

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CIRBA INC. (d/b/a DENSIFY) and
CIRBA IP, INC.,

Plaintiffs,

v.

VMWARE, INC.,

Defendant.

C.A. No. 19-742-LPS

ORDER

At Wilmington this **24th** day of **February, 2022**:

For the reasons set forth in the Memorandum Opinion issued this date,

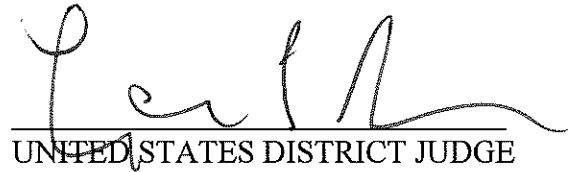
IT IS HEREBY ORDERED that the following claim terms are construed as follows:

Claim Term	Court's Construction
“evaluating each virtual guest against each virtual host and other virtual guests using one or more rule sets pertaining to said technical, business and workload constraints” [claims 3 and 7 of the '687 patent]	“evaluating each virtual machine against each virtual host and other virtual machines, in each case using one or more rule sets pertaining to each of technical, business and workload constraints”
“source system” / “source computer system” [claims 1, 12, and 23 of the '492 patent and claims 1-3, 9-10, 16-17, 22-23, 26-34, 40-41, 47-48, 53-54, and 57-63 of the '459 patent]	“a physical, virtual, or hypothetical system from which applications and/or data are moved or are to be moved”
“target system” / “target computer system” [claims 1, 4-6, 9, 11-12, 15-17, 20, 22-23, 26-28, 31, and 33 of the '492 patent and claims 1-3, 9-10, 16-17, 22-23, 26-34, 40-41, 47-48, 53-54, and 57-63 of the '459 patent]	“a physical, virtual, or hypothetical system to which applications and/or data are moved or are to be moved”

“place” terms [claims 1, 12, and 23 of the '492 patent and claims 1, 32, and 63 of the '459 patent]	Plain and ordinary meaning. No construction is necessary.
“the systems” / “the source systems” / “the target systems” [claims 1, 12, and 23 of the '492 patent]	Not indefinite.
“at least one of a compatibility score, and a number of transfers” [claims 3, 14, and 25 of the '492 patent]	“at least one compatibility score and at least one of a number of transfers”
“determining at least one optimal combination of applications operable independently on the target system” [claims 9, 20, and 31 of the '492 patent]	Not indefinite. “Capable of operating independently from one another.”
“a 1-to-1 compatibility analysis” [claims 1, 12, and 23 of the '492 patent]	“an analysis that evaluates the compatibility of every system in a collection of systems as a source system against every system in the collection of systems as a target system on a 1-to-1 basis”
“an N-to-1 compatibility analysis” [claims 1, 12, and 23 of the '492 patent]	“an analysis that evaluates the compatibility of each of N source systems separately and individually against a common target system”
“the source systems” [claims 1, 31, and 63 of the '459 patent]	“the specific source system and one or more other source systems”
“snapshot” [claims 1, 9, and 17 of the '995 patent]	“data that contains configuration and resource usage information of a distributed computer system at a particular moment in time”
“iteratively traversing a resource hierarchy” [claims 1, 9, and 17 of the '995 patent]	Not indefinite. “Repeatedly moving along resources that are organized in a hierarchy, such as in ranks, layers, or a tree structure.”
“target resource allocation” [claims 1, 9, and 17 of the '995 patent]	Plain and ordinary meaning. No construction is necessary.

“resource configuration action” [claims 1, 9, and 17 of the '995 patent]	Plain and ordinary meaning. No construction is necessary.
“capacity expansion action” [claims 1, 9, and 17 of the '995 patent]	Plain and ordinary meaning. No construction is necessary.
“calculating a target resource configuration” [claims 1, 8, and 15 of the '945 patent]	Plain and ordinary meaning. No construction is necessary.
“operationally distinct cloud computing facilities” [claims 10 and 19 of the '638 patent]	Not indefinite. Plain and ordinary meaning.
“cloud-connector server” [claims 10 and 19 of the '638 patent]	“a dedicated server computer or virtual machine running within a server computer that interfaces to users on a remote computer and that interfaces to remote cloud-connector nodes”
“cloud-connector node” [claims 10 and 19 of the '638 patent]	“an application or set of applications that connects the cloud-computing server with a cloud-computing facility”
“distributed resource scheduling module” [claim 1 of the '842 patent]	Not a means-plus-function term subject to §112, ¶ 6 and not indefinite. The plain and ordinary meaning of this term is “distributed resource scheduler.”
“a non-transitory computer-readable storage medium comprising instructions that, when executed in a computing device, causes the computing device to carry out the steps of” [claim 12 of the '842 patent]	Not a means-plus-function term subject to §112, ¶ 6 and not indefinite.
“a virtual management computer configured to” [claim 17 of the '842 patent]	Not a means-plus-function term subject to §112, ¶ 6 and not indefinite.

“a combined impact on current and future workload” [claims 1, 12, and 17 of the '842 patent]	Not indefinite. Plain and ordinary meaning.
--	---


UNITED STATES DISTRICT JUDGE