

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

**INTELLECTUAL VENTURES I LLC,
INTELLECTUAL VENTURES II LLC,**
Plaintiffs

-v-

VMWARE, INC.,
Defendant

§
§
§
§
§
§
§

A-19-CV-01075-ADA

CLAIM CONSTRUCTION ORDER

The Court held Part I of the *Markman* hearing on May 14, 2020, during which the Court orally provided the final claim constructions for the terms in U.S. Patent Nos. 7,949,752 and RE43,051. The Court now enters those claim constructions.

Agreed constructions

Term	Construction
'752 Patent: "agent"	"a process that occupies a place and that is mobile i.e. can move from a first place to a second place"
'051 Patent: Preamble	The preamble is limiting.

Disputed constructions

No.	Term	Construction
16	exhausted	"unavailable to be used again at that instant of time, but may be available for use at a later instant of time"
17	consumed	Plain and ordinary meaning, which includes the word "used" and does not include "used up."
18	service	"network-based functionality"
19	means for receiving data for creating a network-based agent	Function: receiving data for creating a network-based agent

		Structure: communication line (68) as described and depicted in 6:16-27, 14:48-57, 14:26-30, Fig. 3; and equivalents
20	means for invoking, in response to receiving a URL defining a type of event and identifying the network-based agent, an execution of the network-based agent	<p>Function: invoking, in response to receiving a URL defining a type of event and identifying the network based agent, an execution of the network-based agent</p> <p>Structure: agent server (20) as described and depicted in 7:47-65, 8:7-13, 18:34-38, Figs. 1, 5; and equivalents</p>
21	means, including the network-based agent, for using a service and a service resource configured to be consumed by the network-based agent for performing the operation	<p>Function: using a service and a service resource configured to be consumed by the network-based agent for performing the operation</p> <p>Structure: agent (22) as described in 9:31-39, 8:31-34, 8:39-55, 24:26-63, Figs. 2 and 17; and equivalents</p>
22	means for communicating a result of the operation over a network communications link	<p>Function: communicating a result of the operation over a network communications link</p> <p>Structure: communication line (68) as described and depicted in 6:16-27, 14:48-57, 14:26-30, Fig. 3; and equivalents</p>
23	means for mediating an interaction between the means for using the service and the service	<p>Function: mediating an interaction between the means for using the service and the service</p> <p>Structure: service wrapper (26) as described and depicted in 16:22-38, 11:38-49, 16:39-62, Figs. 1 and 6; and equivalents</p>
24	means for monitoring an amount of the service resource used by the network-based agent	<p>Function: monitoring an amount of the service resource used by the network-based agent</p> <p>Structure: monitor as described in 16:50-61 and depicted in Fig. 6; and equivalents</p>
25	means for allowing a user to modify the network-based agent	<p>Function: allowing a user to modify the network-based agent</p> <p>Structure: network system (2) as described and depicted in 9:26-30, 10:12-15, 10:1-7, 19:45-52, 19:59-64, 20:15-21:26, Fig. 11; and equivalents</p>
26	virtual server	“a software abstraction, or equivalent, of a physical server that has the appearance of being a separate, dedicated physical server, but reside(s) on a physical server and use(s) the physical server’s resources”

27	physical interface(s)	Plain and ordinary meaning ¹ ¹ Should IV assert that the physical interface does not comprise hardware, the Court would likely grant VMware's motion to strike
28	physical interfaces and “tunnel identifiers”	Plain and ordinary meaning
29	customer forwarding [table/information]	Plain and ordinary meaning

The Court will enter its memorandum in support of these claim constructions shortly.

SIGNED this 10th day of June, 2020.



ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE