

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

Datanet LLC,

Plaintiff,

v.

Dropbox Inc.,

Defendant.

Case No. 6:22-CV-01142-OLG

**PLAINTIFF DATANET LLC'S  
PRELIMINARY CLAIM  
CONSTRUCTIONS**

Pursuant to the Court's April 13, 2023 Scheduling Order and Order Governing Proceedings (Dkt. 27), Plaintiff Datanet LLC ("Datanet" or "Plaintiff") serves the following proposed claim constructions for the terms identified by the parties in their disclosure of claim terms for claim construction.

This disclosure is made solely for the purposes of this action. It is subject to all objections as to competence, relevance, materiality, and admissibility, and to any other objections on grounds that would require the exclusion of statements contained herein if such disclosure were asked of, or statements contained herein were made by, a witness testifying in court, all of which objections and grounds were expressly reserved and may be interposed at the time of trial. Discovery in this matter is ongoing, and depositions have yet to be taken. Thus, Plaintiff's disclosure is based on information currently available to and located by Plaintiff. Plaintiff has not completed its investigation of the facts relating to this case, has not completed discovery in this action, and has not completed preparation for trial. Moreover, despite Defendant's discovery obligations under Fed. R. Civ. P. 26(a), Defendant has not produced documents required by the Court's Scheduling Order, including technical documents regarding Defendant's accused products and source code. Plaintiff expressly reserves the right to amend, supplement, or otherwise modify its disclosure as additional information becomes available through discovery or as necessitated.

The charts that follow identify each of Plaintiff's and Defendant's Identified Claims Terms. Plaintiff does not concede or admit that any entry in the charts constitutes an element or limitation of any associated claim or that any such claim needs construction.

**I. DATANET PROPOSED CLAIM TERMS AND CONSTRUCTIONS**

| <b>DATANET IDENTIFIED CLAIM TERM</b> | <b>DATANET'S PROPOSED CONSTRUCTION</b>                                                                                                                                                                                                                                                                                                |
|--------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Archive File                         | 1) one or more files containing all of the data of an operating file in a native or altered format and/or 2) one or more files containing at least some of the data of an operating file in a native or altered format and including references to the location of the remainder of the native or altered data of the operating file. |
| Resident Program                     | 1) an operating system (OS) or 2) other program that has control over file operations such as "read", "write", "save", "rename", "delete", "copy", "move", "open", "close", etc.                                                                                                                                                      |

**II. DATANET'S PROPOSED CONSTRUCTIONS TO DROPBOX'S IDENTIFIED CLAIM TERMS**

| <b>DROPBOX IDENTIFIED CLAIM TERM</b>            | <b>DATANET'S PROPOSED CONSTRUCTION</b> |
|-------------------------------------------------|----------------------------------------|
| <b>U.S. Patent Nos. 8,473,478 and 9,218,348</b> |                                        |

|                                                                                                        |                                                                                                                                                                                                                                                                   |
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| temporary first storage location” or “first temporary storage location” or “temporary storage location | No need for construction; plain and ordinary meaning. Alternatively, “A buffer, folder, directory or designated area on a storage device that can store data.”                                                                                                    |
| temporally proximate                                                                                   | No need for construction; plain and ordinary meaning. Alternatively, “just before and/or just after”                                                                                                                                                              |
| event                                                                                                  | No need for construction; plain and ordinary meaning. Alternatively, “happening”                                                                                                                                                                                  |
| final destination                                                                                      | No need for construction; plain and ordinary meaning. Alternatively, “Any storage device, or a buffer, folder, directory or designated area on a storage device that can store data.”                                                                             |
| intermediate storage location                                                                          | No need for construction; plain and ordinary meaning. Alternatively, “Any storage device, or a buffer, folder, directory or designated area on a storage device that can store data.”                                                                             |
| article of manufacture                                                                                 | No need for construction; plain and ordinary meaning. Alternatively, “A product, computer program or software service/application.”                                                                                                                               |
| timer                                                                                                  | No need for construction; plain and ordinary meaning. Alternatively, “a mechanism, control device, or software that can count, record or indicate time or intervals”                                                                                              |
| searching the first temporary storage location for the archive file responsive                         | No need for construction; plain and ordinary meaning. Alternatively, “Searching, in response to an event occurring, a storage device, or a buffer, folder, directory or designated area on a storage device that is storing data temporarily for an archive file” |

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| to the occurrence of a first event       |                                                                                                                                                |
| Identifying presence of the archive file | No need for construction; plain and ordinary meaning. Alternatively, “Determining if the archive file or a part of the archive file is there.” |

| U.S. Patent No. 10,585,850                                                      |                                                                                                                                                                                                                                                              |
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| information for a collection of one or more previous versions of the file       | No need for construction; plain and ordinary meaning. Alternatively, “Data related to a group of one or more earlier version(s) of a file.”                                                                                                                  |
| information indicative of at least one or more of previous versions of the file | No need for construction; plain and ordinary meaning. Alternatively, “Data related to one or more earlier version(s) of a file.”                                                                                                                             |
| remote storage location                                                         | No need for construction; plain and ordinary meaning. Alternatively, “Any storage device, or a buffer, folder, directory or designated area on a storage device that is not at the same location with respect to the item(s) being referenced in the claim.” |
| restorable representation                                                       | No need for construction; plain and ordinary meaning. Alternatively, “An example of what is going to be created/recreated.”                                                                                                                                  |
| information required for recovering the version                                 | No need for construction; plain and ordinary meaning. Alternatively, “Any data required to restore or create a file that existed previously.”                                                                                                                |
| preview a selected previous version of the                                      | No need for construction; plain and ordinary meaning. Alternatively, “Show or represent an example of the earlier version of the file /                                                                                                                      |

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| file / previewing<br>selected revision                                                                      | showing or representing an example of an earlier version that has been chosen”                                                                                                                                                                   |
| preview / previewing                                                                                        | No need for construction; plain and ordinary meaning. Alternatively, “Show, display or represent an example of”                                                                                                                                  |
| presenting a<br>presentable<br>representation /<br>presenting a second<br>presentable<br>representation ... | No need for construction; plain and ordinary meaning. Alternatively, “Showing or representing or displaying an example rendering that the user can see / Showing or representing or displaying a second example rendering that the user can see” |
| with the current<br>version being<br>accessible                                                             | No need for construction; plain and ordinary meaning. Alternatively, “the most recent version can be accessed”                                                                                                                                   |
| presentable<br>representation                                                                               | No need for construction; plain and ordinary meaning. Alternatively, “An example rendering that the user can see”                                                                                                                                |
| Information required<br>for presenting at least<br>a portion of                                             | No need for construction; plain and ordinary meaning. Alternatively, “Data that is needed to show a part of”                                                                                                                                     |
| restore the selected<br>previous version                                                                    | No need for construction; plain and ordinary meaning. Alternatively, “Restore/create/recreate the chosen file as it previously existed”                                                                                                          |
| Retrieving the<br>restorable<br>representation                                                              | No need for construction; plain and ordinary meaning. Alternatively, “Finding or getting an example rendering of the chosen file as it previously existed”                                                                                       |
| restore / restoring                                                                                         | No need for construction; plain and ordinary meaning. Alternatively, “Create or recreate / creating or recreating”                                                                                                                               |

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| storing the selected previous version ... as the current version on the local storage location / storing the second selected previous version ... as the current version on the local storage location | No need for construction; plain and ordinary meaning. Alternatively, “Saving the earlier version of the file ... as the most recent version of the file / saving the second chosen earlier version of the file ... as the most recent version of the file.”                                                                       |
| the information                                                                                                                                                                                        | No need for construction; plain and ordinary meaning. Alternatively, “Data.”                                                                                                                                                                                                                                                      |
| responsive to a selection to not restoring the previous version                                                                                                                                        | No need for construction; plain and ordinary meaning. Alternatively, “Responding to an input (such as, for example but not limited to, clicking on another version, or clicking on a “cancel,” or interacting with some other input/element) that the user does not wish to restore the earlier version it selected for preview.” |
| substantially imperceptible impact                                                                                                                                                                     | No need for construction; plain and ordinary meaning. Alternatively, “computing device performance in not affected perceivably by the user.”                                                                                                                                                                                      |

| Additional Terms           |                                                                                                                                       |
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| computing device (478/348) | a personal computer, a laptop or notebook computer, a server, a hand-held computing device, a PDA or a PAL. The term computing device |

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|                                  | is not specific to the kind of operating system being run on such computing device, and includes devices running Microsoft operating systems, Apple Macintosh operating systems, UNIX operating systems, Linux operating systems, and other operating systems.                                                                                |
| computational machine (850)      | Computing device                                                                                                                                                                                                                                                                                                                              |
| operation                        | action                                                                                                                                                                                                                                                                                                                                        |
| operating file (478/348)         | a system or user file on the user's computer or device                                                                                                                                                                                                                                                                                        |
| file (850)                       | A collection of data                                                                                                                                                                                                                                                                                                                          |
| storage location                 | any storage device, or a buffer, folder, directory or designated area on a storage device.                                                                                                                                                                                                                                                    |
| network attached storage device  | any storage device connected directly to a network to which a first computing device is also temporarily or permanently connected, or any storage device connected to a second computing device that is also temporarily or permanently connected to the network to which the first computing device is temporarily or permanently connected. |
| Internet storage area network    | any storage area (device, collection of devices, etc.) that can be accessed by the computing device when the computing device is temporarily or permanently connected to the Internet.                                                                                                                                                        |
| a peer-to-peer storage device    | any storage area (device, collection of devices, etc.) that can be accessed by the computing device when it is sharing resources with other network or Internet accessible computers.                                                                                                                                                         |
| personal attached storage device | any internal or external storage device connected to a computing device.                                                                                                                                                                                                                                                                      |

DATED this 7th day of July, 2023.

MESSNER REEVES LLP

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***Attorneys for Plaintiff Datanet LLC***

**CERTIFICATE OF SERVICE**

The undersigned attorney certifies that on the 7th day of July, 2023, I electronically transmitted the foregoing document via email to all counsel of record at their email addresses on file with the Court.

By /s/ Isaac S. Crum