

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

**VOXER, INC., VOXER, INC.; AND
VOXER IP LLC, VOXER IP LLC;**
Plaintiffs,

v.

**FACEBOOK, INC., INSTAGRAM
LLC,**
Defendants.

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1-20-CV-00655-ADA


CLAIM CONSTRUCTION ORDER

The Court provided its preliminary constructions on October 14, 2020. The Court held a claim construction hearing on October 15, 2020, during which the Court heard argument on the claim term “embeddable communication software module.” ECF No. 70. 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.

Claim Term	Court
“end-to-end connection” '270 patent, cls. 34, 55 '969 patent, cl. 16 '557 patent, cls. 1, 16, 45	Plain and ordinary meaning
“persistent storage” '030 patent, cls. 1, 13, 33, 44	Plain and ordinary meaning
“persistently store” / “persistently stored” / “persistently storing” '030 patent, cls. 1, 33, 38	Plain and ordinary meaning
“synchronous connection” '969 patent, cl. 8	Plain and ordinary meaning
“incoming message behavior policy” '028 patent, cls. 1, 5	received data indicating how the embeddable communications software module responds to incoming messages

<p>“An embeddable communications software module as recited in claim 1 wherein the embeddable communications software module is further arranged to:...”</p> <p>’028 patent, cl. 5</p> <p>“An embeddable communications software module that allows a software application to access a communications system providing both time delayed and near real time communication, the embeddable communications software module stored in a non-transitory tangible computer readable storage medium wherein the embeddable communications software module is arranged to:...”</p> <p>’028 patent, cls. 1, 12</p>	<p>Plain and ordinary meaning see below for preamble</p>
Preambles of Claims 1, 5, and 12 of the ’028 patent	Preamble is limiting.
Preamble of Claim 16 of the ’969 patent	Preamble is limiting.
Preambles of Claims 1 and 33 of the ’030 patent	Preamble is limiting.

SIGNED this 29th day of October, 2020.


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE