

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEWEAVR, LLC,
Plaintiff,

v.

DATABRICKS, INC.,
Defendant.

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CASE NO. 2:24-cv-00162-JRG-RSP
JURY TRIAL DEMANDED

P.R. 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to P.R. 4-3 and the Court’s Docket Control Order, Plaintiff ByteWeavr, LLC (“Plaintiff”) and Defendant Databricks, Inc. (“Defendant”) file this Joint Claim Construction and Prehearing Statement.

Pursuant to P.R. 4-3(a), the parties provide the following:

1. The construction of those claim terms, phrases, or clauses on which the parties agree;

The parties have met and conferred and agree on the following construction(s):

Term	Patent and Claims	Agreed Construction
“NAS device”	’827 patent, claims 2 and 14	“a device that makes data storage resources available to network-connected user devices”
“dedicated NAS device”	’827 patent, claims 2 and 14	“a device whose operational purpose is for providing NAS services”

2. Each party’s proposed claim construction or indefiniteness position for each disputed claim term, phrase, or clause, together with an identification of all references from the specification or prosecution history that support that position, and an identification of any extrinsic evidence known to the party on which it intends to rely either to support its position or to oppose any other party’s position, including,

but not limited to, as permitted by law, dictionary definitions, citations to learned treatises and prior art, and testimony of percipient and expert witnesses;

Plaintiff's identification of proposed constructions and supporting evidence is attached hereto as Exhibit A.

Defendant's identification of proposed constructions and supporting evidence is attached hereto as Exhibit B.

3. The anticipated length of time necessary for the Claim Construction Hearing;

The parties respectfully request that the Court hear oral argument on claim construction. The parties have agreed that the parties should be limited to 90 minutes per side (3 hours total) for argument.

4. Whether any party proposes to call one or more witnesses, including experts, at the Claim Construction Hearing;

Neither Plaintiff nor Defendant intends to call any live witnesses at the claim construction hearing.

5. A list of any other issues which might appropriately be taken up at a prehearing conference prior to the Claim Construction Hearing, and proposed dates, if not previously set, for any such prehearing conference.

At present, the parties are unaware of any additional issues that would require the scheduling of a pre-hearing conference prior to a Claim Construction Hearing.

Pursuant to P.R. 4-3(b), the parties provide the following:

Neither Plaintiff nor Defendant intends to serve a disclosure of expert testimony.

Patent Scheduling Order – Number of Pages Needed to Brief the Disputed Terms

The parties agree that consistent with Local Patent Rule 4-5(e) and Local Rule CV-7(a), Plaintiff's opening brief shall not exceed 30 pages, Defendant's response brief shall not exceed 30 pages, and Plaintiff's reply brief shall not exceed 10 pages.

Dated: February 28, 2025

Respectfully submitted,

<u>/s/ Jeffrey R. Bragalone</u> Jeffrey R. Bragalone (lead attorney) Texas Bar No. 02855775 Terry A. Saad Texas Bar No. 24066015 Marcus Benavides Texas Bar No. 24035574 Brandon V. Zuniga Texas Bar No. 24088720 Mark M.R. Douglass Texas Bar No. 24131184 Vivek Ramachandran NY Bar No. 5137880 (PHV) BRAGALONE OLEJKO SAAD PC 901 Main Street Suite 3800 Dallas, Texas 75202 Telephone: (214) 785-6670 Facsimile: (214) 785-6680 jbragalone@bosfirm.com tsaad@bosfirm.com mbenavides@bosfirm.com bzuniga@bosfirm.com mdouglass@bosfirm.com vramachandran@bosfirm.com ATTORNEYS FOR PLAINTIFF BYTEWEAVR, LLC	<u>/s/ Vigen Salmastlian</u> Michael J. Sacksteder CA Bar No. 191605 (Admitted E.D. Texas) Email: msacksteder@fenwick.com Gregory Sefian CA Bar No. 341802 (Admitted <i>Pro Hac Vice</i>) Email: gsefian@fenwick.com FENWICK & WEST LLP 555 California Street, 12th Floor San Francisco, California 94104 Telephone: 415.875.2300 Facsimile: 415.281.1350 Vigen Salmastlian CA Bar No. 276846 (Admitted E.D. Texas) Email: vsalmastlian@fenwick.com FENWICK & WEST LLP 801 California Street, Mountain View, CA 94041 Telephone: 650.988.8500 Facsimile: 650.938.5200 Jessica M. Kaempf WA Bar No. 51666 (Admitted E.D. Texas) Email: jkaempf@fenwick.com Jonathan G. Tamimi WA Bar No. 54858 (Admitted E.D. Texas) Email: jtamimi@fenwick.com FENWICK & WEST LLP 401 Union Street, 5th Floor Seattle, WA 98101 Telephone: 206.389.4510 Facsimile: 206.389.4511 Douglas Etts NY Bar No. 6049027 (Admitted <i>Pro Hac Vice</i>) Email: detts@fenwick.com FENWICK & WEST LLP 902 Broadway, 18th Floor New York, NY 10010 Telephone: 212.430.2600 Facsimile: 650.983.5200
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	Dargaye Churnet CA Bar No. 303659 (Admitted E.D. Texas) Email: dchurnet@fenwick.com FENWICK & WEST LLP 730 Arizona Avenue, 1st Floor Santa Monica, CA 90401 Telephone: 310.434.5439 Facsimile: 310.434.5400 ATTORNEYS FOR DEFENDANT DATABRICKS, INC.
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was electronically filed with the clerk of the court for the U.S. District Court, Eastern District of Texas, Marshall Division, on February 28, 2025, to be served via the Court's electronic filing system upon all counsel of record.

/s/ Marcus Benavides

Marcus Benavides

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BYTEWEAVER, LLC,
Plaintiff,

v.

DATABRICKS, INC.,
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CASE NO. 2:24-cv-00162-JRG-RSP
JURY TRIAL DEMANDED

EXHIBIT A

PLAINTIFF'S CLAIM CONSTRUCTION CHART UNDER P.R. 4-3

U.S. Patent No. 6,839,733

Claim Term	Plaintiff's Construction	Plaintiff's Supporting Evidence	Defendant's Construction
Claims 37 and 40: "agent"	"a software application, program, or process responsible for performing a task on behalf of a user"	'733 patent at Abstract; 1:1-2; 1:31-35; 1:46-2:28; 2:29-3:40; 4:30-5:21 5:22-6:5; 6:44-49; 7:38-49; 7:50-8:19; 8:20-10:24; 10:25-67; 11:15-12:21; 12:22-53; 13:39-14:60; 15:13-16:33; 16:43-17:8; 17:9-19:12; 19:23-20:33; 20:44-21:47; 21:48-22:32; 22:33-24:14; 24:15-49; 24:50-25:60; 25:61-26:12; Claims 1-4, 9, 10, 17, 25, 32, 34, 35, 36, 37-43, 44-48, 50, 57, 58. Figures 1-17; Any additional evidence relied on by Defendant.	"a process that occupies a place and that is mobile, i.e., can move from a first place to a second place"

U.S. Patent No. 7,949,752

Claim Term	Plaintiff's Construction	Plaintiff's Supporting Evidence	Defendant's Construction
Claims 24 and 25: "agent"	"a software application, program, or process responsible for performing a task on behalf of a user"	'752 patent at Abstract; 1:1-2; 1:13-18; 1:19-2:34; 2:35-3:45; 4:32-5:21; 5:23-31; 5:43-6:3 6:42-48; 7:40-45; 7:46-8:13; 8:14-10:58; 11:6-12:12 12:13-43; 13:29-56; 14:10-24; 14:25-57; 15:1-11 15:12-16:20; 16:30-61; 16:64-18:60; 18:61-20:13; 21:24-22:51; 22:52-25:34; 25:35-53; Figures 1 - 17; Claims 1-34. Any additional evidence relied on by Defendant.	"a process that occupies a place and that is mobile, i.e., can move from a first place to a second place"
Claim 24: "exhausted"	Plain and ordinary meaning.	'752 patent at Abstract; 1:1-2; 1:13-18; 1:19-2:34;	"used up to the allotted or predetermined amount"

		2:38-3:44; 4:32-5:21; 8:15-23; 9:31-59; 11:6-16; 11:56-12:12; 12:13-43; 14:17-24; 16:50-62; 18:1-21; 22:13-50; 24:32-39; 24:54-67; 25:14-34; 25:48-52; Claims 1-5, 7, 9, 13-17, 19-22, 24, 28-31, 34; Figures 1, 2, 3, 4, 5, 6, 7, 13, 16, 17. Any additional evidence relied on by Defendant.	
Claim 24: “type of event”	Plain and ordinary meaning.	’752 patent at Abstract; 1:1-2; 1:13-18; 1:19-2:34; 2:38-3:44; 4:32-5:21; 10:3-11; 15:20-16:20; 17:56-18:60; 23:10-24:24; 25:48-52; Claims 1-5, 7, 9, 13-17, 19-22, 24 25-27, 28-31, 32, 34; Figures 1, 2, 3, 4, 5, 6, 7, 13, 16, 17.	“a predetermined condition that triggers execution of the network-based agent”

		Any additional evidence relied on by Defendant.	
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U.S. Patent No. 6,862,488

Claim Term	Plaintiff's Proposed Construction	Plaintiff's Supporting Evidence	Defendant's Construction
Claim 11: "In a computing environment a method to automate the validation of equipment and/or processes for use in a pharmaceutical and/or bio-technology manufacturing facility comprising the steps of:"	Preamble is not limiting.	'488 patent at Abstract; 1:1-1:11; 1:14-2:42; 2:45-3:10; 3:42-4:40; 4:41-4:62; 4:63-6:24; 6:25-7:56; 8:33-55; 11:9-12:21; 12:65-13:50; Claims 1, 2, 5, 6, 11-14, 15-17, 20, 21, 22-23; Figures 1-9. Any additional evidence relied on by Defendant.	The preamble is limiting.
Claim 11: "validation protocol"	"a protocol describing the equipment, facility, and/or process that is being validated along with one or more tests that is being applied in a validation process"	'488 patent at Abstract; 1:1-1:11; 1:14-2:42; 3:42-4:62; 5:32-6:24; 8:34-10:19; 10:20-11:9; 11:37-12:21;	"the equipment, facility and/or process that is being validated along with one or more tests that will be applied to the equipment, facility, and/or process that will ensure that the equipment, facility, and/or process

		Claims 1-4, 10, 11-13, 15, 20, 21, 22-23; Figures 1-9. Any additional evidence relied on by Defendant.	satisfy the predetermined quality and safety standards”
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U.S. Patent No. 6,965,897

Claim Term	Plaintiff’s Construction	Plaintiff’s Supporting Evidence	Defendant’s Construction
Claim 1: “compressing the data of the variable-sized fields and the fixed-sized fields”	Plain and ordinary meaning.	’897 patent at Abstract; 1:5-30; 1:34-51; 2:31-3:1; 3:24-5:2; Claims 1-29; Figures 1-7. Any additional evidence relied on by Defendant.	“using the offset slots to compress the data of the variable sized fields and the fixed-sized fields”
Claim 1: “offset slots”	“slots in a mixed format physical layout used to achieve efficient compression of other data fields”.	’897 patent at Abstract; 1:1-2:2; 1:5-30; 2:18-39; 2:40-3:23; 3:24-41; 3:42-62; 3:63-4:33; 4:34-47; Claims 1, 4, 6-8, 10,13,15-16, 17, 18,19, 20, 21, 24-28; Figures 1-7.	“a pointer into a dictionary identifying either a redundant or non-redundant field (or group of fields) for data compression”

		Any additional evidence relied on by Defendant.	
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U.S. Patent No. 8,275,827¹

Claim Term	Plaintiff's Construction	Plaintiff's Supporting Evidence	Defendant's Construction
Claims 2 and 14: "client agent"	"a program that manages the workloads and processes of a distributed processing system"	'827 patent at Abstract; 1:1-4; 2:1-6; 5:54-6:34; 8:55-9:9 9:40-10:23; 10:58-11:22; 11:54-12:8; 13:36-14:2; 14:32-50; 16:21-34; 17:31-34; 20:23-42; 24:47-53; 26:34-47; 27:41-28:2; 31:43-32:9; 33:3-55; 34:8-42; 35:8-21; 36:34-37:13; 37:25-43; 40:61-43:5; 43:6-44:46; 44:66-46:10; 46:11-26; Claims 1, 2, 13, 14 Figures 1A, 1B, 2B, 2C, 2D, 3A, 3B, 3C, 5B,	"a software program configured to run on each distributed device to provide what appears to client devices as dedicated NAS functionality"

¹ ByteWeavr asserts that Databricks infringes Claim 2, which depends from and incorporates the limitations of Claim 1, and infringes Claim 14, which depends from and incorporates the limitations of Claim 13.

		6B, 9, 10, 11A, 11B, 12A, 12B, 13A, 13B, 14A, 14B, 15, 16, 17B, 19, 20, 21 Any additional evidence relied on by Defendant.	
Claims 2 and 14: “stand-alone dedicated NAS device”	“a dedicated NAS device that contains its own storage, processing, connectivity, and management resources”	’827 patent at Abstract; 1:1-4; 2:1-6; 2:10-55; 2:59-4:3; 5:54-6:34; 7:18-33; 40:61-41:24; 42:11-45:30; 46:11-26; Claims 1, 2, 13, 14 Figure 1A, 19, 20, 21 Any additional evidence relied on by Defendant.	“a distributed device that separately appears to network connected user devices as a dedicated NAS device”

U.S. Patent No. RE42153

Claim Term	Plaintiff’s Construction	Plaintiff’s Supporting Evidence	Defendant’s Construction
Claim 1: “initial project and poll parameters”	“initial parameters relating to the project and poll communications”	’153 patent at Abstract; 1:60-67; 2:1-22; 2:24-52; 3:30-4:37; 13:57-14:18; 16:30-17:23; 17:52-18:42; 18:43-19:7; 19:22-20:20; 22:1-28:24;	“initial parameters for the project and initial parameters that identify when client systems communicate with or poll the server system”

		28:25-41; Claims 1, 2, 12, 18, 19, 26, 28, 34, 35, 45, 51, 52, 58, 60, 66; Figs. 5A-B. Any additional evidence relied on by Defendant.	
Claim 1: “poll communications”	“communications that are used to control, manage or coordinate project activities of distributed devices”	’153 patent at Abstract; 1:60-67; 2:1-22; 2:24-52; 3:30-4:37; 15:1-63; 18:9-19:7; 22:1-28:24; 28:25-41; Claims 1, 9, 18, 21, 34, 42, 51, 66; Figs. 5A-B. Any additional evidence relied on by Defendant.	“communications between the distributed client systems and server system during processing of project workloads to control, manage, and coordinate the activities of the distributed client systems in accomplishing the project goal”

EXHIBIT B: Disputed Claims Terms and Evidence

P.R. 4-3 Joint Claim Construction and Prehearing Statement

No.	Term	Patent(s), Claim(s)	Databricks' Construction	Intrinsic Evidence	Extrinsic Evidence
1	"agent"	'733 patent, claims 37, 40; '752 patent, claims 24, 25	"a process that occupies a place and that is mobile, i.e., can move from a first place to a second place"	'733 patent claims, specification, and figures including at 1:7–39, 2:64–67, 5:27–31, 8:35–40, 13:62–63, 14:22–28, 32–37, 15:48–52, 18:6–9, 17:3–5, 18:9–11. '752 patent claims, specification, and figures including at 1:30–52, 3:3–6, 5:27–31, 8:29–34, 14:6–7, 10–16, 20–24, 15:34–40, 17:3–5, 17:58–61, 17:61–62. U.S. Patent No. 5,603,031 at Abstract, 7:26–34, 16:60, 65–67, 360:43. U.S. Patent No. 6,016,393 (allowed from U.S. application Ser. No. 08/798,675 which was incorporated into the specification of both the '752 and '733 patents), at 16:65–68. <i>VMware, Inc. v. Intell. Ventures I LLC</i>, IPR2020-00470, Paper 7 at 17–19; Paper 13 at 12–13.¹	All extrinsic evidence identified by any other party including, but not limited to, other defendants in prior Byteweavr and Intellectual Venture matters.

¹ While these IPRs are part of the prosecution history and intrinsic evidence for the '827 patent, out of an abundance of caution, Databricks disclosed support from these IPRs as extrinsic evidence in its P.R. 4-2 disclosures. Likewise, each IPR Databricks identifies as intrinsic evidence in this chart for a claim term is hereby identified, out of an abundance of caution, as extrinsic evidence for the same claim term.

EXHIBIT B: Disputed Claims Terms and Evidence

P.R. 4-3 Joint Claim Construction and Prehearing Statement

No.	Term	Patent(s), Claim(s)	Databricks' Construction	Intrinsic Evidence	Extrinsic Evidence
				<i>Intell. Ventures I LLC v. HCC Ins. Holdings, Inc.</i>, No. 15-cv-00660, Dkt. 102 (E.D. Tex.) at pp. 24-26. <i>Intell. Ventures I LLC v. VMware, Inc.</i>, No. 19-cv-01075, Dkt. 92 (E.D. Tex.) at p. 1.	
2	“exhausted”	'752 patent, claim 24	“used up to the allotted or predetermined amount”	'752 patent claims, specification, and figures, including at 8:21:23, 9:40–43, 52–55, 11:59–12:12, 14:17–24, 16:55–61, 22:34–37, 47–50, 24:54–67, 25:1–13, 25:14–18, 25:31–34; 25:44–47, 52:31–34. '752 patent File History, Amendment and Reply Under 37 C.F.R. § 1.111 dated August 20, 2010 at 13. <i>Intell. Ventures I LLC v. HCC Ins. Holdings, Inc.</i>, No. 15-cv-00660, Dkt. 102 (E.D. Tex.) at pp. 31–34.	All extrinsic evidence identified by any other party including, but not limited to, other defendants in prior Byteweavr and Intellectual Venture matters.
3	“type of event”	'752 patent, claim 24	“a predetermined condition that triggers execution of the network-based agent”	'752 patent claims, specification, and figures, including at 15:20–21,	All extrinsic evidence identified by any other party including, but not limited to, other defendants in prior

EXHIBIT B: Disputed Claims Terms and Evidence

P.R. 4-3 Joint Claim Construction and Prehearing Statement

No.	Term	Patent(s), Claim(s)	Databricks' Construction	Intrinsic Evidence	Extrinsic Evidence
				15:23-31, 15:51-53, 16:5-8, 16:9-20, 18:40-42. '752 patent file history, Supplemental Amendment and Reply Under 37 C.F.R. 1.116 dated December 9, 2009 at 14-15.	Byteweavr and Intellectual Venture matters.
4	"In a computing environment a method to automate the validation of equipment and/or processes for use in a pharmaceutical and/or bio-technology manufacturing facility comprising the steps of:"	'488 patent, claim 11	The preamble is limiting.	'488 patent claims, specification, and figures, including at 1:6-10, 8:32-55, 11:9-27, 12:49-51.	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.
5	"validation protocol"	'488 patent, claim 11	"the equipment, facility and/or process that is being validated along with one or more tests that will be applied to the equipment, facility, and/or process that will ensure that the	'488 patent claims, specification, and figures, including at 1:31-36.	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.

EXHIBIT B: Disputed Claims Terms and Evidence

P.R. 4-3 Joint Claim Construction and Prehearing Statement

No.	Term	Patent(s), Claim(s)	Databricks' Construction	Intrinsic Evidence	Extrinsic Evidence
			equipment, facility, and/or process satisfy the predetermined quality and safety standards”		
6	“compressing the data of the variable-sized fields and the fixed-sized fields”	’897 patent, claim 1	“using the offset slots to compress the data of the variable sized fields and the fixed-sized fields”	’897 patent claims, specification, and figures, including at 2:40-44, 2:49-56, 3:25-28, 3:42-53.	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.
7	“offset slots”	’897 patent, claim 1	“a pointer into a dictionary identifying either a redundant or non-redundant field (or group of fields) for data compression”	’897 patent claims, specification, and figures, including at 1:61-63, 2:40-65, 3:11-21, 3:25-28, 3:42-51, Fig. 5.	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.
8	“stand-alone dedicated NAS device”	’827 patent, claims 2, 14	“a distributed device that separately appears to network connected user devices as a dedicated NAS device”	’827 patent claims, specification, and figures including at 2:10-14, 3:17-21, 3:52-56, 42:45-44:37. <i>EMC Corp. v. Intell. Ventures I LLC</i>, IPR2017-000374, Paper 5 at pp. 11-12, Paper 9 at p. 6, Paper 24 at p. 10, Paper 32 at p. 3-8, and Paper 53 at pp. 9-14. <i>EMC Corp. v. Intell. Ventures I LLC</i>, IPR2017-000439, Paper 5 at pp. 10-11, Paper 9 at p. 6, Paper 21	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.

EXHIBIT B: Disputed Claims Terms and Evidence

P.R. 4-3 Joint Claim Construction and Prehearing Statement

No.	Term	Patent(s), Claim(s)	Databricks' Construction	Intrinsic Evidence	Extrinsic Evidence
				at p. 11, Paper 29 at p. 8-13, Paper 50 at pp. 9-14.	
9	"client agent"	'827 patent, claims 1, 2, 13 and 14	"a software program configured to run on each distributed device to provide what appears to client devices as dedicated NAS functionality"	'827 patent claims, specification, and figures including at 2:61-65, 3:43-48, 31:43-53, 42:36-41, 42:54-65, 43:47-58, 44:29-37. '827 patent File History, Amendment Under 37 C.F.R. Section 1.116 in response to Office Action dated December 16, 2005, at 10 (p. 367).	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.
10	"initial project and poll parameters"	'153 patent, claim 1	"initial parameters for the project and initial parameters that identify when client systems communicate with or poll the server system"	'153 patent claims, specification, and figures including at 16:33-47, 17:52-58, 22:10-32.	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.
11	"poll communications"	'153 patent, claim 1	"communications between the distributed client systems and server system during processing of project workloads to control, manage, and coordinate the activities of the distributed client systems in	'153 patent claims, specification, and figures including at Abstract, 2:25-52, 3:36-39, 14:43-47, 14:50-53, 15:8-17, Figs. 5A, 5B. WO 2001014961 A2 at 29:19-22, 33:8-16.	All extrinsic evidence identified by any other party including, but not limited to other defendants in prior Byteweavr matters.

EXHIBIT B: Disputed Claims Terms and Evidence

P.R. 4-3 Joint Claim Construction and Prehearing Statement

No.	Term	Patent(s), Claim(s)	Databricks' Construction	Intrinsic Evidence	Extrinsic Evidence
			accomplishing the project goal”		