IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

EXPRESS MOBILE, INC. Plaintiff, v. EXPEDIA, INC., AND HOMEAWAY.COM, INC., Defendants.	§	Civil Action No. 6:20-cv-00801-ADA **JURY TRIAL DEMANDED**
EXPRESS MOBILE, INC., Plaintiff, v. EBAY INC., Defendant.	§	Civil Action No. 6:20-cv-00802-ADA **JURY TRIAL DEMANDED**
EXPRESS MOBILE, INC., Plaintiff, v. FACEBOOK, INC., Defendant.	§	Civil Action No. 6:20-cv-00803-ADA **JURY TRIAL DEMANDED**

EXPRESS MOBILE, INC., Plaintiff, v. GOOGLE LLC, Defendant.	§ § § § § § § § §	Civil Action No. 6:20-cv-00804-ADA **JURY TRIAL DEMANDED**
EXPRESS MOBILE, INC., Plaintiff, v. ATLASSIAN CORP. PLC AND ATLASSIAN, INC., Defendants.	§ § § § § § § § § §	Civil Action No. 6:20-cv-00805-ADA **JURY TRIAL DEMANDED**

DEFENDANTS' AMENDED LIST OF PROPOSED
CLAIM CONSTRUCTIONS

Pursuant to the Court's Scheduling Orders,[1] Defendants Expedia, Inc., and HomeAway, Inc. (collectively, "Expedia"); eBay Inc. ("eBay"); Facebook, Inc. ("Facebook"); Google LLC ("Google"); and Atlassian Corp. PLC and Atlassian, Inc. (collectively, "Atlassian") hereby provide to Plaintiff Express Mobile, Inc. ("Express Mobile") the below list identifying, where applicable,[2] proposed constructions for claim terms and phrases from U.S. Patent Nos. 6,546,397 (the "'397 patent"); 7,594,168 (the "'168 patent"); 9,063,755 (the "'755 patent"); 9,471,287 (the "'287 patent"); and 9,928,044 (the "'044 patent").

This preliminary list of claim constructions is based upon Defendants' present understanding of Express Mobile's preliminary infringement contentions setting forth the accused products and asserted claims. Defendants' investigation in these matters is continuing, and discovery in this case has not started. Furthermore, the parties have not yet exchanged claim construction positions or begun expert discovery pursuant to the Scheduling Orders. For at least these additional reasons, Defendants reserve the right to supplement or amend the list below.

I. PROPOSED CONSTRUCTIONS FOR THE '397 AND '168 PATENTS

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction[3]
"virtual machine"	'397 patent, cls. 1, 2, 37, 39	"abstract machine that is emulated in software and that executes intermediate code"
"at least one run time file"	'397 patent, cls. 1, 2, 39	"one or more files, including a run time engine, that are

[1] Case No. 6:20-cv-801 (D.I. 45); Case No. 6:20-cv-802 (D.I. 41); Case No. 6:20-cv-803 (D.I. 46); Case No. 6:20-cv-804 (D.I. 53); Case No. 6:20-cv-805 (D.I. 43).

[2] Each defendant does not necessarily propose, endorse, or otherwise support the constructions listed herein. In addition, where Express Mobile has not asserted a patent and/or claim against a defendant, that defendant does not propose, endorse, or otherwise support constructions related to that patent and/or claim. For example, the '168 patent is not asserted against Atlassian and the '755, '287, and '044 patents are not asserted against eBay.

[3] Where a defendant or set of defendants is listed with a proposed construction, that defendant or set of defendants proposed that specific construction.

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction[3]
		downloaded or created, and executed by a browser to display a webpage when the browser is pointed to a webpage"
"run time engine"	'397 patent, cl. 24 '168 patent, cl. 1	"a file that is executed at runtime that reads information from the database and generates virtual machine commands to display a web page or web site"
"multidimensional array"	'168 patent, cl. 1	"a uniquely identifiable indexed set of related elements, wherein each element is addressed by a set of two or more indices, each index corresponding to a dimension of the array"
"settings"	'397 patent, cls. 1, 2, 37, 39 '168 patent, cl. 4	"attributes of an object available for selection"
"transformations"	'168 patent, cl. 1	"changing of an object from one state to another based on a timer control, subject to user settings"
"time lines"	'168 patent, cl. 1	"a sequence of changes that define the attributes of a text button or image object as the changes occur"
"object(s)"	'168 patent, cls. 1, 2, 3, 4	"variable comprising data and routines treated as a discrete entity"
"A method to allow users to produce Internet websites on and for computers having a browser and a virtual machine capable of generating displays, said method comprising:"	'397 patent, cl. 1	The preamble is limiting.

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction[3]
"style"	'168 patent, cls. 1, 2, 3, 4	"attribute that defines the visual appearance of an object"

II. ADDITIONAL PROPOSED CONSTRUCTIONS FOR THE '397 PATENT FOR CASE NO. 6:20-CV-805[4]

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction
"run time routine for simultaneously obtaining from the internet and displaying said first web page and processing said database corresponding to others of said web pages"	'397 patent, cl. 33	Indefinite.
"image observer"	'397 patent, cl. 34	"an independent process that monitors a particular image processing event, such as the execution of an image filter or the reading in of an image file, and reports the status of that process when queried"
"means for storing information in a database"	'397 patent, cl. 39	Indefinite.
"means for building one or more web pages"	'397 patent, cl. 39	Indefinite.

III. PROPOSED CONSTRUCTIONS FOR THE '755, '287, AND '044 PATENTS

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction
"authoring tool"	'755 patent, cl. 1 '287 patent, cls. 1, 15 '044 patent, cls. 1, 15	"a system with a graphical interface, for generating code to display content on a device screen" '044 patent, cl. 15: Indefinite.

[4] These terms appear in claims of the '397 patent only asserted by Express Mobile against Atlassian.

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction
"an authoring tool configured to … a Player	'287 patent, cl. 1	"an authoring tool configured to … produce a Player"
"Application" / "application"	'755 patent, cls. 1, 12, 21, 22 '287 patent, cls. 1, 15, 24, 25 '044 patent, cls. 1, 15, 24, 25	"device-independent code which contains instructions for a device and which is separate from the Player" *or, alternatively* "device-independent code that is partitioned from the Player and is interpreted or executed by the Player"
"Player" / "player"	'755 patent, cls. 1, 12, 21, 22 '287 patent, cls. 1, 13, 15, 24, 25, 27 '044 patent, cls. 1, 15, 24, 25, 27	"device-specific code which contains instructions for a device and which is separate from the Application" *or, alternatively* "device-specific code, provided by the authoring tool, that is partitioned from the Application and interprets or executes the Application"
"device-dependent code"	'755 patent, cls. 1, 12, 23 '287 patent, cls. 1, 15	"code that is specific to the operating system, programming language, or platform of a device"
"device-independent code"	'755 patent, cls. 1, 12, 23 '287 patent, cls. 1, 15	"code that is not specific to the operating system, programming language, or platform of a device"
"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"	'044 patent, cls. 1, 15	Indefinite.

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction
"symbolic names"	'755 patent, cls. 1, 12, 23 '287 patent, cls. 1, 15 '044 patent, cls. 1, 15	"parameters relating to inputs and/or outputs associated with web services that are not pointers to information"
"each symbolic name has an associated data format class type corresponding to a subclass of UI objects"	'287 patent, cls. 1, 15 '044 patent, cls. 1, 15	Indefinite.
"registry"	'755 patent, cls. 1, 2, 12, 23 '287 patent, cls. 1, 2, 15 '044 patent, cls. 2, 16	"a database, XML file, or Portable Description Language file that exists on a computer"
"web service"	'755 patent, cls. 1, 2, 5, 7, 12, 16, 18, 23, 24, 25 '287 patent, cls. 1, 2, 5, 7, 15, 19, 21 '044 patent, cls. 1, 2, 5, 7, 15, 16, 19, 21	"a software system designed to support interoperable machine-to-machine interaction over a network. It has an interface described in a machine-processable format (specifically WSDL)"
"web component"	'755 patent, cls. 1, 3, 6, 7, 12, 14, 17, 18, 21, 23 '287 patent, cls. 1, 3, 6, 7, 15, 17, 20, 21, 24 '044 patent, cls. 1, 3, 6, 7, 15, 17, 20, 21, 24	"one or more functionalities associated with a web service"
"UI object"	'755 patent, cls. 1, 5, 6, 12, 16, 17 '287 patent, cls. 1, 5, 6, 12, 15, 19, 20, 26 '044 patent, cls. 1, 4, 5, 6, 12, 15, 19, 20, 26	"object(s) placed on a canvas that are intended for interaction with a user of a device, that can be associated with actions or web bindings, and that have some form, color, and display location associated with it"
"preferred UI object"	'287 patent, cls. 1, 15 '044 patent, cls. 1, 15	A UI object associated with a data type that is favored over the other UI object candidates for that data type

IV. ADDITIONAL PROPOSED CONSTRUCTIONS FOR THE '755 PATENT FOR CASE NO. 6:20-CV-805[5]

Claim Term or Phrase	Asserted Claim(s)	Proposed Construction
"first code"	'755 patent, cl. 23	"device-dependent code that is partitioned from a second code and interprets or executes the second code"
"second code"	'755 patent, cl. 23	"device-independent code that is partitioned from the first code and is interpreted or executed by the first code"
"the device"	'755 patent, cl. 23	Indefinite.

Dated: May 12, 2021

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[5] These terms appear in claims of the '755 patent only asserted by Express Mobile against Atlassian.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served to opposing counsel of record via electronic mail on May 12, 2021.

/s/ Phillip E. Morton
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