

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

CLOUDOFCHANGE, LLC.,
Plaintiff,

v.

NCR CORPORATION,
Defendant.

§
§
§
§
§
§
§

CIVIL NO. 6-19-CV-00513-ADA

FINAL CLAIM CONSTRUCTIONS OF THE COURT

The Court provided preliminary constructions on July 8, 2020. The Court held a claim construction hearing on July 10, 2020, in which the Court heard argument on the following claim terms: (1) “a web server;” (2) “said web servers are provided as a vendor subscription service¹,” (3) “vendor’s remote servers.” ECF No. 43. 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. The Court will provide a supplemental claim construction order at a later date.

Claim Term	Court’s Final Construction
Preamble '640 Patent, Cl. 1-6, 8-14 '012 Patent, Cl. 1-4, 6-13	
“web-based point of sale (POS) builder system”	“a point of sale (POS) builder system that requires the internet”

¹ During the claim construction hearing, the parties agreed to the construction provided by the Court. *See* Hr. Tr.

Claim Term	Court's Final Construction
'640 Patent, Cl. 1, 2, 4	
'012 Patent, Cl. 1-4, 6-10	
"point of sale terminals"	Plain and ordinary meaning

Claim Term	Court's Final Construction
'640 Patent, Cl. 1, 4, 8-10, 14	
"POS screens"	"a POS terminal's visual display depicting selection keys or buttons"

Claim Term	Court's Final Construction
'640 Patent, Cl. 1 (13)	
'012 Patent, Cl. 1 (9,13)	
"a web server"	"hardware and software that uses HTTP (hypertext transfer protocol) to serve data or files that form web pages"

Claim Term	Court's Final Construction
'640 Patent claim 1	
"PC workstation(s)"	Plain and ordinary meaning

Claim Term	Court's Final Construction
'640 Patent Claim 1, '012 Patent Claims 1, 6, 7	
"point of sale builder software"	Plain and ordinary meaning, wherein plain and ordinary meaning means "software that builds the POS terminals"

Claim Term	Court's Final Construction
'640 Patent Claim 1, '012 Patent Claim 1	
'640 Patent Claim 1	Plain and ordinary meaning ¹
"to build or edit said POS terminals in real time"	Footnote not for the jury. The plain and ordinary meaning of this term does not include to build or edit hardware in real time.
'012 Patent Claim 1	
"programmatically creating or modifying said one or more POS terminals in real time"	

Claim Term	Court's Final Construction
'640 Patent, Cl. 1	
"said web servers are provided as a vendor subscription service"	"wherein a web server is provided by a vendor to a subscriber as a subscription service"

Claim Term	Court's Final Construction
'640 Patent, Cl. 1	
"web server software"	Plain and ordinary meaning

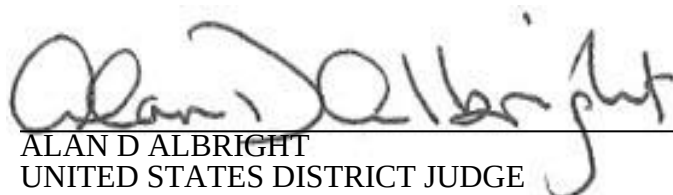
Claim Term	Court's Final Construction
'640 Patent, Cl. 1	
"vendor's remote servers"	Plain and ordinary meaning

Claim Term	Court's Final Construction
'012 Patent, Cl. 1	
"generated by said POS builder software"	Plain and ordinary meaning

Claim Term	Court's Final Construction
'012 Patent, Cl. 1-2, 4, 10-12	
"POS builder interface"	Plain and ordinary meaning, wherein plain and ordinary meaning means "an interface to the POS builder software"

Claim Term	Court's Final Construction
'012 Patent, Cl. 1	
"configured to be utilized to access said POS builder software for programmatically creating or modifying said one or more POS terminals in real time"	Plain and ordinary meaning

SIGNED this 10th day of July 2020.


 ALAN D ALBRIGHT
 UNITED STATES DISTRICT JUDGE