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

VIRTAMOVE CORP., Plaintiff, v. GOOGLE LLC, Defendant.	Civil Action No.: 7:24-cv-00033

GOOGLE LLC'S PROPOSED CLAIM TERMS FOR CONSTRUCTION

Pursuant to the Scheduling Order governing this action (Dkt. 34), Google LLC ("Google") hereby provides the below list of proposed constructions for the claim terms phrases, and/or clauses it has identified.[1] The claim terms, phrases, and/or clauses are listed in no particular order, and the order in which they are identified should not be taken as an indication of relative importance. Google reserves the right to modify, supplement, or amend the list of claim terms, phrases, and/or clauses, and constructions set forth below.

Discovery has not yet begun, Google's investigation is still ongoing, and Google has not yet participated in any conferences with VirtaMove regarding claim construction. Accordingly, Google provides these constructions based on its current knowledge and reserves the right to amend, modify, or supplement this list as necessary based on further discovery and understanding of VirtaMove's positions. As set forth in Google's September 27, 2024 correspondence, VirtaMove's Supplemental Preliminary Disclosure of Asserted Claims and Infringement Contentions are vague and deficient and do not adequately disclose VirtaMove's infringement

[1] To date, VirtaMove has not proposed that any terms from the asserted patents be construed.

Google Exhibit 1052
Google v. VirtaMove

Oracle Ex. 1052
Oracle v. VirtaMove, IPR2025-00982

theories and claim interpretations. Google reserves the right to amend or supplement its identification of proposed terms and claim elements for construction and/or its proposed constructions in the event it obtains or discerns additional information through further investigation, discovery, or disclosure from VirtaMove or from third parties. In the event VirtaMove later attempts to further amend or supplement its infringement contentions, Google reserves the right to propose additional claim terms and elements for construction, and to modify its proposed constructions. Google further anticipates that this list may be modified after considering VirtaMove's list of proposed constructions and participating in conferences with VirtaMove regarding the same.

Google reserves the right to modify, supplement, or amend the list of claim terms, phrases, and/or clauses set forth below. Google also reserves the right to modify this list based on VirtaMove's document productions and answers to interrogatories. As VirtaMove has not proposed that any terms be construed, Google also reserves the right to withdraw any of the terms identified below for construction.

Subject to the foregoing, Google identifies the following proposed constructions and intrinsic and extrinsic evidence for its previous identified terms:

Claim Term	Construction
processor (*'814 patent, claim 1; '058 patent, claim 1*)	physical computer processor, not software
operating system (*'814 patent, claims 1, 10; '058 patent, claim 1*)	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*)	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

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
kernel mode (*'058 patent, claim 1*)	The context in which the kernel portion of an operating system executes. In conventional systems, there is a physical separation enforced by hardware between user mode and kernel mode. Application code cannot run in kernel mode.
user mode (*'058 patent, claim 1*)	the context in which applications execute
servers (*'814 patent, claim 1*)	physical servers, as opposed to software
disparate computing environments (*'814 patent, claim 1*)	Indefinite
system files (*'814 patent, claims 1, 4, 10, 14*)	files provided within an operating system and which are available to applications as shared libraries and configuration files
service (*'814 patent, claims 1, 14*)	specialized, software-based functionality provided by network servers and comprised of one or more applications
shared library (*'058 patent, claim 1*)	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.
critical system elements (*'058 patent, claim 1*)	Indefinite
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 is referred to as a container. A container is not a physical container but a grouping of associated files, which may be stored in a plurality of different locations that is to be accessible to, and for execution on, one or more servers. 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. …

	A container comprises one or more application programs including one or more processes, and associated system files for use in executing the one or more processes; but containers do not comprise a kernel; each container has its own execution file associated therewith for starting one or more applications. In operation, each container utilizes a kernel resident on the server that is part of the operating system (OS) the container is running under to execute its applications
within a container (*'814 patent, claim 1*)	associated with a container
secure containers of application software (*'814 patent, claim 1*)	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
at least some of the different operating systems / at least some of the plurality of different operating systems (*'814 patent, claim 1*)	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 two or more of the servers can read from or write to
wherein 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*)	wherein two or more of the plurality of the software applications can read SLCSEs stored in the shared library/read by two or more of the plurality of software applications
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
local kernel residing permanently on one of the servers (*'814 patent, claim 1*)	local kernel in one of the server's memory that is not lost when power is removed from it

copies or modified copies (*'814 patent, claim 1*)	Indefinite
wherein SLCSEs are not copies of OSCSEs (*'058 patent, claim 18*)	Indefinite
functional replicas of OSCSEs (*'058 patent, claim 1*)	Indefinite
a kernel a set of associated local system files [*sic*] (*'814 patent, claim* 1)	Indefinite
an operating system's root file system (*'814 patent, claim 1*)	Indefinite
[whether the preamble is limiting] (*'814 patent, claim 1; '058 patent, claim 1*)	The preambles are limiting

For each of the antecedent basis terms listed below, Google proposes that the term and its antecedent refer to the same entity. E.g., "a processor" and "the processor" are the same processor, "a plurality of servers" and "the servers" are the same plurality of servers, etc.

a processor / the processor	'814 patent	'814 patent, claim 1
a plurality of servers / the servers	'814 patent	'814 patent, claim 1
one of the servers / the server	'814 patent	'814 patent, claim 1
operating systems / the operating systems	'814 patent	'814 patent, claim 1, 10
a plurality of different operating systems / the plurality of different operating systems	'814 patent	'814 patent, claim 1
one or more of the executable applications / the one or more of the executable applications	'814 patent	'814 patent, claim 1

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	‘814 patent, claims 1, 6, 9
a plurality of software applications / the plurality of software applications	‘058 patent	‘058 patent, claims 1, 4, 10
a processor / said processor	‘058 patent	‘058 patent, claim 1
an operating system / the operating system	‘058 patent	‘058 patent, claims 1, 2
a shared library / the shared library	‘058 patent	‘058 patent, claims 1, 2, 10
OS critical system elements (OSCSEs) / OSCSEs	‘058 patent	‘058 patent, claim 1, 3, 18
shared library critical system elements (SLCSEs) / the SLCSEs	‘058 patent	‘058 patent, claims 1, 3, 4, 10, 18
one or more of the plurality of software applications / the one or more of the plurality of software applications	‘058 patent	‘058 patent, claims 1, 4, 10
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	‘058 patent, claim 1
a second of the plurality of software applications / the second of the plurality of software applications	‘058 patent	‘058 patent, claim 1
a SLCSE related to a predetermined function / a first instance of the SLCSE	‘058 patent	‘058 patent, claim 1
a SLCSE for performing a same function / a second instance of the SLCSE	‘058 patent	‘058 patent, claim 1

Pursuant to the Scheduling Order, Google is prepared to meet and confer with VirtaMove at a mutually agreeable time to combine and finalize the parties’ respective lists of claim terms and elements to be construed and to facilitate the preparation of the Joint Claim Construction Statement.

DATED: October 1, 2024

/s/ David A. Perlson
David A. Perlson (admitted pro hac vice)
davidperlson@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
50 California Street, 22nd Floor
San Francisco, California 94111-4788
Telephone: (415) 875-6600
Fax: (415) 875-6700

Deepa Acharya
deepaacharya@quinnemanuel.com
QUINN EMANUEL URQUHART & SULLIVAN, LLP
1300 I Street NW, Suite 900
Washington, D.C. 20005
Telephone: (202) 538-8000
Fax: (202) 538-8100

Katharine Lee Carmona (TX SBN 00787399)
kcarmona@jw.com
JACKSON WALKER L.L.P.
100 Congress Avenue, Suite 1100
Austin, Texas 78701
(512) 236-2000
(512) 236-2002 (facsimile)

Erica Benites Giese (TX SBN 24036212)
egiese@jw.com
JACKSON WALKER L.L.P.
1900 Broadway, Suite 1200
San Antonio, Texas 78215
(210) 978-7700
(210) 978-7790 (facsimile)

Nathaniel St. Clair, II (TX SBN 24071564)
nstclair@jw.com
JACKSON WALKER L.L.P.
2323 Ross Avenue, Suite 600
Dallas, Texas 75201
(214) 953-6000
(214) 953-5822 (facsimile)

Attorneys for Defendant Google LLC

CERTIFICATE OF SERVICE

Pursuant to the Federal Rules of Civil Procedure, I hereby certify that, on October 1, 2024, all counsel of record who have appeared in this case are being served with a copy of the foregoing via email.

Dated: October 1, 2024

/s/ Antonio Sistos
Antonio Sistos