

Intellectual Ventures I LLC, et al. v. VMware, Inc.

Western District of Texas, No. 6:19-cv-449

EXHIBIT C-1

Invalidity Chart for U.S. Patent No. 7,949,752 based on U.S. Patent No. 6,029,175 (“Chow ’175”)

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VMware, Inc. (“VMware” or “Defendant”) provides this chart subject to all reservations, objections, statements, and comments set forth herein and in VMware’s Preliminary Invalidity Contentions Cover Pleading, as well as any amendments and modifications thereof, which are incorporated herein by reference in their entirety.

On information and belief, Chow ’175 was filed on June 7, 1996 and is available as prior art at least under 35 U.S.C. § 102(b).

As illustrated in the chart below, Chow ’175 anticipates asserted claims 1-4, 6, 9-14, 22-26 of the ’752 Patent. To the extent that Chow ’175 is found not to expressly disclose certain limitations in the asserted claims, such limitations are inherent. To the extent that Chow ’175 is found not to anticipate any asserted claims or claim elements of the ’752 Patent, the reference nevertheless renders such claim elements obvious under 35 U.S.C. § 103, either alone or in combination with other art identified in the cover sheet of Appendix C of VMware’s Preliminary Invalidity Contentions. These Preliminary Invalidity Contentions are based on VMware’s position that the accused products, including any current or past versions of the accused products, are covered by the asserted claims, but are based instead on the recognition that if the claims are interpreted to be broad enough to encompass the accused products, the claims must also be construed to have that same scope when considering whether they are invalid.

The following chart is partially based on, but is not limited by, the claim constructions implicit in Plaintiff’s Infringement Contentions to the extent that such constructions are apparent from the Infringement Contentions. VMware notes that in many instances, the Infringement Contentions fail to provide adequate notice of Plaintiff’s construction of the asserted claims and fail to comply with the Court’s scheduling order and other applicable rules. VMware does not accept the assumptions concerning the claim constructions implicit in Plaintiff’s Infringement Contentions, to the extent those assumptions are discernible, and reserves the right to dispute Plaintiff’s proposed (or implied) constructions. VMware also reserves the right to revise and supplement the chart. Plaintiff is permitted to provide revised Infringement Contentions or otherwise make its positions known. To the extent that the Preliminary Invalidity Contentions rely on or otherwise embody particular constructions of terms or phrases in the asserted claims, VMware does not necessarily advocate any such construction as proper constructions of those terms or phrase. VMware reserves the right to revise and supplement these charts after the Court construes the claims. Citations given in the chart are representative of the respective elements and are not meant to be exhaustive.

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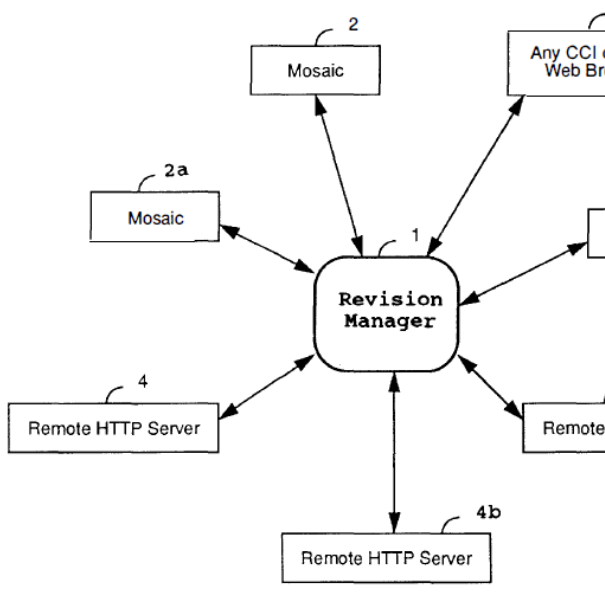
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Claim	Claim Recitation	Exemplary Citations to Chow ’175
1.pre	1. A system for performing user customized network-based operations, comprising:	<p>To the extent the preamble is considered a limitation, the preamble discloses a system for performing user customized network-based operations.</p> <p><i>See, e.g.,</i> Chow ’175 at 1:11-5:</p> <p style="text-align: center;">BACKGROUND OF THE INVENTION</p> <p>The present invention relates generally to data processing and more particularly to information retrieval from a local or remote server in a data network or internetwork.</p> <p><i>See, e.g.,</i> Chow ’175 at 3:57-4:5:</p> <p style="text-align: center;">SUMMARY OF THE INVENTION</p> <p>The basic objective of the present invention is to provide a software agent for automatically retrieving changed documents previously accessed from network and internet servers. Such a software agent will be referred to below as a “Revision Manager.”</p> <p>According to one aspect of the invention, the Revision Manager operates as an intermediary between a client, such as a browser executed at a user’s terminal, and a local or remote network server. The Revision Manager is viewed by the network server as a kind of client that fetches documents from the network server. The Revision Manager is viewed by the client as a kind of server that sends these documents to the client’s browser for viewing by the user.</p>

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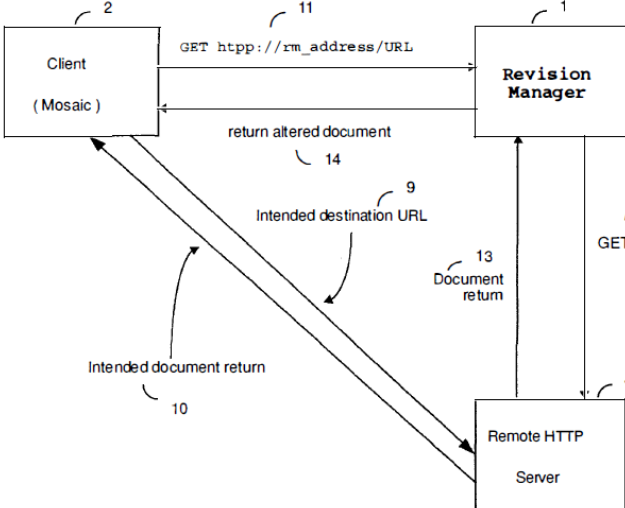
Claim	Claim Recitation	Exemplary Citations to Chow ’175
		<p>See, e.g., Chow ’175 at Fig. 1:</p>  <p style="text-align: right;">FIG. 1</p> <p>See, e.g., Chow ’175 at Fig. 3:</p>

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Claim	Claim Recitation	Exemplary Citations to Chow ’175
		 <p>The diagram, labeled FIG. 3, illustrates the interaction between three components: a Client (Mosaic), a Revision Manager, and a Remote HTTP Server. The Client (2) sends a GET request (11) to the Revision Manager (1) with the URL 'http://rm_address/URL'. The Revision Manager (1) returns an altered document (14) to the Client (2). The Client (2) also sends an Intended destination URL (9) to the Remote HTTP Server. The Remote HTTP Server returns a Document return (13) to the Revision Manager (1). The Remote HTTP Server also sends an Intended document return (10) back to the Client (2).</p> <p style="text-align: center;">FIG. 3</p> <p><i>See, e.g.,</i> Chow ’175 at Fig. 8:</p>

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Claim	Claim Recitation	Exemplary Citations to Chow ’175
		<p style="text-align: center;">FIG. 8</p> <p style="text-align: center;"><i>See, e.g., Chow ’175 at 11:18-42:</i></p>

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