

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

INQUISIENT INC., a Delaware
Corporation

Plaintiff,

v.

SERVICENOW, INC., a Delaware
Corporation,

Defendant.

C.A. No. 22-cv-900-CJB

JOINT CLAIM CONSTRUCTION CHART

Pursuant to Paragraph 12 of the Scheduling Order (D.I. 36), Plaintiff InQuisient Inc. and Defendant ServiceNow, Inc. (“ServiceNow”) hereby submit this Joint Claim Construction Chart.

The claim terms / phrases proposed at issue, each party’s proposed construction, and each party’s citations to the intrinsic evidence in support of their respective proposed constructions, are reflected in the chart below. To the extent a figure is cited, the corresponding descriptions of the figures are also included.

The parties reserve the right to rely on intrinsic evidence cited by the other side.

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
1.	module	'468 Patent, Claims 1-7, 9-11 '585 Patent, Claims 1-7, 11-13 '855 Patent, Claims 1-7, 9	Plain and ordinary meaning.	• '468 Patent, Abstract.¹ • <i>Id.</i>, 1:55–2:50 • <i>Id.</i>, 4:9–41 • <i>Id.</i>, 5:1–18 • <i>Id.</i>, 6:9–52. • <i>Id.</i>, 7:15–26. • <i>Id.</i>, 7:59–8:3. • <i>Id.</i>, 8:50–60. • <i>Id.</i>, 9:8–23. • <i>Id.</i>, 10:5–58. • <i>Id.</i>, 13:30–58. • <i>Id.</i>, FIGs. 1–3, 5, 8, 10–13, 16. • '468 Patent, Cls. 1-7, 9-11 • '585 Patent, Cls. 1-7, 11-13 • '855 Patent, Cls. 1-7, 9	A table or, one or more columns of/within a single table.	• '468 Patent, Abstract • '468 patent, Fig. 1A, 1B, 1C • '468 patent, Fig. 2 • '468 patent, Fig. 3 • '468 patent File History, 1/21/2011 Applicant Remarks • '468 patent, 4:9–29 • '468 patent, 5:1–18 • '468 patent, cls. 1–7, 9–11 • '585 patent, cls. 1–7, 11–13 • '855 patent, cls. 1–7, 9

¹ The '468 Patent, '585 Patent, and '855 Patent share the same specification. All citations are to the '468 Patent.

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
2.	element relation module	'468 Patent, Claim 1 '585 Patent, Claim 1 '855 Patent, Claim 1	Not indefinite. ² Plain and ordinary meaning.	'468 Patent Prosecution History, 2011-01-03, Examiner Interview Summary Record.	Indefinite at least under Plaintiff's apparent construction. ³ Alternatively, if not indefinite: A module that defines and stores	'468 patent, Fig. 1A, 1B, 1C '468 patent, Fig. 2 '468 patent, Fig. 2 '468 patent File History, 1/21/2011

² ServiceNow failed to identify its indefiniteness arguments in its invalidity contentions for all the identified indefinite terms. Specifically, ServiceNow failed to identify its indefinite arguments for the following terms: “element relation module,” “type definition module,” “class attribute module,” “attribute module,” “each state machine,” “named text module,” and “element attribute module.” On the meet and confer, ServiceNow claimed the terms are indefinite because of InQuisient’s infringement contentions, though it could not give an example. This does not aid in understanding the legal basis or argument for the purported indefiniteness of the terms. InQuisient’s position is that ServiceNow has waived any argument that terms missing from its invalidity contentions are indefinite, and InQuisient reserves the right to seek additional briefing to address ServiceNow’s arguments, which will not be disclosed until after InQuisient files its opening brief. InQuisient proposed inverting the briefing to address this issue, but ServiceNow declined that offer.

³ ServiceNow disagrees with InQuisient’s apparent assertion that it does not have sufficient notice of ServiceNow’s indefiniteness positions or that ServiceNow was required to include them in its invalidity contentions. *See, e.g., Persawvere, Inc. v. Milwaukee Electric Tool Corp.*, C.A. No. 21-400-GBW, 2023 WL 2140033 (D. Del. Feb. 21, 2023); *Greatbach Ltd. v. AVX Corp.*, C.A. No. 13-793-LPS, 2015 WL 917042 at *10 (D. Del. Dec. 11, 2015). ServiceNow’s indefiniteness positions, and the bases thereof, were discussed on the parties’ meet-and-confer; and, for example, responses to InQuisient’s questions regarding indefiniteness were subsequently summarized in written communications.

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
				• '468 Patent Prosecution History, 2011-01-21, Remarks in Response to Non-Final Rejection. • '468 Patent, Abstract. • <i>Id.</i>, 6:30–40. • <i>Id.</i>, 7:15–26. • <i>Id.</i>, 9:8–23. • <i>Id.</i>, 10:24–40. • <i>Id.</i>, FIGs. 1 (162), 3 (162). • <i>Id.</i>, Patent, Cl. 1. • '585 Patent, Cl. 1. • '855 Patent, Cl. 1.	relationships between elements that are referenced by the “element module.”	Applicant Remarks • '468 patent, 6:30–37 • '468 patent, cl. 1 • '585 patent, cl. 1 • '855 patent, cl. 1
3.	type definition module	'468 Patent, Claims 1, 4 '585 Patent, Claims 1, 4 '855 Patent, Claim 3	Not indefinite. Plain and ordinary meaning.	• '468 Patent Prosecution History, 2011-01-03, Examiner Interview	Indefinite at least under Plaintiff's apparent construction.	• '468 patent, Fig. 1A, 1B, 1C • '468 patent, Fig. 2 • '468 patent, Fig. 3

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
				Summary Record. '468 Patent Prosecution History, 2011-01-21, Remarks in Response to Non-Final Rejection. '468 Patent, Abstract. <i>Id.</i>, 2:5–12. <i>Id.</i>, 4:23–41. <i>Id.</i>, 5:53–65. <i>Id.</i>, 6:30–40. <i>Id.</i>, FIGs. 1 (102), 2 (102), 11 (102). <i>Id.</i>, Cls. 1, 4. '585 Patent, Cls. 1, 4. '855 Patent, Cl. 3	Alternatively, if not indefinite: A non-standard object-oriented structure that stores data types and metadata by referencing data types defined by the “element relation module,” “class module,” “attribute module,” “class attribute module,” “state machine module,” and/or “tuple module.”	'468 patent File History, 1/21/2011 Applicant Remarks '468 patent, 4:23–29 '468 patent, cls. 1, 4 '585 patent, cls. 1, 4 '855 patent, cl. 3
4.	class attribute module	'468 Patent, Claim 1 '585 Patent, Claim 1	Not indefinite. Plain and ordinary meaning.	'468 Patent Prosecution History, 2011-01-03,	Indefinite at least under Plaintiff's apparent construction.	'468 patent, Fig. 1A, 1B, 1C '468 patent, Fig. 2

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
		'855 Patent, Claim 1		Examiner Interview Summary Record. '468 Patent Prosecution History, 2011-01-21, Remarks in Response to Non-Final Rejection. '468 Patent, 3:5–8. <i>Id.</i>, 5:1–39. <i>Id.</i>, 6:41–53. <i>Id.</i>, 7:34–48. <i>Id.</i>, 13:45–58. <i>Id.</i>, FIGs. 1 (112), 2 (112). <i>Id.</i>, Cl. 1. '585 Patent, Cl. 1. '855 Patent, Cl. 1.	Alternatively, if not indefinite: A non-standard object-oriented structure that defines and stores relationships between one or more attributes and classes that are referenced by the “attribute module” and “class module.”	'468 patent, Fig. 3 '468 patent File History, 1/21/2011 Applicant Remarks '468 patent, 5:1–18 '468 patent, cl. 1 '585 patent, cl. 1 '855 patent, cl. 1
5.	tuple module	'468 Patent, Claim 7	Plain and ordinary meaning.	'468 Patent, 3:24–26. <i>Id.</i>, 5:19–39.	A module that defines and stores relationships	'468 patent, Fig. 1A, 1B, 1C

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
		'585 Patent, Claims 1, 6 '855 Patent, Claims 5-7		• <i>Id.</i>, 10:24–11:20. • <i>Id.</i>, 11:35–46. • <i>Id.</i>, 11:61–12:4. • <i>Id.</i>, FIGs. 1 (114), 8 (114), 9 (114). • <i>Id.</i>, Cl. 7. • '585 Patent, Cls. 1, 6. • '855 Patent, Cls. 5-7.	between data according to the type of the data.	• '468 patent, Fig. 2 • '468 patent, Fig. 3 • '468 patent, 10:24–30 • '468 patent, 11:6–14 • '468 patent, cl. 7 • '585 patent, cls. 1, 6 • '855 patent, cls. 5–7
6.	attribute module	'468 Patent, Claim 1 '585 Patent, Claim 1 '855 Patent, Claim 1	Not indefinite. Plain and ordinary meaning.	• '468 Patent Prosecution History, 2011-01-03, Examiner Interview Summary Record. • '468 Patent Prosecution History, 2011-01-21, Remarks in Response to	Indefinite at least under Plaintiff's apparent construction. Alternatively, if not indefinite: A non-standard object-oriented structure that defines and stores attributes and is a distinct from the "class attribute	• '468 patent, Fig. 1A, 1B, 1C • '468 patent, Fig. 2 • '468 patent, Fig. 3 • '468 patent File History, 1/21/2011 Applicant Remarks • '468 patent, 5:1–18

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
				Non-Final Rejection. • '468 Patent, Abstract. • <i>Id.</i>, 1:55–2:57. • <i>Id.</i>, 3:5–8. • <i>Id.</i>, 4:9–52. • <i>Id.</i>, 5:1–19. • <i>Id.</i>, 5:40–65. • <i>Id.</i>, 7:26–8:3. • <i>Id.</i>, 11:20–34. • <i>Id.</i>, 13:4–57. • <i>Id.</i>, 14:20–30. • <i>Id.</i>, FIGs. 1 (110), 2 (110). • <i>Id.</i>, Cl. 1. • '585 Patent, Cl. 1. • '855 Patent, Cl. 1.	module” and “element attribute module.”	• '468 patent, 4:23–41 • '468 patent, claim 1 • '468 patent, claim 9 • '585 patent, cl. 1 • '855 patent, cl. 1
7.	each state machine	'468 Patent, Claim 1	Not indefinite.	• '468 Patent, Abstract. • <i>Id.</i>, 3:15–20. • <i>Id.</i>, 4:23–41. • <i>Id.</i>, 7:59–8:40. • <i>Id.</i>, 11:21–34. • <i>Id.</i>, 12:11–26. • <i>Id.</i>, 13:4–10. • <i>Id.</i>, 13:38–44.	Indefinite at least under Plaintiff's apparent construction and for lack of antecedent basis.	• '468 patent, cl. 1 • '468 patent, cl. 27 • '468 patent, 7:59–8:3

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
				• <i>Id.</i>, FIGs. 1 (120), 5 (120), 6 (120). • <i>Id.</i>, Cl. 1.		
8.	data repository	'468 Patent, Claims 1, 2, 5-7, 9-15, 18-20, 22-27, 28, 31-33, 35-39 '585 Patent, Claims 1, 2, 5, 6, 11-13, 17, 18, 21-23, 28, 29, 33, 34, 37-39, 43-45 '855 Patent, Claims 1-5, 7, 11-16, 21-27	Plain and ordinary meaning.	• '468 Patent Prosecution History, 2011-01-03, Examiner Interview Summary Record. • '468 Patent Prosecution History, 2011-01-21, Remarks in Response to Non-Final Rejection. • '468 Patent, Abstract. • <i>Id.</i>, 1:55–2:50 • <i>Id.</i>, 8:50–60. • <i>Id.</i>, 9:8–23. • <i>Id.</i>, Cls. 1, 2, 5-7, 9-15, 18-20,	An elements metadata repository that is unlike a conventional relational database.	• '468 patent, 5:1–18 • '468 patent, 4:23–41 • '468 patent, 3:59–62 • '468 patent File History, 1/21/2011 Applicant Remarks • '468 patent, cls. 1, 2, 5–7, 9-15, 18–20, 22–27, 28, 31–33, 35–39 • '585 patent, cls. 1, 2, 5, 6, 11–13, 17, 18, 21-23, 28, 29, 33, 34, 37–39, 43–45

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
				22-27, 28, 31-33, 35-39. • '585 Patent, Cls. 1, 2, 5, 6, 11-13, 17, 18, 21-23, 28, 29, 33, 34, 37-39, 43-45. • '855 Patent, Cls. 1-5, 7, 11-16, 21-27.		• '855 patent, cls. 1-5, 7, 11-16, 21-27
9.	named text module	'468 Patent, Claim 6 '585 Patent, Claims 1, 7 '855 Patent, Claim 4	Not indefinite.	• '468 Patent, 3:24-26. • <i>Id.</i>, 4:42-52. • <i>Id.</i>, 4:42-52. • <i>Id.</i>, 5:27-31. • <i>Id.</i>, 10:24-11:5. • <i>Id.</i>, 12:27-37. • <i>Id.</i>, 14:4-13. • <i>Id.</i>, FIGs. 1 (140), 8 (140), 13 (140). • <i>Id.</i>, Cl. 6. • '585 Patent, Cls. 1, 7. • '855 Patent, Cl. 4.	Indefinite at least under Plaintiff's apparent construction.	• '468 patent, Fig. 1A, 1B, 1C • '468 patent, Fig. 2 • '468 patent, Fig. 3 • '468 patent File History, 1/21/2011 Applicant Remarks • '468 patent, 10:63-11:5 • '468 patent, cl. 6 • '585 patent, cls. 1, 7

No.	Claim Term or Phrase	Asserted Claim(s)	Plaintiff's Proposed Construction	Plaintiff's Intrinsic Evidence	Defendant's Proposed Construction	Defendant's Intrinsic Evidence
						• '855 patent, cl. 4
10.	element attribute module	'468 Patent, Claim 9 '585 Patent, Claim 11 '855 Patent, Claim 1, 9	Not indefinite.	• '468 Patent, 3:9–12. • <i>Id.</i>, 6:41–65. • <i>Id.</i>, 14:13–19 • <i>Id.</i>, FIGs. 1 (164), 3 (164). • <i>Id.</i>, Cl. 9. • '585 Patent, Cl. 11. • '855 Patent, Cl. 1, 9.	Indefinite at least under Plaintiff's apparent construction.	• '468 patent, Fig. 1A, 1B, 1C • '468 patent, Fig. 2 • '468 patent, Fig. 3 • '468 patent File History, 1/21/2011 Applicant Remarks • '468 patent, 5:1–18 • '468 patent, 4:23–41 • '468 patent, claim 1 • '468 patent, cl. 9 • '585 patent, cl. 11 • '855 patent, cl. 1, 9

In addition, in accordance with the requirements set forth in the Court's Scheduling Order (D.I. 36 at ¶ 12), the Parties attach to this Joint Claim Construction Chart a copy of the patent at issue and the portions of the intrinsic record, as the following exhibits:

- **Exhibit 1** – U.S. Patent No. 7,979,468
- **Exhibit 2** – U.S. Patent No. 8,219,585
- **Exhibit 3** – U.S. Patent No. 8,224,855
- **Exhibit 4** – Excerpted file/prosecution history for U.S. Patent No. 7,979,468, containing 1/21/2011 remarks.

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