

VEEAM 1027
Veeam v. Symantec
Case No: IPR2013-00150

1 QUINN EMANUEL URQUHART &
SULLIVAN, LLP
2 Jennifer A. Kash (Bar No. 203679)
jenniferkash@quinnemanuel.com
3 50 California Street, 22nd Floor
San Francisco, California 94111
4 Telephone: (415) 875-6600
Facsimile: (415) 875-6700

5 Amar L. Thakur (Bar No. 194025)
amarthakur@quinnemanuel.com
6 865 South Figueroa Street, 10th Floor
Los Angeles, CA 90017-2543
7 Telephone: (213) 443 3000
8 Facsimile: (213) 443 3100

9 Dave Nelson*
davenelson@quinnemanuel.com
Chris Lawnicki*
10 chrislawnicki@quinnemanuel.com
500 West Madison Street, Suite 2450
11 Chicago, IL 60661
Telephone: (312) 705-7400
12 Facsimile: (312) 705-7401

13 Kate Cassidy*
katecassidy@quinnemanuel.com
14 51 Madison Avenue, 22nd Floor
New York, NY 10010
15 Telephone: (212) 849-7000
16 Facsimile: (212) 849-7100

17 *Admitted *pro hac vice*

18 Attorneys for Symantec Corporation.

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 SYMANTEC CORPORATION,

23 Plaintiff

24 vs.

25 VEEAM SOFTWARE CORPORATION,

26 Defendant.
27
28

**SYMANTEC CORP.'S OPENING
CLAIM CONSTRUCTION BRIEF**

Case No. 3:12-cv-00700-SI (consolidated for
all purposes with Case No. 3:2012-cv-01035
SI)

TABLE OF CONTENTS

1			
2			<u>Page</u>
3	I.	INTRODUCTION	1
4	II.	LEGAL STANDARDS	1
5	III.	U.S. PATENT NO. 6,931,558	2
6		A. Overview of the '558 Patent Technology.....	2
7		B. Terms for Construction.....	3
8		1. Client device	3
9		2. Network boot	4
10	IV.	U.S. PATENT NO. 7,093,086	5
11		A. Overview of the '86 Patent Technology.....	5
12		B. Terms for Construction.....	5
13		1. a state of [first] virtual machine	5
14		2. suspending the [first] virtual machine is performed responsive to a	
15		suspend command.....	7
16	V.	U.S. PATENT NO. 7,191,299	8
17		A. Overview of the '299 Patent Technology.....	8
18		B. Terms for Construction.....	8
19		1. storage object	8
20		2. Synchroniz[e][ing] said first point-in-time copy of said first storage	
21		volume and said second storage volume.....	9
22	VI.	U.S. PATENT NO. 7,254,682	11
23		A. Overview of the '682 Patent Technology.....	11
24		B. Terms for Construction.....	11
25		1. storage volume	11
26		2. deleting . . . item.....	12
27		3. imag[ing] . . . item.....	13
28			

4. snapshot view.....14

VII. CONCLUSION.....15

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

TABLE OF AUTHORITIES

1		
2		<u>Page</u>
3		
		<u>Cases</u>
4	<i>CCS Fitness, Inc. v. Brunswick Corp.</i> ,	
5	288 F.3d 1359 (Fed. Cir. 2002).....	12
6	<i>Falana v. Kent State University</i> ,	
	669 F.3d 1349 (Fed. Cir. 2012).....	13, 15
7	<i>Kara Tech. Inc. v. Stamps.com Inc.</i> ,	
8	582 F.3d 1341 (Fed. Cir. 2009).....	7
9	<i>MBO Laboratories, Inc. v. Becton, Dickinson & Co.</i> ,	
	474 F.3d 1323 (Fed. Cir. 2007).....	11
10	<i>Martek Biosciences Corp. v. Nutrinova, Inc.</i> ,	
11	579 F.3d 1363 (Fed. Cir. 2009).....	2
12	<i>Nazomi Communications, Inc. v. ARM Holdings, PLC</i> ,	
	403 F.3d 1364 (Fed. Cir. 2005).....	5
13	<i>Phillips v. AWH Corp.</i> ,	
14	415 F.3d 1303 (Fed. Cir. 2005).....	1, 2, 6
15	<i>Thorner v. Sony Computer Entertainment America LLC</i> ,	
	669 F.3d 1362 (Fed. Cir. 2012).....	3, 4
16	<i>Verizon Services Corp. v. Vonage Holdings Corp.</i> ,	
17	503 F.3d 1295 (Fed. Cir. 2007).....	15
18	<i>Vitronics Corp. v. Conceptronic, Inc.</i> ,	
	90 F.3d 1576 (Fed. Cir. 1996).....	1, 12
19		
		<u>Rules</u>
20	Local Patent Rule 4-5(a)	1
21		
22		
23		
24		
25		
26		
27		
28		

1
2 EXPLANATION OF CITATION FORMS

3 Emphasis

- 4 • For emphasis, text has been both bolded and italicized.
5 • Internal citations to quoted authorities have been omitted.

6 Declarations and Exhibits

- 7 • Citations to “Thakur Decl., Ex. ” are citations to exhibits to the Declaration of Amar L.
8 Thakur in Support of Symantec Corp.’s opening Claim Construction Brief, submitted on
9 November 13, 2012.
10 • Citations to “‘558 patent” are citations to Thakur Decl., Ex. B (‘558 Patent).
11 • Citations to “‘086 patent” are citations to Thakur Decl., Ex. C (‘086 Patent).
12 • Citations to “‘299 patent” are citations to Thakur Decl., Ex. D (‘299 Patent).
13 • Citations to “‘086 patent” are citations to Thakur Decl., Ex. E (‘086 Patent).

14 Column and line citations to the patents appear as column:line-line. For example, column 5,
15 lines 1-3 would be cited as 5:1-3.
16
17
18
19
20
21
22
23
24
25
26
27
28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.