

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

SHOPIFY INC. AND SHOPIFY (USA), INC.,

Plaintiffs/ Counterclaim
Defendants

v.

EXPRESS MOBILE, INC.,

Defendant/Counterclaim
Plaintiff.

Case No. 1:19-439-RGA

ORDER ON CLAIM CONSTRUCTION

The following terms and phrases of the patents shall have the following meanings for the purposes of this action:

Claim Term	Patents	Construction
virtual machine	'397 and '168 patents	software that emulates a physical machine
run time engine	'397 and '168 patents	file that is executed at runtime that reads information from the database and generates commands to display a web page or website
settings	'397 and '168 patents	attributes of an object available for selection
multidimensional array	'397 and '168 patents	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
vector object	'397 patent	a graphical image defined by line segments drawn between specified coordinates
transformation(s)	'397 and '168 patents	change(s) of an object from one state to another based on a timer control, subject to user settings

Claim Term	Patents	Construction
database	'397 and '168 patents	an electronic information storage system offering data storage and retrieval and that stores information on a record-by-record basis, each record divided into one or more fields
internal database	'397 patent	database internal to the build tool and distinct from the external database
external database	'397 patent	database external to the build tool
storing information representative of said one or more user selected settings in a database	'397 patent	Storing data in a database, which data pertains to one or more attributes of an object available for selection by a user
one or more run time files / at least one run time file	'397 patent	one or more files, including a run time engine, that are downloaded or created when a browser is pointed to a web page or website
Application / application	'755, '287, and '044 patents	device-independent code which contains instructions for a device and which is separate from the Player"
Player / player	'755, '287, and '044 patents	device-specific code which contains instructions for a device and which is separate from the Application
device-dependent code	'755 and '287 patents	code that is specific to the operating system, programming language, or platform of a device
device-independent code	'755 and '287 patents	code that is not specific to the operating system, programming language, or platform of a device
authoring tool	'755, '287, and '044 patents	a system, with a graphical interface, for generating code to display content on a device screen
where said Application is a device-dependent code	'755 patent	where said Application is a device-independent code

Claim Term	Patents	Construction
for evoking one or more web components	'755, '287, and '044 patents	for calling up one or more web components
preferred UI object	'287 patent	A UI object associated with a data type that is favored over the other UI object candidates for that data type

MCCARTER & ENGLISH, LLP

By: /s/ Daniel M. Silver

Daniel M. Silver (#4758)
 Alexandra M. Joyce (#6423)
 Renaissance Centre
 405 N. King St., 8th Fl.
 Wilmington, DE 19801
 Tel: (302) 984-6331
 dsilver@mccarter.com
 ajoyce@mccarter.com

OF COUNSEL:

Adam R. Brausa
 Timothy C. Saulsbury
 Vera Ranieri
 Whitney R. O'Byrne
 DURIE TANGRI LLP
 217 Leidesdorff Street
 San Francisco, CA 94111
 (415) 362-6666
 abrausa@durietangri.com
 tsaulsbury@durietangri.com
 vranieri@durietangri.com
 wobyrne@durietangri.com

*Attorneys for Plaintiffs/Counterclaim
 Defendants Shopify Inc. and Shopify (USA),
 Inc.*

DEVLIN LAW FIRM LLC

By: /s/ Timothy Devlin

Timothy Devlin (No. 4241)
 Robert Kiddie (*pro hac vice*)
 Texas Bar No. 24060092
 1526 Gilpin Avenue
 Wilmington, DE 19806
 Tel: (302) 449-9010
 tdevlin@devlinlawfirm.com
 rkiddie@devlinlawfirm.com

OF COUNSEL:

James R. Nuttall (*pro hac vice*)
 Michael Dockterman (*pro hac vice*)
 Robert F. Kappers (*pro hac vice*)
 Tron Fu (*pro hac vice*)
 Katherine H. Johnson (*pro hac vice*)
 STEPTOE & JOHNSON LLP
 227 West Monroe, Suite 4700
 Chicago, IL 60606
 (312) 577-1254
 jnuttall@steptoe.com
 mdockterman@steptoe.com
 rkappers@steptoe.com
 tfu@steptoe.com
 kjohnson@steptoe.com

Christopher Suarez (*pro hac vice*)
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, NW
Washington, DC 20036
(202) 429-8131
csuarez@steptoe.com

*Attorneys for Defendant/Counterclaim
Plaintiff Express Mobile, Inc.*

SO ORDERED this 30 day of June, 2020.

/s/ Richard G. Andrews

United States District Court Judge