

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

<p>Intellectual Ventures I LLC and Intellectual Ventures II LLC,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>VMware, Inc.,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No. 1:19-cv-01075-ADA</p>
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**PLAINTIFFS' SUPPLEMENTAL CLAIM CONSTRUCTION BRIEF**

Per the Court's May 11, 2020 instructions, plaintiffs Intellectual Ventures I LLC and Intellectual Ventures II LLC ("IV") respectfully submit this supplemental claim construction brief to address terms 19-25 from the parties' Joint Claim Construction Statement. Specifically, this brief provides further explanation regarding the corresponding structure for the means-plus-function claim terms at issue from United States Patent No. 7,949,752 ("the '752 patent").<sup>1</sup>

With the exception of Term No. 24, the parties agree on the specific structures corresponding to the functions recited in the claims (e.g., communication line 68 is the corresponding structure for Term No. 19's function). The parties dispute concerns whether, in addition to the specific agreed-to structure, the Court should also identify portions of the written description describing that structure. IV submits that such an exercise is not necessary because identifying limited citations within the written description runs the risk of leaving out corresponding structure, or entire embodiments, that should otherwise be included.

<sup>1</sup> The '752 patent is attached as Exhibit D to the Declaration of Jonathan R. DeBlois. (Dkt. No. 53-5).

The briefing in this case highlights the point. For Term No. 23, the parties agree on the claimed function and that the corresponding specific structure is “Service Wrapper 26.” But VMware’s proposal also included written description cites in addition to “Service Wrapper 26.” In response, IV identified additional citations necessary to capture the structure’s full breadth. Dkt. No. 53 at ECF pp. 12-13. VMware appeared to agree that at least one of those cites disclosed necessary structure and conditionally amended its proposal accordingly. Dkt. No. 61 at ECF pp. 38-39. Thus, VMware’s original proposed pin cites left out recited embodiments.

Similarly, as set forth below, other citations would need to be included in order to capture the various embodiments and breadth of the corresponding structures. For instance, for Term No. 20, VMware’s citations leave out the internal components of “Agent Server 20” used to perform the claimed function. *See, e.g.*, Dkt. No. 53-5 at 18:29-61. Therefore, if VMware’s written description cites are adopted along with the specific agreed to structure, the terms may be unnecessarily limited. By only identifying the specific agreed-to structure on the other hand, the full breadth of the patented structure is captured.

In the event the Court does decide to include written description citations as part of the corresponding structure for the ‘752 patent, IV provides the following additional citations it submits should be part of the Court’s construction. Unless noted, IV’s citations are in addition to VMware’s citations:

No.	Claim Term	Plaintiff's Proposed Construction	Corresponding Description
19.	<p>“means for receiving data for creating a network-based agent”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: receiving data for creating a network-based agent</p> <p>Structure: communication line (68)</p>	<p>VMware Citations: 6:16-27; 14:48-57</p> <p>IV Additional Citations: Figs. 1, 2 and 3; 9:26-30; 14:26-30;12:45-57</p>
20.	<p>“means for invoking, in response to receiving a URL defining a type of event and identifying the network-based agent, an execution of the network-based agent”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: invoking, in response to receiving a URL defining a type of event and identifying the network based agent, an execution of the network-based agent</p> <p>Structure: agent server (20)</p>	<p>VMware Citations: 7:47-65; 8:7-13; 18:34-38</p> <p>IV Additional Citations: Figs. 1, 5, 8 and 15; 8:1-6; 8:25-26; 8:47-53; 11:59-64; 14:3-6; 15:13-19; 15:20-6:4; 17:56-57;18:29-61; 23:9-57; 23:58-24:4</p>
21.	<p>“means, including the network-based agent, for using a service and a service resource configured to be consumed by the network-based agent for performing the operation”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: using a service and a service resource configured to be consumed by the network-based agent for performing the operation</p> <p>Structure: agent (22)</p>	<p>VMware Citations: IV disagrees with 8:31-34; IV agrees with 9:31-39</p> <p>IV Additional Citations: Figs. 2, 7, 8, 13 and 17; 9:40-10:11; 8:25-31; 8:39-55; 11:6-16; 17:1-4; 18:1-21; 22:13-51; 24:26-63</p>
22.	<p>“means for communicating a result of the operation over a network communications link”</p> <p>(’752 patent claim 1)</p>	<p>Means-plus function term.</p> <p>Function: communicating a result of the operation over a network communications link</p> <p>Structure: communication line (68)</p>	<p>VMware Citations: 6:16-27; 14:48-57</p> <p>IV Additional Citations: Figs. 1, 2 and 3; 9:26-30; 14:26-30; 12:45-57;</p>

No.	Claim Term	Plaintiff's Proposed Construction	Corresponding Description
23.	<p>“means for mediating an interaction between the means for using the service and the service”</p> <p>(’752 patent claim 3)</p>	<p>Means-plus function term.</p> <p>Function: mediating an interaction between the means for using the service and the service</p> <p>Structure: service wrapper (26)</p>	<p>VMware Citations: 16:22-38</p> <p>IV Additional Citations: Figs. 1 and 6; 3:20-27; 11:18-28; 11:38-49; 11:56-12:12; 16:39-62; 17:43-46; 18:49-54; 25:1-24</p>
24.	<p>“means for monitoring an amount of the service resource used by the network-based agent”</p> <p>(’752 patent claim 4)</p>	<p>Means-plus function term.</p> <p>Function: monitoring an amount of the service resource used by the network-based agent</p> <p>Structure: Service Wrapper 26</p>	<p>VMware Citations: 16:50-61</p> <p>IV Additional Citations: Figs. 6 and 17; 16:22-49; 24:26-25:19</p>
25.	<p>“means for allowing a user to modify the network-based agent”</p> <p>(’752 patent claim 6)</p>	<p>Means-plus function term.</p> <p>Function: allowing a user to modify the network-based agent</p> <p>Structure: network system (2)</p>	<p>VMware Citations: 9:26-30; 10:12-15</p> <p>IV Additional Citations: Figs. 10 and 11; 10:1-7; 12:14-19; 12:39-4; 19:45-52; 19:59-64; 20:15-21:26</p>

May 13, 2020

Respectfully submitted,

*/s/ Robert R. Gilman*

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