IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

BRITISH TELECOMMUNICATIONS PLC and BT AMERICAS, INC.,	)	
Plaintiffs,	)	
	)	C. A. No.18-1018-CFC-MPT
v.	)	
FORTINET, INC.,	)	
Defendant.	)	

[PROPOSED] CLAIM CONSTRUCTION ORDER

The Court, having considered the parties' briefing on claim construction (D.I. 117), and in accordance with the reasoning set forth in the Memorandum Order (D.I. 155), adopting in part and rejecting in part the Magistrate Judge's April 15, 2021 Report and Recommendation (D.I. 141), adopts the following constructions for the below-identified terms in U.S. Patent Nos. 7,159,237 ("the '237 Patent"); 7,895,641 ("the '641 Patent"); 7,774,845 ("the '845 Patent"); 7,693,971 ("the '971 Patent"); and 7,370,358 ("the '358 Patent"):

I. DISPUTED CLAIM CONSTRUCTIONS

Term(s) / Claim(s)	Court's Construction
"status data" ('237 Patent claims 1, 2, 6, 10, 14, 16, 18, 22-27, 31, 35, 41; '641 Patent claims 1, 2, 6, 10, 14, 16)	"data extracted from or generated about the traffic or system processing it that is informative as to the status of the network and its components"

Term(s) / Claim(s)	Court's Construction
"dynamically" ('237 Patent claims 1, 2, 6, 10, 14, 16, 18, 22-27, 31, 35, 39, 41; '641 Patent claims 1, 2, 6, 10, 14, 16)	"during actual operation, rather than offline"
"probe" ('237 Patent claims 1, 6, 10, 14, 18, 22-26, 31, 25, 29; '641 Patent claims 1, 6, 10, 14)	"a component that collects data from one or more network components to which it is attached, filters or otherwise analyzes the data that has been collected, transmits noteworthy information, and receives feedback in order to update its capabilities of analysis"
"information received about an identified potentially security-related event occurring on the network wherein the potentially security-related event is identified by filtering followed by an analysis of post-filtering residue" ('641 Patent claim 18)	"information received from a probe about an identified potentially security-related event occurring on the network, wherein the potentially security-related event is identified at the probe by filtering status data followed by an analysis of post-filtering residue"[1]
"customer information" ('641 Patent claim 18)	"information about a customer"
"problem ticket" ('641 Patent claims 18, 19)	"a consolidation of the event record, correlated customer information and symptom record, and linked problem resolution assistance information"

[1] The Memorandum Order (D.I. 155) appears to include a typographical error in the court's construction, which states "information received from a probe about an identified potentially security-related event occurring on the network, wherein the potentially security-related event is identified at the probe by filtering status data followed by an analysis of post*er*-filtering residue." D.I. 155 at 13 (emphasis added).

Term(s) / Claim(s)	Court's Construction
"a group of user computers" / "group" ('845 patent, claims 1, 3, 9, 19, 20, 21, 23)	"the user computers that the network architecture allows to communicate directly or through a server to which the user computers are connected"
"suspect data" ('845 Patent claims 1, 3, 9, 19, 20, 21, 23)	"data identified as a possible security threat by one or more user computers without a centralized authority conducting any analysis to make that identification"
"an identifier of the piece or set of suspected data" ('845 Patent claims 1, 3, 9, 19)	"a substantially unique descriptor for a particular piece or set of suspect data other than the data itself"
"act in respect of any particular piece or set of suspect data when the count maintained therefor is substantially equal to or greater than at least one threshold value" ('845 Patent claims 1, 19)	"act in respect of any particular piece or set of suspect data only when the count maintained therefor is substantially equal to or greater than at least one threshold value"
"policies" / "policy" ('971 Patent claims 12, 17-19)	"rules that govern choices in behavior" / "a rule that governs a choice in behavior"
"role" ('971 Patent claims 12, 17-19)	"a name for a group (zero or more members) of related members. The members are related in that components that are ultimately associated with a role (per the requirement of the claims) will be managed by the same policy"
"a message-exchange system including the exchange of group	"a system for hindering the spread of attacks to agents in other groups using group-specific tags"

Term(s) / Claim(s)	Court's Construction
specific tags" ('358 Patent claim 26, 50)	

II. AGREED-UPON CLAIM CONSTRUCTIONS

Term(s) / Claim(s)	Court's Construction
"each agent corresponding with other agents in its respective group but not with agents in other groups, a message-exchange system including the exchange of group specific tags" ('358 Patent claim 26)	"each agent corresponding with other agents in its respective group but not with agents in other groups, via a message-exchange system including the exchange of group specific tags"
"maintaining and tracking groupwide measures of agent status or behavior comparing actual behavior patterns of the measure for a given group with known normal behavior patterns" ('358 Patent claim 26)	"maintaining and tracking groupwide measures of agent status or behavior; comparing actual behavior patterns of the measure for a given group with known normal behavior patterns"
"multi-stage analysis" ('237 patent claims 2, 6, 22, 23, 27, 31; '641 Patent Claims 2, 6)	plain meaning
"post-filtering residue, wherein the postfiltering residue is data neither discarded nor selected by filtering" / "post-filtering residue, wherein the post-filtering residue is neither discarded nor selected by the filtering" ('237 Patent claims 1, 18, 26; '641 Patent Claims 1, 18)	"status data that undergoes negative and positive filtering, but is neither discarded by such negative filtering nor selected by such positive filtering"
"agents" ('971 Patent Claims 12, 17-19; '358 Patent Claims 26, 35, 50)	"software programs that can make determinations to act"

Term(s) / Claim(s)	Court's Construction
"group specific tags" ('358 Patent Claim 26, 50)	plain meaning

SO ORDERED this 18th day of August, 2021.

The Honorable Colm F. Connolly
United States District Judge

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