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

CLOUD BYTE LLC, Plaintiff, v. DELL INC., and DELL TECHNOLOGIES, INC., Defendants.	Civil Action No. 2:24-cv-00637-JRG **JURY TRIAL DEMANDED**

P.R. 4-5(d) JOINT NOTICE REGARDING CLAIM CONSTRUCTION CHART

Pursuant to Patent Rule 4-5(d) and the Court's Second Amended Docket Control Order (Dkt. 94), Plaintiff Cloud Byte LLC ("Cloud Byte" or "Plaintiff") and Defendants Dell Inc. and Dell Technologies, Inc. ("Dell" or "Defendants") hereby file a Joint Claim Construction Chart, attached hereto as Appendix A.

The Asserted Patents are U.S. Patent Nos. 7,739,544 (the "'544 Patent"), 9,482,632 (the "'632 Patent"), 9,560,177 (the "'177 Patent"), 9,629,265 (the "'265 Patent"), 9,651,320 (the "'320 Patent"), 9,900,249 (the "'249 Patent"), and 10,628,273 (the "'273 Patent). The claim construction hearing relating to disputed claims of certain of the Asserted Patents is scheduled to occur on October 31, 2025 at 9:00 am in Marshall, Texas before Magistrate Judge Roy S. Payne.

Dated: October 3, 2025

Respectfully submitted,

/s/ Brian Mack

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 3, 2025, the foregoing document was served by email on all counsel of record.

/s/ *Yury Kapgan*

APPENDIX A
JOINT CLAIM CONSTRUCTION CHART[1]

’544 Patent			
Term/Phrase and Complete Claim Language	**Cloud Byte’s Proposal**	**Dell’s Proposal**	**Court’s Construction**
1. “means for rebuilding data on the replacement disk drive from the backup storage device through the rebuild module while simultaneously providing normal read/write access to the disk drives that have not failed through the RAID module” (claim 1) Claim 1. A disk array system comprising: a plurality of disk drives constituting a disk array; a RAID module for performing a normal read/write access to the disk array; a backup storage device; a backup module for reading data from said disk array and writing the read data onto said backup	**Function**: rebuilding data on the replacement disk drive from the backup storage device through the rebuild module while simultaneously providing normal read/write access to the disk drives that have not failed through the RAID module **Structure**: disk access bus/switch 18 as described in 3:33-42,	Governed by 35 U.S.C. § 112, ¶ 6 • Function: rebuilding data on the replacement disk drive from the backup storage device through the rebuild module while simultaneously providing normal read/write access to the disk drives that have not failed through the RAID module • Structure: rebuild	

[1] Due to Cloud Byte’s preliminary election of asserted claims, the following terms previously identified in the July 25, 2025 Joint Claim Construction Chart (Dkt. 107-1) are no longer in dispute for purposes of this action and thus are moot, and should not be decided by the Court: (1) “A non-transitory recording medium recording a program which when executed causes a switch to perform a method, the method comprising:” (’177 Patent, claim 19); (2) “a second u nit configured send information elements to a packet forwarding node which is capable of receiving an incoming packet including a plurality of identifiers, determining a direction to forward. the incoming packet, determining whether to forward to an external network, adding to path or link information when the incoming packet is not forwarded to the external network, removing path or link information header when the incoming packet is forwarded to the external network, and forwarding the incoming packet by using a path or link, that corresponds to an identifier from among the plurality of identifiers” (’249 Patent, claim 21); (3) “based on the identifier included the received incoming packet from among the plurality of the identifiers” (’249 Patent, claim 27); and (4) “the standby system is able to perform at least scale-down of scale-up and the scale-down” (’273 Patent, claim 10).

storage device; a replacement disk drive for replacing one of the plurality of disk drives after one of the plurality of disk drives fails; a rebuild module for performing rebuilding of data on the replacement disk drive based on the data backed up in said backup storage device; and **means for rebuilding data on the replacement disk drive from the backup storage device through the rebuild module while simultaneously providing normal read/write access to the disk drives that have not failed through the RAID module**.	4:29-52, 5:10-32, and 9:9-19 and equivalents thereof	module 17 following the algorithm disclosed in steps S44, S45, and S46 of Fig. 5, along with disk access bus/switch 18 (and equivalents thereof)	
2. "backup storage device" (claims 1, 13) Claim 1. A disk array system comprising: a plurality of disk drives constituting a disk array; a RAID module for performing a normal read/write access to the disk array; a **backup storage device**; a backup module for reading data from said disk array and writing the read data onto said **backup storage device**; a replacement disk drive for replacing one of the plurality of disk drives after one of the plurality of disk drives fails; a rebuild module for performing rebuilding of data on the replacement disk drive based on the data backed up in said **backup storage device**; and	No construction necessary; plain and ordinary meaning	"device that stores a secondary copy of data from one or more primary RAID devices" Alternate construction: "device, apart from the disk array, for storing a backup copy of data on the disk array"	

means for rebuilding data on the replacement disk drive from the **backup storage device** through the rebuild module while simultaneously providing normal read/write access to the disk drives that have not failed through the RAID module. Claim 13. A method of rebuilding a disk array system, said method comprising: backing up data in a disk array including a plurality of disk drives onto a **backup storage device**; and when a failed disk drive among said disk drives constituting said disk array is replaced with a replacement disk drive, rebuilding data in said replacement disk drive from the backed-up data in the **backup storage device** while simultaneously providing other devices with access to the disk drives that have not failed.			
'632 Patent			
Term/Phrase and Complete Claim Language	**Cloud Byte's Proposal**	**Dell's Proposal**	**Court's Construction**
1. "determine that an abnormality is occurring" (claim 1) Claim 1. An abnormality detection device for detecting an abnormality in Information and Communication Technology (ICT) equipment having a cooling fan, the abnormality detection device comprising: a hardware processor comprising: an estimating unit configured to estimate an upper limit of possible temperatures in a predetermined position of ICT equipment when a quantity of intake	No construction necessary; plain and ordinary meaning	"determine that a deviation from expected or acceptable system behavior is occurring"	

air into the ICT equipment is appropriate, based on a result of detection by an operational status detecting unit that detects an operational status of the ICT equipment and a result of detection by an intake-air temperature sensor that detects an intake air temperature of intake air of the ICT equipment, wherein the operational status of the ICT equipment and the intake air temperature of the ICT equipment determines a rotation speed of the cooling fan; and a determining unit configured to **determine that an abnormality is occurring** when a result of detection by a temperature sensor that detects a detected equipment temperature in the predetermined position is beyond the upper limit estimated by the estimating unit.			
'265 Patent			
Term/Phrase and Complete Claim Language	**Cloud Byte's Proposal**	**Dell's Proposal**	**Court's Construction**
1. "close to the front face" (claim 1) Claim 1. An electronic device comprising: a housing comprising a front face and a rear face which are distanced from each other in a longitudinal direction; a plurality of fans which are arranged inside the housing **close to the front face** so as to cause cooling air to flow downstream in the longitudinal direction from the front face to the rear face of the housing; a central processing unit (CPU) which is arranged downstream of the plurality of fans in the housing and positioned to allow the cooling air to directly flow therethrough;	No construction necessary; plain and ordinary meaning	Indefinite	

a plurality of memory devices adjacent to the CPU in a width direction, substantially normal to the longitudinal direction, of the housing; and a plurality of power source units which are positioned opposite to each other and spaced out from each other in the width direction of the housing, wherein the plurality of power source units are each positioned further downstream of the cooling air from the plurality of memory devices such that the cooling air passing through one of the memory devices passes into one of the power source units, and wherein the plurality of power source units are each positioned not to be aligned linearly with the CPU in the longitudinal direction of the housing.			
'320 Patent			
Term/Phrase and Complete Claim Language	**Cloud Byte's Proposal**	**Dell's Proposal**	**Court's Construction**
1. "a declination index value calculation unit" (claim 1) Claim 1. ICT (information and Communication Technology) equipment having an electronic component, the ICT equipment comprising: a cooling fan; a first temperature sensor that detects a component temperature of the electronic component included in the ICT equipment; a second temperature sensor that detects a temperature of an intake air; and	No construction necessary; plain and ordinary meaning	"a unit dedicated to calculating declination index values"	

a microprocessor including: **a declination index value calculation unit** that calculates an index value indicating a degree of declination of the component temperature of the electronic component based on a detection result of the first temperature sensor; and a control unit that controls the number of rotations of the cooling fan based on the index value calculated by the **declination index value calculation unit** and the temperature of the intake air by the second temperature sensor.			
'249 Patent			
Term/Phrase and Complete Claim Language	**Cloud Byte's Proposal**	**Dell's Proposal**	**Court's Construction**
1. "remove path or link information header" (claims 11, 16) Claim 11. A packet forwarding node, comprising: a memory storing a program; at least one processor configured to execute the program to provide: a communication unit configured to communicate with a server for receiving a plurality of identifiers, each of which identifies a link between nodes on a packet forwarding path; and a forwarding unit configured to: receive an incoming packet including the plurality of the identifiers, determine a direction to forward the incoming packet,	AGREED	AGREED	"remove a path or link information header"

determine whether to forward to an external network, add to path or link information when the incoming packet is not forwarded to the external network, **remove path or link information header** when the incoming packet is forwarded to the external network, and forward the incoming packet by using a path or link that corresponds to an identifier from among the plurality of identifiers. Claim 16. A packet forwarding node, comprising: a communication unit configured to communicate with a server for receiving a plurality of identifiers, each of which identifies an interface of the packet forwarding node; and at least one processor configured to execute program instructions to provide a forwarding unit configured to receive an incoming packet including a plurality of identifiers, determine a direction to forward the incoming packet, determine whether to forward to an external network, add to path or link information when the incoming packet is not forwarded to the external network, **remove path or link information header** when the incoming packet is forwarded to the external network, and forward the incoming packet by using a path or link that corresponds to an identifier from among the plurality of identifiers.			
'273 Patent			
Term/Phrase and Complete Claim Language	**Cloud Byte's Proposal**	**Dell's Proposal**	**Court's Construction**
1. "standby system" (claims 1, 8, 18, 19)	No construction necessary; plain and ordinary meaning	"a system that can take over service for an active system and	

Claim 1. A node system comprising: a first computer that executes processing when operating as an active system of a redundant system; a second computer that is able to perform at least one of scale-up and scale-down when operating as a **standby system** of the redundant system; and a controller that issues an instruction to the second computer operating as the **standby system** to perform the scale-up or the scale-down, when the active system needs to be scaled-up or scaled-down, wherein the second computer operating as the **standby system**, responsive to the instruction, in case of performing the scale-up, increases the number of virtual CPUs (Central Processing Units) included in the second computer and allocates one or more processes to one or more virtual CPUs added, while in case of performing the scale-down, the second computer decreases the number of virtual CPUs included in the second computer and releases allocation of one or more processes allocated to one or more virtual CPUs deleted, and transmits a completion notification to the controller when the scale-up or the scale-down is completed, and wherein, upon reception of the completion notification of the scale-up or the scale-down from the second computer of the **standby system**, the controller controls to execute system switching of the redundant system to switch the second computer operating as the **standby system** undergoing the scale-up or scale-down to a new active system and to switch the first computer operating as the active		remains in an operative state while scaling up or down the number of virtual CPUs”	

system to a new **standby system**. Claim 8. A server apparatus comprising: a processor; and a memory storing program instructions executable by the processor, wherein the processor is configured to execute: a redundant system constituted by an active system and a **standby system**, wherein the active system executes processing and the **standby system** is able to perform at least one of scale-up and scale-down; and a control process that issues an instruction to the **standby system** to perform the scale-up or the scale-down, when the active system needs to be scaled-up or scaled-down, wherein the **standby system**, responsive to the instruction, in case of performing the scale-up, increases the number of virtual CPUs (Central Processing Units) included in the **standby system** and allocates one or more processes to one or more virtual CPUs added, while in case of performing the scale-down, the **standby system** decreases the number of virtual CPUs included in the **standby system** and releases allocation of one or more processes allocated to one or more virtual CPUs deleted, and transmits a completion notification to the control process when the scale-up or the scale-down is completed, and wherein the control process, upon reception of the completion notification from the **standby system**,			

controls to execute system switching of the redundant system to switch the **standby system** undergoing the scale-up or scale-down to a new active system and to switch the active system to a new **standby system**. Claim 18. A non-transitory computer-readable recording medium storing therein a program causing a computer to execute a control process of a redundant system constituted by an active system and a **standby system**, wherein the active system executes processing and the **standby system** is able to perform at least one of scale-up and scale-down, the control process comprising: issuing an instruction to the **standby system** to perform scale-up or scale-down when the scale-up or the scale-down of the active system is needed, the **standby system**, responsive to the instruction, in case of performing the scale-up, increasing the number of virtual CPUs (Central Processing Units) included in the **standby system** and allocating one or more processes to one or more virtual CPUs added, the **standby system**, responsive to the instructions, in case of performing the scale-down, decreasing the number of virtual CPUs included in the **standby system** and releasing allocation of one or more processes allocated to one or more virtual CPUs deleted, and transmitting a completion notification to the control apparatus when the scale-up or scale-down is completed; and controlling, upon reception of the completion notification from the **standby system**, to execute			

system switching of the redundant system to switch the **standby system** undergoing the scale-up or scale-down to a new active system and to switch the active system before the system switching to a new **standby system**. Claim 19. The non-transitory computer-readable recording medium according to claim 18, storing there in a program causing the computer to execute processing comprising: performing scale-up or scale-down of the new **standby system** in the same way as the **standby system** that becomes the new active system after system switching.			
2. "the standby system, responsive to the instructions, in case of performing the scale-down" (claim 18) Claim 18. A non-transitory computer-readable recording medium storing therein a program causing a computer to execute a control process of a redundant system constituted by an active system and a standby system, wherein the active system executes processing and the standby system is able to perform at least one of scale-up and scale-down, the control process comprising: issuing an instruction to the standby system to perform scale-up or scale-down when the scale-up or the scale-down of the active system is needed, the standby system, responsive to the instruction, in case of performing the scale-up, increasing the number of virtual CPUs (Central Processing Units) included in the standby system and allocating one or	AGREED	AGREED	"the standby system, responsive to the instruction, in case of performing the scale-down"

more processes to one or more virtual CPUs added, **the standby system, responsive to the instructions, in case of performing the scale-down**, decreasing the number of virtual CPUs included in the standby system and releasing allocation of one or more processes allocated to one or more virtual CPUs deleted, and transmitting a completion notification to the control apparatus when the scale-up or scale-down is completed; and controlling, upon reception of the completion notification from the standby system, to execute system switching of the redundant system to switch the standby system undergoing the scale-up or scale-down to a new active system and to switch the active system before the system switching to a new standby system.			