

**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'S REPLY CLAIM
CONSTRUCTION BRIEF**

HONORABLE ORLANDO L. GARCIA

Magistrate Judge Derek T. Gilliland

ORAL ARGUMENT REQUESTED

JOINT CLAIM CONSTRUCTION STATEMENT

Pursuant to the Scheduling Order, Plaintiff and Defendants submit this Joint Claim Construction Statement for U.S. Patent Nos. 8,473,478 ('478 Patent), 9,218,348 ('348 Patent), and 10,585,850 ('850 Patent) (collectively the "Patents-in-Suit").

I. Agreed Upon Claim Terms:

Claim Term	Agreed Upon Construction
"computing device" '478 patent, claims 1, 8–11; '348 patent, claims 1, 8, 12–15, 30.	"a personal computer, a laptop or notebook computer, a server, a handheld computing device, a PDA or a PAL. The term computing device 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"
"resident program" '348 patent, claims 16, 17, 26.	"an operating system (OS) or other program that has control over file operations such as 'read', 'write', 'save', 'rename', 'delete', 'copy', 'move', 'open', 'close', etc."
"storage location" '478 patent, claims 1, 2, 3, 5, 8–11; '348 patent, claims 1-5, 8, 10–15, 23, 24, 27, 28, 30, 31; '850 patent, claims 1, 6, 10, 14, 18.	"any storage device, or a buffer, folder, directory or designated area on a storage device"

“network attached storage device” • ’478 patent, claim 3; • ’348 patent, claims 3, 10.	“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” • ’478 patent, claim 5; • ’348 patent, claims 5, 11, 28.	“any storage area (device, collection of devices, etc.) that can be accessed by the computing device when the computing device is temporarily or permanent connected to the Internet”
“peer-to-peer storage device” • ’348 patent, claims 4, 28.	“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” • ’478 patent, claim 2; • ’348 patent, claims 2, 28.	“any internal or external storage device connected to a computing device”
“temporally proximate” • ’478 patent, claims 1, 8–11; • ’348 patent, claims 1, 8, 12–15.	“just before and/or just after”

II. Terms in Dispute:

Claim Term	Proposing Party	Dropbox's Proposed Construction	Datanet's Proposed Construction
“responsive to a selection to not restoring the previous version” • ‘850 Patent, claims 6, 14.	Dropbox	Indefinite. Dropbox disagrees with Datanet's alternative proposed construction.	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.”
“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” • ‘850 Patent, claims 1, 6, 10, 14, 18.	Dropbox	Plain and ordinary meaning. Dropbox disagrees with Datanet's alternative proposed construction.	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.”
“substantially imperceptible impact...from a user's point of view” • ‘850 Patent, claims 9, 17.	Dropbox	Indefinite. Dropbox disagrees with Datanet's alternative proposed construction.	No need for construction; plain and ordinary meaning. Alternatively, “computing device performance is not affected perceivably by the user.”

Claim Term	Proposing Party	Dropbox's Proposed Construction	Datanet's Proposed Construction
"a selection to preview a selected previous version of the file" '850 Patent, claims 1, 10, 18.	Dropbox	A selection to view the content of a selected previous version of the file before restoration / viewing the content of the selected revision of said file before restoration/viewing the selected another revision of said file before restoration	No need for construction; plain and ordinary meaning. Alternatively, "Show or represent an example of the earlier version of the file / showing or representing an example of an earlier version that has been chosen"
"retrieving the restorable representation" '850 Patent, claims 1, 6, 10, 14, 18	Dropbox	search, locate and return the portrayal, depiction or denotation of a version, such as an image, picture, symbol, or sign that may be restored to a prior version of the file	No need for construction; plain and ordinary meaning. Alternatively, "Finding or getting an example rendering of the chosen file as it previously existed"
"temporary first storage location" '478 Patent, claims 1, 8–11 "first temporary storage location" '478 Patent, claims 1, 8–11 "temporary storage location" '478 Patent, claims 1, 8–11; '348 Patent, claims 1, 8, 12–15, 23, 24.	Dropbox	Any storage device, buffer, folder, directory or designated area or location on a storage device that serves as the first storage location to which the archive file is temporarily moved after its creation	No need for construction; plain and ordinary meaning. Alternatively, "A buffer, folder, directory or designated area on a storage device that can store data."
"intermediate storage location" '478 Patent, claim 1; '348 Patent, claims 1, 8, 12–15, 27, 28, 30.	Dropbox	Any storage device, buffer, folder, directory or designated area or location on a storage device that is a non-permanent storage location to which the archive file is moved after the first temporary storage location and before a final destination.	No need for construction; plain and ordinary meaning. Alternatively, "A buffer, folder, directory or designated area on a storage device that can store data."

Claim Term	Proposing Party	Dropbox's Proposed Construction	Datanet's Proposed Construction
"final destination" '478 Patent, claim 1; '348 Patent, claim 1.	Dropbox	A location to which the archive file is last moved	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"
"event" '478 Patent, claims 1, 8–11; '348 Patent, claims 1, 8, 12–15, 26, 27.	Dropbox	a triggering notification or message about a storage device status or the status of an operation performed on a file	No need for construction; plain and ordinary meaning. Alternatively, "happening" or "an action or occurrence to which a program might respond".
"timer" '478 Patent, claims 8, 10; '348 Patent, claim 26.	Dropbox	device or component that measures and reports time intervals	No need for construction; plain and ordinary meaning. Alternatively, "a mechanism, control device, or software that can count, record or indicate time or intervals"
"archive file" '478 Patent, claims 1, 8–11; '348 Patent, claims 1, 8, 12–15, 20, 26.	Datanet	"A file containing all of the data of an operating file in a native or altered format and/or a file containing at least some of the data of an operating file and including references to the location of the remainder of the data of the operating 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 [with or without] references to the location of the remainder of the native or altered data of the operating file."

Dated: September 18, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned attorney certifies that on the 18th day of September, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel on record in the matter.

/s/ Isaac S. Crum

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