

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

**INTELLECTUAL VENTURES I, LLC and
INTELLECTUAL VENTURES II LLC,**

Plaintiffs,

v.

SOUTHWEST AIRLINES CO.,

Defendant.

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Civil Action No. 7:24-cv-00277-ADA

JURY TRIAL DEMANDED

**SOUTHWEST AIRLINES CO.’S DISCLOSURE OF
PRELIMINARY PROPOSED CLAIM CONSTRUCTIONS**

Pursuant to the Court’s Scheduling Order (Dkt#24), Defendant Southwest Airlines Co. (“Defendant” or “Southwest”) provides its Preliminary Proposed Claim Constructions for each identified term below from the asserted claims of United States Patent Nos. 8,332,844 (the ’844 Patent), 8,407,722 (the ’722 Patent), 7,949,785 (the ’785 Patent), 8,027,326 (the ’326 Patent), 7,324,469 (the ’469 Patent), and 7,257,582 (the ’582 Patent) (collectively, the “Asserted Patents”). Southwest reserves the right to amend, modify, or supplement its list of preliminary proposed claim constructions as additional information becomes available, including: (1) Plaintiffs Intellectual Ventures I, LLC’s and Intellectual Ventures II, LLC’s (“Plaintiffs” or “IV”) construction of the identified claim terms; (2) the evidence in support of IV’s proposed claim constructions; and (3) after meet and confer discussions with IV. Southwest further reserves the right to amend, modify, or supplement its proposed claim constructions based on any modifications or supplementations to Southwest’s invalidity contentions or IV’s infringement contentions, or as otherwise may be appropriate. Notwithstanding the preliminary proposed constructions set forth

below, Southwest expressly reserves all rights to challenge the validity of any or all claims on all possible grounds, including, but not limited to, invalidity under 35 U.S.C. § 112.

I. The '844 Patent

No.	Term(s) for Construction	Claim(s)	Proposed Construction
1	“root image” / “blocks of a root image”	7	In a block-level distributed system, a read-only base image common to multiple compute nodes; it is merged with node-specific (leaf image) data blocks using a mechanism operating beneath the file system to create an application environment independent of the file system and operating system.
2	“leaf images” / “said leaf images including only additional data blocks not previously contained in said root image and changes made by respective compute nodes to the blocks of the root image”	7	In a block-level distributed system, node-specific data blocks and modifications to blocks of the root image; the leaf image is merged at the block level with the root image using a mechanism operating beneath the file system to create a node-specific application environment independent of the file system and operating system.
3	“merging the blocks of said root image with the blocks of respective leaf images to create cohesive respective application environments”	11	Combining the blocks from the root image and the corresponding node-specific leaf image at the block level using a mechanism beneath the file system to produce an application environment for a compute node that is independent of the file system and operating system.

II. The '722 Patent

No.	Term(s) for Construction	Claim(s)	Proposed Construction
1	“a processing device of an input source”	14	A computing component and/or software module operated by the information provider or dynamic content provider that generates and transmits a data representation of a live object to a client device.

2	“a data representation”	14	A web page or application data that includes one or more live objects recognizable by a client device.
3	“at least one live object recognizable by the client device”	14	An object within a web page or other data representation that is designated to be real-time dynamically updateable, is identified by an object ID, and includes one or more properties that can be modified based on update messages received by the client device.
4	“respond to the live object of the data representation by determining an object identifier (ID) of the live object”	14	To parse the data representation at the client device to identify an object identifier associated with a live object embedded in the representation.
5	“register for updates of the live object with the routing network”	14	To transmit the object ID of a live object from the client device to the routing network so that the client device is added to a registry maintained by the routing network for receiving update messages associated with that object ID.
6	“update message”	14	A message to modify or update a property of a live object.
7	“identify a category of the update message based on the input source”	14	Assigning the update message to a category based on the input source, where all messages received from a particular input source are assigned to the same category.
8	“determine a node type to which the identified category maps”	14	Mapping the update message by its category to a node type.
9	“the node is configured to identify the client device as a registered device and to route the update message to the client device”	14	The node uses registration information to route the update message to the client device.
10	“providing an activation module that is executed by the client device and that registers the live object with the routing network”	17	Providing software that runs on the client device to register live objects with the routing network.

III. The '785 Patent

No.	Term(s) for Construction	Claim(s)	Proposed Construction
1	“virtual network”	30	An overlay network in which devices are registered and assigned virtual addresses within a non-routable address space, distinct from public or private Ips.
2	“domain name”	30	A network-unique name resolvable to a public network address that identifies a virtual network and corresponds to devices registered in that virtual network.
3	“register module”	30	Subject to 35 U.S.C. § 112(f); indefinite under § 112(b). The term “register module” is a coined, nonce term that does not connote sufficient structure and lacks disclosed corresponding structure.
4	“an agent associated with a device”	30	Software on the device that performs registration, join, and leave messaging, enabling network presence and participation in the virtual network.
5	“distribute a virtual network address to the device”	30	Assigning to the device a virtual address within the virtual address realm, distinct from its routable IP address, to identify the device within the virtual network.
6	“network route director”	30	A component configured to route encapsulated packets between devices in a virtual network, including across public and private address realms, by processing encapsulated messages and directing them to the appropriate destination based on virtual addressing information.
7	“join module”	35, 37	Means-plus-function under § 112(f). <u>Function:</u> Receiving a join request from an agent associated with a device to indicate that the device is connected for data communication

			<p>within the virtual network, and receiving a leave request to indicate disconnection.</p> <p><u>Structure:</u> Limited to software implementing the join protocol described at Col. 17:47–63; 20:6–21:39; Fig. 13.</p>
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IV. The '326 Patent

No.	Term(s) for Construction	Claim(s)	Proposed Construction
1	“partially filling the frequency gap” / “partially fill the frequency gap”	1, 18	Indefinite / lack of written description

V. The '469 Patent

No.	Term(s) for Construction	Claim(s)	Proposed Construction
1	“a remote location experiencing a relatively high volume of transient traffic” / “the remote location”	24, 26	Indefinite / lack of written description
2	“the data connection is one of a wired data connection and a wireless data connection”	25	“the data connection is both wired and wireless” or else indefinite
3	“the wireless connection is one of an 802.11a wireless area network, an 802.11b wireless area network, an 802.11g wireless area network, and an 802.11n wireless area network”	32	Indefinite/ lack of enablement/ lack of written description

VI. The '582 Patent

No.	Term(s) for Construction	Claim(s)	Proposed Constructions
1	“effecting on a preexisting input file a computer-executable process”	1	Limiting preamble; requires executing the process on a preexisting input file.
2	“subtasks”	1	Individually executable parts of the larger computer-executable process.
3	“determining file allocation”	1	Determining how to divide a preexisting input file into logical partitions for processing.

4	“logically subdividing records of said input file into a plurality of partitions”	1	Subdividing records of said input file into a plurality of partitions without reading the file.
5	“distributing descriptions of all of said partitions to each of a plurality of subtask processors”	1	Providing each subtask processor with a control file specifying the logical partitions of the input file, allowing each subtask processor to independently allocate and process partitions.
6	“first-come/first-served basis”	1	A subtask processor independently selects the next available partition to process without coordination from any central controller or scheduler and without relying on load information.

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 9, 2025, the foregoing document has been served on counsel of record via electronic mail.

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