

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 19-11272-RGS

UNILOC 2017, LLC

v.

PAYCHEX, INC.

—

CIVIL ACTION NO. 19-11278-RGS

UNILOC 2017, LLC

v.

ATHENAHEALTH, INC.

—

MEMORANDUM AND ORDER ON CLAIM CONSTRUCTION

May 11, 2020

STEARNS, D.J.

In these two parallel intellectual property cases, plaintiff Uniloc 2017, LLC (Uniloc), accuses defendants Paychex, Inc., and athenahealth, Inc., of

infringing U.S. Patents Nos. 6,324,578 (the '578 patent) and 7,069,293 (the '293 patent).¹ Before the court are the parties' claim construction briefs.²

BACKGROUND

The asserted '578 patent issued on November 27, 2001, from an application filed on December 14, 1998. The '578 patent is titled "Method, Systems and Computer Program Products for Management of Configurable Application Programs on a Network," and lists as inventors David Cox, Kent Hayes, Jr., David Kaminsky, and David Lindquist. Related U.S. Patent No. 6,728,766 (the '766 patent) is a divisional of the '578 patent. The '766 patent was filed on April 10, 2001, and issued on April 27, 2004. The divisional patent is titled "Methods, Systems and Computer Program Product for License Use Management on a Network," and identifies Cox, Kaminsky, and Lindquist as inventors.

Also on December 14, 1998, inventors Cox, Hayes, and Lindquist, together with John McGarvey and Abdi Salahshour, filed a second application that issued on January 21, 2003 as related U.S. Patent No.

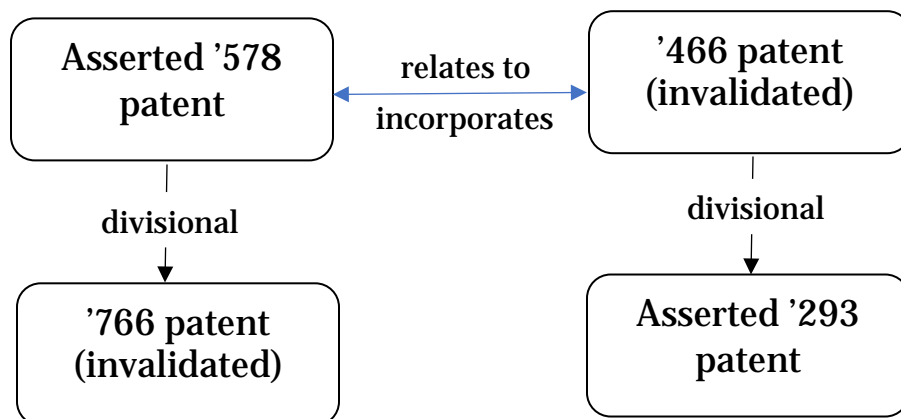
¹ The asserted patents were originally assigned to IBM, and eventually reassigned to Uniloc with a reservation of rights for IBM and its business partners. A third concurrently filed lawsuit, against Akamai, was dismissed pursuant to the terms of the assignment agreement. *See Uniloc 2017, LLC v. Akamai Tech., Inc.*, No. 19-11276, Dkt # 44 (D. Mass. Dec. 12, 2019).

² Defendants submitted joint claim construction briefing.

6,510,466 (the '466 patent). The '466 patent is titled “Methods, Systems and Computer Program Products for Centralized Management of Application Programs on a Network.” A divisional application to the '466 patent was filed on May 31, 2001, and issued as the asserted '293 patent on June 27, 2006. The '293 patent is titled “Methods, Systems and Computer Program Products for Distribution of Application Programs to a Target Station on a Network,” and lists the same five inventors.³

The '578 and '466 patents self-identify as related and incorporate each other by reference. See '578 patent, col. 1, ll. 10-14 & col. 7, ll. 17-21; '466 patent, col. 1, ll. 9-13 & col. 7, ll. 43-48. The relationships between the four patents, as relevant to the discussion, *infra*, may be visualized as follows.

³ In a prior-instituted litigation in the Eastern District of Texas (Case No. 2:16-CV-00741, “Texas Litigation”), the court (Judge Schroeder) held that all four patents were directed to patent ineligible subject matter under 35 U.S.C. § 101. See *Uniloc USA, Inc. v. ADP, LLC*, 279 F. Supp. 3d 736 (E.D. Tex. 2017). On appeal, the Federal Circuit affirmed the ruling as to the related '766 and '466 patents, see *Uniloc USA, Inc. v. ADP, LLC*, 772 Fed. App'x. 890, 899-902 (Fed. Cir. 2019) (“ADP”), and reversed with respect to the asserted '578 and '293 patents, see *id.* at 896-899.



The asserted '578 and '293 patents are directed to improvements in providing applications in computer networks principally for large enterprises. A computer network as envisioned by the patents connects a network management server (NMS) to “on-demand”⁴ servers, which in turn are connected to client stations. Figure 1 of the '578 patent (also figure 1 of the '293 patent) is demonstrative.

⁴ “As used herein, ‘on-demand’ refers to a server delivering applications as needed responsive to user requests as requests are received.” '578 patent, col. 6, ll. 51-53; '293 patent, col. 6, ll. 65-67.

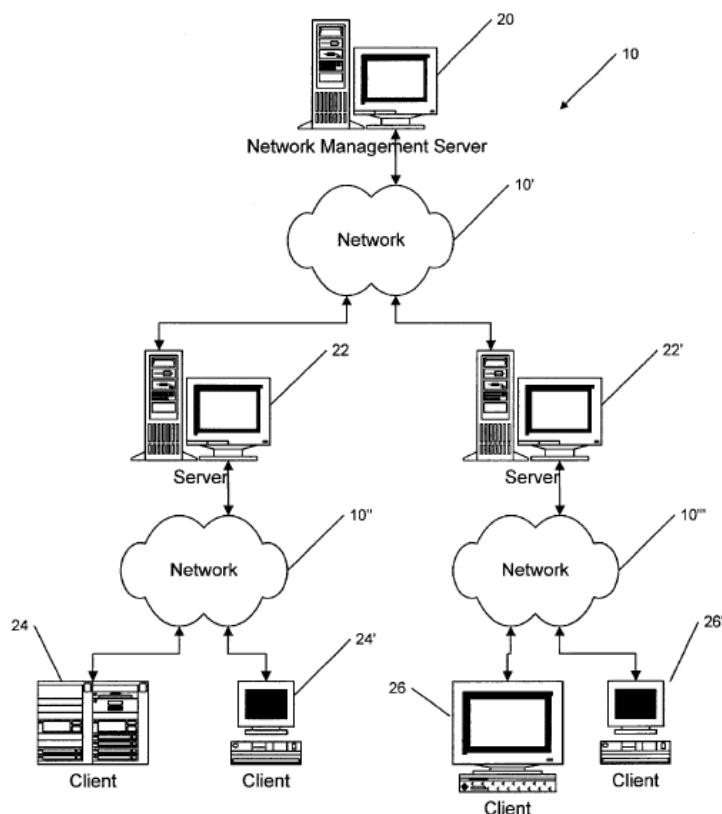


FIG. 1

The '578 patent addresses, *inter alia*, the “preference mobility” problem in a network. *Id.* col. 2, l. 36. “[I]ndividual users may move from location to location and need to access the network from different client stations at different times.” *Id.* col. 1, ll. 51-52. In prior art systems, application preferences were generally associated with a client station rather than a user, *see id.* col. 2, l. 2 - col. 3, l. 4; and “fail[ed] to provide a seamless integration of application access and session characteristics across heterogeneous networks,” *id.* col. 3, ll. 17-19.

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