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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

In re EXPRESS MOBILE CASES	Case Nos. 3:19-cv-06559-RS 3:20-cv-06152-RS 3:20-cv-08297-RS 3:20-cv-08321-RS 3:20-cv-08335-RS 3:20-cv-08339-RS 3:20-cv-08461-RS 3:20-cv-08491-RS 3:20-cv-08492-RS 3:21-cv-01145-RS 3:21-cv-02001-RS **JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT PURSUANT TO PATENT L.R. 4-3**

Pursuant to the Court's Order re Claim Construction Schedule (Case No. 3:19-cv-06559, Dkt. No. 120), the Order Denying Motion to Lift Stay (Case No. 3:19-cv-06559, Dkt. No. 135), and Patent Local Rule 4-3, Plaintiff Express Mobile, Inc. ("Plaintiff" or "Express Mobile") and Defendants Wix.com, Ltd., Wix.com, Inc., Microsoft Corporation, LinkedIn Corporation, Dropbox, Inc., Adobe Inc., X.Commerce, Inc. d/b/a Magento, Inc., Pinterest, Inc., Booking.com B.V., Priceline.com LLC, Agoda Company Pte. Ltd., OpenTable, Inc., Oath Holdings, Inc., SAP SE, SAP America, Inc., SAP Labs, LLC, Slack Technologies, Inc., Amazon.com, Inc., and Salesforce.com, Inc. (collectively, "Defendants") hereby submit this Joint Claim Construction and Prehearing Statement regarding claim construction for U.S. Patent Nos. 9,063,755 ("the '755 patent"), 9,471,287 ("the '287 patent") and 9,928,044 ("the '044 patent").

I. Construction Agreed Upon By the Parties (Patent L.R. 4-3(a))

Attached hereto as **Exhibit A** is a table setting forth the parties' agreed upon constructions.

II. Parties' Proposed Constructions (Patent L.R. 4-3(b))

Attached hereto as **Exhibit B** is a table setting forth the parties' proposed constructions for each disputed claim term, phrase, or clause, together with references from the specification and prosecution history that support those constructions and an identification of extrinsic evidence on which each party intends to rely.

The parties reserve the right to rely on any evidence identified by the other party either to support their proposed constructions and/or to oppose another party's proposed construction and to rebut any expert opinion offered by the other party with their own expert opinions.

III. Identification of Most Significant Claim Terms (Patent L.R. 4-3(c))

The parties identify the following disputed claim terms, in no particular order, whose constructions will be most significant to the resolution of the case.

The parties jointly identify the following terms:

1. Application
2. Player
3. Web component
4. Device-dependent code

5. Device-independent code
6. Computer memory storing a registry of symbolic names / computer memory storing symbolic names
7. Each symbolic name has an associated data format class type corresponding to a subclass of User Interface (UI) objects that support the data format type of the symbolic name
8. Said player utilizes information stored in said database to generate for the display of at least a portion of said one or more web pages
9. Where said code includes three or more codes, where one of said three or more codes is device specific, and where two of said three or more codes is device independent
10. Preferred UI object

IV. Anticipated Length for the Claim Construction Hearing (Patent L.R. 4-3(d))

The parties anticipate that the length of time necessary for the Claim Construction Hearing will be approximately three hours, split evenly between the two sides.

V. Witnesses (Patent L.R. 4-3(e))

At this time, the parties do not anticipate calling any witnesses at the Claim Construction Hearing.

VI. Factual Findings Requested From the Court (Patent L.R. 4-3(f))

The parties do not request any factual findings from the Court related to claim construction at this time.

Dated: September 17, 2021

Respectfully submitted,

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FILER'S ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest that concurrence in the filing of this document has been obtained from each of the other signatories shown above and that all signatories have authorized placement of their electronic signature on this document.

By: */s/ James R. Nuttall*
James R. Nuttall

EXHIBIT A

AGREED CONSTRUCTIONS		
No.	**Claim Tern / Phrase**	**Agreed Construction**
1.	registry[1]	plain and ordinary meaning/no construction necessary
2.	web service[2]	plain and ordinary meaning/no construction necessary
3.	first code[3]	plain and ordinary meaning/no construction necessary
4.	second code[4]	plain and ordinary meaning/no construction necessary
5.	where said Application is a device-dependent code	where said Application is a device-independent code

[1] Defendants explicitly reserve the right to seek construction of these terms pursuant to *O2 Micro v. Beyond Innovation Tech.*, 521 F.3d 1351 (Fed. Cir. 2008) if appropriate.
[2] Defendants explicitly reserve the right to seek construction of these terms pursuant to *O2 Micro v. Beyond Innovation Tech.*, 521 F.3d 1351 (Fed. Cir. 2008) if appropriate.
[3] This term is asserted only against Defendants Dropbox, Salesforce, and Pinterest. The other Defendants therefore do not join in this construction. Defendants explicitly reserve the right to seek construction of these terms pursuant to *O2 Micro v. Beyond Innovation Tech.*, 521 F.3d 1351 (Fed. Cir. 2008) if appropriate.
[4] This term is asserted only against Defendants Dropbox, Salesforce, and Pinterest. The other Defendants therefore do not join in this construction. Defendants explicitly reserve the right to seek construction of these terms pursuant to *O2 Micro v. Beyond Innovation Tech.*, 521 F.3d 1351 (Fed. Cir. 2008) if appropriate.

EXHIBIT B

DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
1.	Application/ application	device-independent software code containing instructions for a device	Intrinsic: *See e.g.*, '755 Patent at Abstract, 2:1-2, 4:16-19, 5:14-15, 5:34-41, 5:56-59, 6:4-6, 6:48-53, 7:30-36, 11:44-51, 13:46-49, 17:66-18:3. Extrinsic: IPR2021-00709 – Petition. IPR2021-00710 – Petition. IPR2021-00711 – Petition. *U.S. v. Microsoft Corp.*, 253 F.3d 34, 66 (D.C. Cir. 2001). Teach Yourself JavaScript in a Week (1996) at page 29, XMO-LIT00114588-592.	device-independent code that is separate from the Player/player and is interpreted or executed by the Player/player	Intrinsic: '755 patent[5] at Abstract; Figs. 1A, 1B, 2A, 2B, 11; 2:1-3, 3:6-10, 5:8-24, 5:15-20, 5:47-55, 5:56-6:3, 6:4-5, 6:7-17, 6:19-21, 6:48-52, 7:1-3, 7:13-17, 7:30-40, 7:47-50, 10:12-30, 10:31-44, 11:41-51, 11:59-12:1, 12:4-10, 12:20-24, 13:42-49, 15:58-60, 32:59–64, 33:12–19; FH 3/6/2013 Amnd. at 8 (XMO_00002801); FH 3/6/2013 Amnd. at 9) (XMO_00002802); FH 3/6/2013 Amnd. at 9 (XMO_00002802); FH 3/6/2013 Amnd. at 9-10 (XMO_00002802-2803); FH 3/6/2013 Amnd. at 10 (XMO_00002802-2803); FH 3/6/2013 Amnd. at 10 (XMO_00002803); FH at 3/6/2013 Amnd. at 10-12 (XMO_00002803-2805); FH 3/6/2013 Amnd. at 11

[5] Because the '755, '044, and '287 have a common specification, for convenience all citations are to the '755 patent specification, which is the specification of the parent patent. Citations to the '755 patent should be understood to also refer to parallel statements in the '044 and '287 patent specifications. Citations to figures should be understood to include corresponding descriptions of the figures, and vice versa.

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			Professional JavaScript, 1999, p. 103, XMO-LIT00114593-596. Mastering JavaScript, 2001, pp. 31-38, XMO-LIT00114597-607. https://techcommunity.microsoft.com/t5/ask-the-performance-team/demystifying-shims-or-using-the-app-compat-toolkit-to-make-your/ba-p/374947, XMOLIT-00054327-335. Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants.		(XMO_00002804); FH 3/6/2013 Amnd. at 11 (XMO_00002804); FH 1/16/2014 Amnd. at (XMO_00002934); FH 1/16/2014 Amnd. at 9 (XMO_00002934); FH 1/16/2014 Amnd. at 11 (XMO_00002936); FH 1/16/2014 Amnd. at 11 (XMO_00002936); FH 1/16/2014 Amnd. at 13 (XMO_00002938); FH 11/26/2014 Appeal Brief at 8 (XMO_00002998); FH at 11/26/2014 Appeal Brief at 10 (XMO_00003000); FH 11/26/2014 Appeal Brief at 12 (XMO_00003002); FH 11/26/2014 Appeal Brief at 14 (XMO_00003004); FH at 11/26/2014 Appeal Brief at 15 (XMO_00003005-3006); FH At 11/26/2014 Appeal Brief at 8-9 (XMO_00002998-2999); FH at 11/26/2014 Appeal Brief at 11-15; 17-18 (XMO_00003001-3005, 3007-3008); FH '438 Provisional, Specification at 2, 4, 23, 24; FH '471 Provisional, Specification at 15.4; FH '651 Provisional, Specification at 8, 26-27; '755 patent claims 1,

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		12; '287 patent claims 1, 15; '044 patent claims 1, 15; s*ee also* below "Player/player". Extrinsic: Claim Construction Order in *Shopify Inc. et al. v. Express Mobile, Inc.*, 19-cv-00439 (D. Del. June 30, 2020) (DEFSEXTRINSIC_XMO_0000004 6-49). *Markman* Hearing Transcript in *Express Mobile, Inc. v. Atlassian Corp. PLC*, 20-cv-00805 (W.D. Tex. Aug. 10, 2021) (DEFSEXTRINSIC_XMO_0000051 5-565). Defendants' expert may opine in support of Defendants'construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Plaintiff.

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
					Defendants may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.
2.	Player/player	software code that facilitates the execution of an application on a device	Intrinsic: *See e.g.*, '755 Patent at 1:55-67, 3:58-62, 5:8-6:3 6:9-17, 6:51-59, 7:13-40, 8:27-35, 9:4-10, 11:41-51, 13:39-49, 17:66-18:3, 23:43-46, 33:12-15, 33:26-28. *See e.g.*, '755 File History, January 16, 2014 Amendment at 9-11. Extrinsic: IPR2021-00709 – Petition. IPR2021-00710 – Petition. IPR2021-00711 – Petition.	executable device-specific code that is separate from the Application/ application and that interprets or executes the Application/ application	Intrinsic: '755 patent at Abstract; Figs. 1A, 1B, 2A, 2B, 4A, 11, 12, 13; 3:52-55, 3:65, 5:8-24, 5:32-41, 5:42-55, 5:56-64, 6:7-17, 6:19-21, 7:30-40, 8:3-17, 9:4-10, 11:41-51, 11:56-57, 11:59-12:1, 13:39-49, 23:38-46, 29:28-34, 32:59–64, 33:12-19, 33:26-32, 34:4-12; FH at 11/26/2014 Appeal Brief at 8 (XMO_00002998); FH at 3/6/2013 Amnd. at 10-12 (XMO_00002803-2805); FH at 1/16/2014 Amnd. at 13 (XMO_00002938); FH 3/6/2013 Amnd. at 9 (XMO_00002802); FH At 3/6/2013 Amnd at 9-10 (XMO_00002802-2803); FH 3/6/2013 Amnd. at 10 (XMO_00002803); FH 3/6/2013 Amnd. at 10 (XMO_00002803); FH 3/6/2013 Amnd. at 11

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			Microsoft Computer Dictionary (4th Ed.), at 441, XMO-LIT00054035-039. U.S. Patent No. 6,201,611, XMO-LIT00054015-023. Drew Robb, Managing OS Diversity, ComputerWorld (Nov. 19, 2001), XMO-LIT00053584-590. Bulletproofing Client/Server Systems (1997), at pages 23-24, XMO-LIT00054040-044. Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants.		(XMO_00002804); FH 3/6/2013 Amnd. at 11 (XMO_00002804); FH 3/6/2013 Amnd. at 12 (XMO_00002805); FH 1/16/2014 Amnd. at 9 (XMO_00002934); FH 1/16/2014 Amnd. at 9 (XMO_00002934); FH 1/16/2014 Amnd. at 12-14 (XMO_00002937-2940); FH 1/16/2014 Amnd. at 13 (XMO_00002938); FH 11/26/2014 Appeal Brief at 8 (XMO_00002998); FH 11/26/2014 Appeal Brief at 8 (XMO_00002998); FH at 11/26/2014 Appeal Brief at 12 (XMO_00003002); FH At 11/26/2014 Appeal Brief at 8-9 (XMO_00002998-2999); FH 11/26/2014 Appeal Brief at 14 (XMO_00003004); FH at 11/26/2014 Appeal Brief at 11-15; 17-18 (XMO_00003001-3005, 3007-3008); FH '438 Provisional, Specification at 2, 4, 23, 24; FH '471 Provisional, Specification at 15.4; FH '651 Provisional, Specification at 8, 26-27; '755 patent claims 1, 12; '287 patent claims 1, 15; '044 patent claims 1,

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		15; *see also* above "Application/application". Extrinsic: Claim Construction Order in Shopify Inc. et al. v. Express Mobile, Inc., 19-cv-00439 (D. Del. June 30, 2020) (DEFSEXTRINSIC_XMO_0000004 6-49). Markman Hearing Transcript in Express Mobile, Inc. v. Atlassian Corp. PLC, 20-cv-00805 (W.D. Tex. Aug. 10, 2021) (DEFSEXTRINSIC_XMO_0000051 5-565). Defendants' expert may opine in support of Defendants'construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Plaintiff. Defendants may also rely on the

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					opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.
3.	Web component	one or more functionalities associated with one or more web page elements to be displayed on a device	Intrinsic: *See e.g.*, '755 Patent at Abstract, 8:22-26, 25:6-15, 22:15-17, 22:40-43, 37:9-10, 38:16-17, Figs. 3E, 3F. May 30, 2013 "Reply B Under 37 C.F.R. § 1.116(e)" in '755 File History at 5. Extrinsic: W3C, Web Services Glossary, W3C Working Group Note (February 11, 2004) (https://www.w3.org/TR/2004/NOTE-ws-gloss-20040211/.), XMO-LIT00114357-374. UDDI Version 3.0.2 Specification (Oct. 19, 2004),	software object that provides functionalities of a web service	Intrinsic: '755 Patent at Figs. 2A, 3E, 3F; 1:34-42; 1:51-58, 7:63-8:25, 8:36-47, 8:48-53, 8:54-8:67, 9:4-6, 22:14-29; FH 5/30/2013 Amnd. at 6 (XMO_00002853); FH at 3/6/2013 Amendment at 7, 11 (XMO_00002800, 2804); FH at 5/30/2013 Amendment at 4-5, 15 (XMO_00002851-2852); '651 Provisional, Specification at 11.7. Extrinsic: W3C Working Group Note 11 February 2004, available at https://www.w3.org/TR/2004/NOTE-ws-arch-20040211/ (DEFSEXTRINSIC_XMO_00000215-307). Web Services Description Language

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			available at http://www. uddi. org/pubs/uddi _ v3 .htm ("UDDI Specification"), XMO-LIT00096875-7050. Web Services Description Language (WSDL) Version 2.0 Part 1: Core Language, W3C Recommendation (June 26, 2007), *available at* https://www.w3.org/TR /wsdl/ ("WSDL Specification") XMO-LIT00094916-954. In Web Server Technology (Yeager and McGrath, Morgan Kaufmann, 1996, p. 14, XMO-LIT00114397-407. Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or		(WSDL) Version 2.0 Part 1: Core Language, W3C Recommendation (June 26, 2007), available at https://www.w3.org/TR/wsdl/ ("WSDL Specification") (DEFSEXTRINSIC_XMO_0000308 -368). Memorandum Opinion, *Express Mobile, Inc. v. GoDaddy.com, LLC*, C.A. No. 19-1937-RGA, Dkt. 121 (D. Del. June 1, 2020) (DEFSEXTRINSIC_XMO_0000036 9-393). Claim Construction Order in *Express Mobile, Inc. v. GoDaddy.com, LLC*, 19-cv-01937 (D. Del. June 8, 2021) (DEFSEXTRINSIC_XMO_0000000 1-3). Defendants' expert may opine in support of Defendants'construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		any opinions or evidence cited by the Plaintiff. Defendants may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.
4.	Device-dependent code	code that is specific to the operating system, programming language, or platform of a device	Intrinsic: *See e.g.*, '755 Patent at 1:55-62, 3:58-62, 4:66-5:24, 5:49-55, 5:56-64, 6:6-17, 5:56-59, 34:4-11, 34:51-64. Extrinsic: *Shopify v. Express Mobile*, No. 19-cv-00439, ECF No. 137, at 14-15. Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic	code for a specific device	Intrinsic: '755 patent Fig. 13; 4:66-5:7, 5:62-64, 6:4-6, 6:10-17, 6:49-51, 7:14-29, 8:11-14, 33:26-32; FH 10/4/2010 Prelim. Amnd. at 2 (XMO_00001786); FH 10/4/2010 Prelim. Amnd. at 6 (XMO_00001790); FH 3/6/2013 Amnd. at 8 (XMO_00002801); 5/30/2013 Amnd. at 11 (XMO_00002858); 9/26/2013 Amnd. at 10 (XMO_00002876); 1/16/2014 Amnd. at 9 (XMO_00002934); FH at 3/6/2013 Amnd. at 10-13 (XMO_00002803-2806); FH at

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		1/16/2014 Amnd. at 13 (XMO_00002938); FH At 3/6/2013 Amnd. at 10 (XMO_00002803); FH 1/16/2014 Amnd. at 12-14 (XMO_00003002-3004); FH at 11/26/2014 Appeal Brief at 12 (XMO_00003002); FH At 11/26/2014 Appeal Brief at 8-9 (XMO_00002998-2999); FH at 11/26/2014 Appeal Brief at 11-15; 17-18 (XMO_00003001-3005, 3007-3008); s*ee also* above "player". Extrinsic: Microsoft Computer Dictionary (3d Ed) at 142 (definition of "device dependence") (DEFSEXTRINSIC_XMO_00000054-57). Microsoft Computer Dictionary (4th Ed.) at 135 (definition of "device dependence") (DEFSEXTRINSIC_XMO_00000058-60). IBM Dictionary of Computing (10th

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
					Ed) at 193 (definition of "device-dependent") (DEFSEXTRINSIC_XMO_0000005 0-53). Defendants' expert may opine in support of Defendants'construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Plaintiff. Defendants may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.
5.	Device-independent code	No construction necessary ***Alternative:*** code that is not specific to the	Intrinsic: *See e.g.*, '755 Patent at 1:55-62, 3:58-62, 4:66-5:24, 5:49-55, 5:56-64, 6:6-17, 5:56-59, 34:4-11, 34:51-64.	code that is not for a specific device	Intrinsic: *See above* "device-dependent code" Extrinsic: Microsoft Computer Dictionary (3d Ed) at 142 (definition of "device

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
		operating system, programming language, or platform of a device	Extrinsic: *Shopify v. Express Mobile*, No. 19-cv-00439, ECF No. 137, at 14-15. Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		dependence") (DEFSEXTRINSIC_XMO_0000005 4-57). Microsoft Computer Dictionary (4th Ed.) at 135 (definition of "device dependence") (DEFSEXTRINSIC_XMO_0000005 8-60). https://www.computerweekly.com/feature/Write-once-run-anywhere. IBM Dictionary of Computing (10th Ed) at 193 (DEFSEXTRINSIC_XMO_0000005 0-53). Defendants' expert may opine in support of Defendants'construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Plaintiff.

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
					Defendants may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.
6.	Computer memory storing a registry of symbolic names / computer memory storing symbolic names	No construction necessary	Intrinsic: '755 Patent at Claim 1, 8:18-22, 9:27-43, 10:4-11, 10:44-49, 12:29-38, 14:14-51, 16:63-18:16, 22:27-29, 25:1-4, 26:51-59, 24:28-49, Table I; '287 Patent at 37:51-61; '044 Patent at 6:17-21, 8:26-9:28, 11:61-12:4, 33:54-61, 37:51-61, 38:15-16. Extrinsic: Microsoft Computer Dictionary, Fourth Edition (1999), at 379, XMO-LIT00114375-387. Microsoft Computer Dictionary, Third Edition (1999) at 402-03, XMO-	'044 computer memory of a server, storing symbolic names '755 and '287 computer memory of a server, storing a registry of symbolic names	Intrinsic: '755 Patent at Figs. 1A, 2A, 2B; 3:34-51, 8:22-26, 8:36-47; FH 3/6/2013 Amnd. at 9 (XMO_00002802); FH at Appeal Brief at 3 (XMO_00002993). Defendants' expert may opine in support of Defendants'construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Plaintiff. Defendants may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			LIT00053744-75. Paul Robichaux, Managing the Windows 2000 Registry (2000), at 29, XMO-LIT00053819-876. D. Theotokis et al., *Distributed Information Systems Tailorability: A Component Approach*, *in* Future Trends of Distributed Computing Systems (IEEE 1999) at 99, XMO-LIT00053877-889. Glenn E. Weadock & Mark Wilkins, Windows 95 Registry For Dummies (IDG 1998) at 14, XMO-LIT00114351-356. Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in		and/or eGrove cases, including any extrinsic evidence cited therein.

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		
7.	Each symbolic name has an associated data format class type corresponding to a subclass of User Interface (UI)	No construction necessary	Intrinsic: *See e.g.*, '755 Patent at 14:14-51, 16:63-18:16, 24:28-49, Table I; '287 Patent at 37:51-61; '044 Patent at 6:17-21, 8:26-9:28, 11:61-12:4, 33:54-61, 37:51-61, 38:15-16. Extrinsic:	indefinite[6]	Extrinsic: The Defendants that contend this claim term is indefinite anticipate relying on expert testimony in support of this position. Defendants' expert is expected to testify to the technology of the asserted patents, the state-of-the-art as of the pertinent timeframe, the level of ordinary skill

[6] Adobe and the SAP Defendants do not join in this construction.

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
	objects that support the data format type of the symbolic name		IPR2021-00709 – Petition. IPR2021-00710 – Petition. IPR2021-00711 – Petition. *Designing the User Interface: Strategies for Effective Human-Computer Interaction* (Addison-Wesley, 1998), XMO-LIT00053816. Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy,		in the relevant art, and/or whether the patent claims, viewed in light of the specification and prosecution history, inform those skilled in the art about the scope of the invention with reasonable certainty. As agreed to by the parties, claim construction expert declarations, if any, will be exchanged in conjunction with the claim construction briefs, and the parties will disclose at the Patent L.R. 4-3 stage the terms for which they anticipate relying on expert testimony.

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DISPUTED TERMS '755, '287 and '044 Patents					
No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		
8.	Said player utilizes information stored in said database to generate for the display of at least a portion of said one or more web pages	No construction necessary	Intrinsic: '044 Patent at 6:17-21, 8:26-9:28, 11:61-12:4, 33:54-61, 38:15-16. Extrinsic: IPR2021-00709 – Petition. IPR2021-00710 – Petition. IPR2021-00711 – Petition. Webster's New World Computer Dictionary, Tenth Edition (2003), XMOLIT0014435-438 Plaintiff's expert may opine in support of Plaintiff's	indefinite[7]	Extrinsic: The Defendants that contend this claim term is indefinite anticipate relying on expert testimony in support of this position. Defendants' expert is expected to testify to the technology of the asserted patents, the state-of-the-art as of the pertinent timeframe, the level of ordinary skill in the relevant art, and/or whether the patent claims, viewed in light of the specification and prosecution history, inform those skilled in the art about the scope of the invention with reasonable certainty. As agreed to by the parties, claim construction expert declarations, if any, will be exchanged in conjunction with the claim construction briefs, and the

[7] Adobe and the SAP Defendants do not join in this construction.

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
			construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.		parties will disclose at the Patent L.R. 4-3 stage the terms for which they anticipate relying on expert testimony.

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9.	Where said code includes three or more codes, where one of said three or more codes is device specific, and where two of said three or more codes is device independent	No construction necessary	Intrinsic: *See, e.g.*,755 Patent at 1:43-50, 1:55-62, 5:56-59, 34:4-11, 34:51-64. Extrinsic: Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited	indefinite[8]	Extrinsic: The Defendants that contend this claim term is indefinite anticipate relying on expert testimony in support of this position. Defendants' expert is expected to testify to the technology of the asserted patents, the state-of-the-art as of the pertinent timeframe, the level of ordinary skill in the relevant art, and/or whether the patent claims, viewed in light of the specification and prosecution history, inform those skilled in the art about the scope of the invention with reasonable certainty. As agreed to by the parties, claim construction expert declarations, if any, will be exchanged in conjunction with the claim construction briefs, and the parties will disclose at the Patent L.R. 4-3 stage the terms for which they anticipate relying on expert testimony.

[8] Adobe and the SAP Defendants do not join in this construction.

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			therein.		

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
10.	preferred UI object	a UI object associated with a data type that is favored	Intrinsic: *See, e.g.*,755 Patent at 14:26-33, 14:64-67, 17:4-15, Table 1. Extrinsic: Plaintiff's expert may opine in support of Plaintiff's construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Defendants. Plaintiff may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Web.com, Shopify, Wix, Google and/or eGrove cases, including any extrinsic evidence cited therein.	a UI object associated with a data type that is favored over the other UI object candidates for that data type	Intrinsic: '755 Patent at 13:50-14:4, 14:15-21, 14:51-15:62, 22:40-43, Table 1; U.S. Prov. Appl. No. 61/113,471 (Nov. 11, 2008) at 11.8, 11.13-16, 11.20-22; FH '471 Provisional, Specification at 11.3; FH '471 Provisional, Specification at 11.8; FH '471 Provisional, Specification at 11.20; FH '651 Provisional, Specification at 11.3, 11.8. Extrinsic: Jt. Claim Construction Brief at 3, *Shopify Inc et al. v. Express Mobile, Inc.*¸C.A. No. 19-439-RGA, Dkt.117 (D. Del. May 8, 2020) (DEFSEXTRINSIC_XMO_0000039 4-492); Claim Construction Order in Shopify Inc. et al. v. Express Mobile, Inc., 19-cv-00439 (D. Del. June 30, 2020) (DEFSEXTRINSIC_XMO_0000004 6-49); Second Supplemental Agreed Joint Claim Construction Chart and

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No.	**Claim Term / Phrase**	**Express Mobile's Preliminary Construction**	**Intrinsic and Extrinsic Evidence**	**Defendants' Preliminary Construction**	**Intrinsic and Extrinsic Evidence**
					Stipulation in *Shopify Inc. et al. v. Express Mobile, Inc.*, 19-cv-00439, D.I. 111 at *2 (D. Del. Apr. 22, 2020)(DEFSEXTRINSIC_XMO_000 00041-45) Second Supplemental Agreed Joint Claim Construction Chart and Stipulation in *Shopify Inc. et al. v. Express Mobile, Inc.*, 19-cv-00439, D.I. 111 at *2 (D. Del. Apr. 22, 2020)(DEFSEXTRINSIC_XMO_000 00041-45) Defendants' expert may opine in support of Defendants'construction, may rely on any of the intrinsic or extrinsic evidence cited herein in support of this opinion, and may provide rebuttal opinions based on any opinions or evidence cited by the Plaintiff. Defendants may also rely on the opinions set forth in one or more of the expert declarations from GoDaddy, Shopify, Wix, Google

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					and/or eGrove cases, including any extrinsic evidence cited therein.