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

| | |
|---|---|
| VIRTAMOVE, CORP.,<br><br>Plaintiff,<br>v.<br><br>GOOGLE LLC,<br><br>Defendants. | Case No. 7:24-CV-00033-DC-DTG |

**JOINT CLAIM CONSTRUCTION STATEMENT**

Plaintiff VirtaMove, Corp. ("Plaintiff" or "VirtaMove") and Defendant Google LLC ("Defendant" or "Google") respectfully submit this Joint Claim Construction Statement in anticipation of the claim construction hearing scheduled for January 9, 2025. The asserted patents are U.S. Patent Nos. 7,519,814 (the "'814 patent"), and 7,784,058 (the "'058 patent"). The currently asserted claims are set forth below and the parties' agreed and disputed claim construction positions are shown in Attachment A, attached hereto.

- '814 patent – claims 1, 2, 4, 6, 9, 10, 13, and 14
- '058 patent – claims 1, 2, 3, 4, 5, 10, and 18



Google Exhibit 1106
Google v. VirtaMove
**Oracle Ex. 1106**
**Oracle v. VirtaMove, IPR2025-00964**

Dated: December 18, 2024

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**CERTIFICATE OF SERVICE**

I certify that on December 18, 2024, a true and correct copy of the foregoing document was electronically filed with the Court and served on all parties of record via the Court's CM/ECF system.

*/s/ Christian Conkle*
Christian Conkle

# APPENDIX A

## I. DISPUTED CONSTRUCTIONS

| Claim Language | VirtaMove's Proposed Construction | Google's Proposed Construction |
|---|---|---|
| operating system ('814 patent, claims 1, 10; '058 patent, claim 1) | No construction necessary; plain and ordinary meaning. | the software that controls the allocation and usage of hardware resources such as memory, central processing unit (CPU) time, disk space, and peripheral devices |
| kernel/operating system kernel ('814 patent, claim 1; '058 patent, claim 1) | No construction necessary; plain and ordinary meaning. | the core of an operating system—the portion of the system that manages memory, files, and peripheral devices; maintains the time and date; launches applications; and allocates system resources. |
| disparate computing environments ('814 patent, claim 1) | environments run by standalone or unrelated computers | Indefinite |
| service ('814 patent, claims 1, 14) | No construction necessary; plain and ordinary meaning. | specialized, software-based functionality provided by network servers and comprised of one or more applications |
| at least some of the different operating systems/at least some of the plurality of different operating systems ('814 patent, claim 1) | No construction necessary; plain and ordinary meaning. | at least two or more of the different operating systems / at least two or more of the plurality of different operating systems |
| memory accessible to at least some of the servers ('814 patent, claim 1) | memory that at least some of the servers can read from or write to | memory that at least two or more of the servers can read from or write to |
| local kernel residing permanently on one of the servers ('814 patent, claims 1, 2, 4, 6, 9, 10, 13, 14) | No construction necessary; plain and ordinary meaning | local kernel in one of the server's memory that is not lost when power is removed from it |

| Claim Language | VirtaMove's Proposed Construction | Google's Proposed Construction |
|---|---|---|
| secure containers of application software ('814 patent, claims 1, 2, 4, 6, 9, 10, 13, 14) | containers where each application set appears to have individual control of some critical system resources and/or where data within each application set is insulated from effects of other application sets | environments where each application set appears to have individual control of some critical system resources and/or where data within each application set is insulated from effects of other application sets |
| an operating system's root file system ('814 patent, claims 1, 2, 4, 6, 9, 10, 13, 14) | No construction necessary; plain and ordinary meaning. | Indefinite. |
| critical system elements ('058 patent, claim 1) | any service or part of a service, "normally" supplied by an operating system, that is critical to the operation of a software application | Indefinite. |
| shared library ('058 patent, claim 1) | an application library whose code space is shared among all user mode applications | An application library code space shared among all user mode applications. The code space is different than that occupied by the kernel and its associated files. The shared library files are placed in an address space that is accessible to multiple applications. |
| some of the SLCSEs stored in the shared library…. are accessible to some of the plurality of software applications / accessed by one or more of the plurality of software applications it ('058 patent, claim 1) | Plain and ordinary meaning. In the alternative: wherein some of the plurality of the software applications can use SLCSEs stored in the shared library/used by one or more of the plurality of software applications | wherein two or more of the plurality of the software applications can read SLCSEs stored in the shared library/read by one or more of the plurality of software applications |
| functional replicas of OSCSEs ('058 patent, claim 1) | substantial functional equivalents or replacements of kernel functions | Indefinite. |

## II. AGREED CONSTRUCTIONS

| Term | Claim(s) | Agreed Construction |
|---|---|---|
| Whether the preambles are limiting | ’814 patent, claim 1; ’058 patent, claim 1 | The preambles are limiting |
| container | ’814 patent, claims 1, 2, 4, 6, 9, 10, 13, 14 | An aggregate of files required to successfully execute a set of software applications on a computing platform. Each container for use on a server is mutually exclusive of the other containers, such that read/write files within a container cannot be shared with other containers. |
| it forms a part of the one or more of the plurality of software applications | ’058 patent, claim 1 | it is linked to one or more of the plurality of software applications |
| a kernel a set of associated local system files [sic] | ’814 patent, claim 1 | A kernel and a set of associated local system files |
| kernel mode | ’058 patent, claim 1 | The context in which the kernel portion of an operating system executes. Application code cannot run in kernel mode. |
| a kernel module | ’058 patent, claim 5 | a set of functions that reside and execute in kernel mode as extensions to the operating system kernel |
| processor | ’814 patent, claim 1; ’058 patent, claim 1 | physical computer processor |
| servers | ’814 patent, claim 1 | physical servers |
| user mode | ’058 patent, claim 1 | the context in which applications execute |
| within a container | ’814 patent, claim 1 | associated with a container |
| a processor / the processor | ’814 patent, claim 1 | The term and its antecedent refer to the same entity. |
| a plurality of servers / the servers | ’814 patent, claim 1 | The term and its antecedent refer to the same entity. |
| one of the servers / the server | ’814 patent, claim 1 | The term and its antecedent refer to the same entity. |

| Term | Claim(s) | Agreed Construction |
|---|---|---|
| operating systems / the operating systems | ’814 patent, claim 1, 10 | The term and its antecedent refer to the same entity. |
| a plurality of different operating systems / the plurality of different operating systems | ’814 patent, claim 1 | The term and its antecedent refer to the same entity. |
| one or more of the executable applications / the one or more of the executable applications | ’814 patent, claim 1 | The term and its antecedent refer to the same entity. |
| a plurality of secure containers of application software / the containers of application software / the plurality of secure containers of application software / the containers | ’814 patent, claims 1, 6, 9 | The term and its antecedent refer to the same entity. |
| a plurality of software applications / the plurality of software applications | ’058 patent, claims 1, 4, 10 | The term and its antecedent refer to the same entity. |
| a processor / said processor | ’058 patent, claim 1 | The term and its antecedent refer to the same entity. |
| an operating system / the operating system | ’058 patent, claims 1, 2 | The term and its antecedent refer to the same entity. |
| a shared library / the shared library | ’058 patent, claims 1, 2, 10 | The term and its antecedent refer to the same entity. |
| OS critical system elements (OSCSEs) / OSCSEs | ’058 patent, claim 1, 3, 18 | The term and its antecedent refer to the same entity. |
| shared library critical system elements (SLCSEs) / the SLCSEs | ’058 patent, claims 1, 3, 4, 10, 18 | The term and its antecedent refer to the same entity. |

| Term | Claim(s) | Agreed Construction |
|---|---|---|
| one or more of the plurality of software applications / the one or more of the plurality of software applications | ’058 patent, claims 1, 4, 10 | The term and its antecedent refer to the same entity. |
| a first of the plurality of software applications / the first of the plurality of software applications / at least first of the plurality of software applications | ’058 patent, claim 1 | The term and its antecedent refer to the same entity. |
| a second of the plurality of software applications / the second of the plurality of software applications | ’058 patent, claim 1 | The term and its antecedent refer to the same entity. |
| a SLCSE related to a predetermined function / a first instance of the SLCSE | ’058 patent, claim 1 | The term and its antecedent refer to the same entity. |