><u>Structure</u>: Indefinite.</p> <p>Dkt. No. 220 at 25-27.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	recipients, as described in the '622 patent at 12:24-34 and Fig. 3, and/or equivalents.  Dkt. No. 211 at 17-19. Dkt. No. 223 at 6-10.		



Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>messaging system for transmitting the instant voice message over the packet-switched network [via the network interface]</b></p> <p>'622 patent claim 27, 38 '433 patent claim 1, 9</p>	<p>Plain meaning and not subject to 35 U.S.C. § 112(6)</p> <p>If this term is found to be subject to § 112(6), then—</p> <p>Function: “transmitting the instant voice message over the packet-switched network via the network interface”</p> <p>Structure: The messaging system 320 is a component that, together with the client engine 304, communicates via standard inter-process communication. The messaging system 320 and client engine 304 also communicate with the IVM server 202 over the network interface via the network 204, as described in the '622 patent at 12:21-26 and Fig. 3, and/or equivalents. Alternatively, the messaging system 436 component and the server engine 304 communicate via</p>	<p>Subject to 35 U.S.C. § 112(6):</p> <p><u>Function</u>: transmitting the instant voice message over the packet-switched network [via the network interface].</p> <p><u>Structure</u>: Indefinite.</p> <p>Dkt. No. 220 at 23-25.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	<p>standard inter-process communication. The messaging system 436 and the server engine are also able to communicate with the IVM clients 206, 208 over the network interface via the network 204. The messaging system 436 communicates to the server engine 404 via message objects, as described in the '622 patent at 13:55-14:5 and Fig. 4, and/or equivalents.</p> <p>Dkt. No. 211 at 20.</p> <p>Dkt. No. 223 at 6-10.</p>		

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>audio file creation system creating an audio file for the instant voice message based on input received via an audio input device coupled to the client device.</b></p> <p>..</p> <p>'622 patent claim 18</p> <p>'433 patent claim 4</p>	<p>Plain meaning and not subject to 35 U.S.C. § 112(6)</p> <p>If this term is found to be subject to § 112(6), then—</p> <p>Function: “creating an audio file for the instant voice message based on input received via an audio input device coupled to the client device”</p> <p>Structure: The audio file creation 312 component creates an instant voice message as audio file 210, and is responsible for receiving input speech for the instant voice message from audio input device 212 or via network 204 and storing the input speech into audio file 210, as described in the '622 patent at 12:40-44 and Fig. 3, and/or equivalents.</p>	<p>Subject to 35 U.S.C. § 112(6):</p> <p><u>Function</u>: creating an audio file for the instant voice message based on input received via an audio input device coupled to the client device.</p> <p><u>Structure</u>: Indefinite.</p> <p>Dkt. No. 220 at 30.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	Dkt. No. 211 at 21. Dkt. No. 223 at 6-10.		
<p><b>“client platform system” (Uniloc)</b></p> <p><b>“client platform system for generating an instant voice message” (Defendants)</b></p> <p>‘622 patent claim 27, 38</p> <p>‘433 patent claim 1, 9, 18, 21</p>	<p>“the system of the client engine which controls other components used to generate an instant voice message” and not subject to 35 U.S.C. § 112(6)</p> <p>If this term is found to be subject to § 112(6), then—</p> <p>Function: “generating an instant voice message”</p> <p>Structure: The client platform 302 includes a client engine 304, which controls other components, including the document handler 306, file manager 308, audio file creation 312, signal processing 314, encryption / decryption 316, and compression / decompression 318, as described by the ‘622 patent at 12:17-21 and in Fig. 3, and/or equivalents.</p>	<p>The phrase “client platform system” should be construed in the context of the full claim limitation, which is subject to 35 U.S.C. § 112(6):</p> <p><u>Function</u>: generating an instant voice message.</p> <p><u>Structure</u>: Indefinite.</p> <p>Dkt. No. 220 at 20-23.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	<p>Dkt. No. 211 at 22-23.</p> <p>Dkt. No. 223 at 6-10.</p>		
<p><b>“communication platform system” (Uniloc)</b></p> <p><b>“communication platform system maintaining connection information for each of the plurality of instant voice message client systems indicating whether there is a current connection to each of the plurality of instant voice message client systems” (Defendants)</b></p> <p>‘622 patent claim 3, 11, 12, 24, 26.</p>	<p>“the system of the server which relays communications and/or tracks client connection information” and not subject to 35 U.S.C. § 112(6)</p> <p>If this term is found to be subject to § 112(6), then—</p> <p>Function: “maintaining connection information for each of the plurality of instant voice message client systems indicating whether there is a current connection to each of the plurality of instant voice message client systems”</p> <p>Structure: The communication platform 402 includes a server engine 404, client manager 406, station manager 408, gateway</p>	<p>The phrase “communication platform system” should be construed in the context of the full claim limitation, which is subject to 35 U.S.C. § 112(6):</p> <p><u>Function</u>: maintaining connection information for each of the plurality of instant voice message client systems indicating whether there is a current connection to each of the plurality of instant voice message client systems.</p> <p><u>Structure</u>: Indefinite.</p> <p>Dkt. No. 220 at 27-28.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	<p>manager 410, database manager 412 that accesses database 414, supplemental servers 416, as well as a control layer 426, as described in the '622 patent at 13:49-55 and Fig. 4, and/or equivalents. Alternatively, the communication platform 702 includes a server engine 704, which controls a user manager 706, a local server manager 708, and a storage manager 710, as described in the '622 patent at 22:40-43 and Fig. 7, and/or equivalents. Alternatively, the communication platform 802 includes a server engine 804, which controls a local server manager 806, a user manager 808, and a transport manager 810, as described in the '622 patent at 23:3-6 and Fig. 8, and/or equivalents.</p> <p>Dkt. No. 211 at 23-26.</p> <p>Dkt. No. 223 at 6-10.</p>		

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<p><b>“file manager system” (Uniloc)</b></p> <p><b>“a file manager system performing at least one of storing, deleting and retrieving the instant voice messages from the message database” (Defendants)</b></p> <p><b>“a file manager system storing, deleting, and retrieving” (Defendants)</b></p> <p>‘622 patent claim 17, 31</p> <p>‘433 patent claim 1</p>	<p>“system that services requests regarding files” and not subject to 35 U.S.C. § 112(6)</p> <p>If this term is found to be subject to § 112(6), then—</p> <p>Function: “[performing at least one of] storing, deleting and retrieving the instant voice messages from the message database”</p> <p>Structure: The file manager is a component which accesses a message database 310, in which both the received and recorded instant voice messages are represented as database records, each record comprising a message identifier and the instant voice message. The file manager 308 services requests from the user to record, delete or retrieve messages to/from the message database 310, as</p>	<p>The phrase “file manager system” should be construed in the context of the full claim limitation, which is subject to 35 U.S.C. § 112(6):</p> <p><u>Function</u>: [performing at least one of] storing, deleting and retrieving the instant voice messages from the message database in response to a user request.</p> <p><u>Structure</u>: Indefinite.</p> <p>Dkt. No. 220 at 28-30.</p>	

Terms, Phrases and Clauses	Uniloc's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	<p>described in the '622 patent at 12:30-40, 12:63-67 and Fig. 3, and/or equivalents.</p> <p>Dkt. No. 211 at 26-27.</p> <p>Dkt. No. 223 at 6-10.</p>		



Date: June 9, 2017

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**CERTIFICATE OF SERVICE**

I hereby certify that, on June 9, 2017, I filed a true and correct copy of the foregoing document via the Court's CM/ECF system, which will serve the same on all counsel of record.

/s/ Srecko "Lucky" Vidmar

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