

Exhibit A: Implicit's Proposed Constructions and Evidence

#	Claim Term	Implicit's Proposed Construction	Implicit's Supporting
2A	<p>“sequence of [two or more] routines”</p> <p>'683 Patent: Claims 1, 4, 5, 8, 9</p> <p>'790 Patent: Claims 1, 3, 4, 5, 8, 10, 12, 15, 17, 18</p> <p>'104 Patent: Claims 1, 3, 5, 10, 12, 13, 16</p> <p>'780 Patent: Claims 1, 2, 3, 16, 20</p> <p>'839 Patent: Claim 1</p> <p>'378 Patent: Claims 1, 2, 3, 16, 17, 20</p>	<p>“an ordered arrangement of [two or more] software routines that was not identified (i.e., configured) prior to receiving a first packet of the message”</p>	<p>Intrinsic:</p> <p>'683 Patent: Figs. 1-5, 7A-C, 8, 9, 10, 11, 20, 1:24-38, 1:45-2:11, 2:37-3:13; 3:14-3:5:5; 5:32-6:3; 6:4-67; 8:38-9:32; associat</p> <p>'683 Patent claims 1, 2, 4-6, 8-10, 24, 28.</p> <p>'790 Patent claims 8, 10, 12.</p> <p>Extrinsic:</p> <p>IEEE Dictionary (6th Ed. 1996) (definition of subprogram that is called by other program)</p> <p>IEEE Dictionary (6th Ed. 1996) (definition of “sequence: the order in which items are arranged”)</p> <p>Microsoft Press Computer Dictionary (1995) – “routine: any section of code that can be called from a program. A routine usually has a name and is executed by referencing that name. It may or may not be exact synonyms, depending on the context. (Synonyms: function procedure, and subroutine.)”</p> <p>U.S. Patent No. 7,730,211</p> <p>All dictionaries, treatises, and textbooks i</p>

¹ Plaintiff reserves the right to rely upon, brief, and/or otherwise utilize any evidence identified by Defendants in this JCSS.

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			<p>Defendants' Invalidation Contentions, and a or Supplemental Invalidation Contentions a including the alleged prior art cited to me</p> <p>Documents that describe how Plaintiff's Strings, operated during the relevant time</p> <p>All briefs, orders and statements from pri evidence cited therein, including those id specifically including those from <i>Implicit</i> No. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 11 <i>Techs. USA, Inc.</i>, Case No. 6:17-cv-182- <i>Implicit, LLC v. NetScout Systems, Inc.</i>, (E.D. Tex.) (Dkt. 111); <i>Implicit LLC v. F</i> 02856 (N.D. Cal.) (Dkt. 57); <i>Implicit Net</i> <i>Inc.</i>, C10-4234-SI (N.D. Cal.) (Dkt. 69).</p>
2B	<p>"one or more routines"</p> <p>'780 Patent: Claims 1, 2, 3, 16, and 20</p> <p>'378 Patent: Claims 1, 2, 3, 16, 17, and 20</p> <p>'839 Patent: Claim 1</p>	<p>Plain and ordinary meaning. No construction necessary.</p>	<p>Implicit incorporates by reference its evic connection with "sequence of [two or mo</p> <p>Intrinsic:</p> <p>'780 File History, September 9, 2017 Pre Applicant Arguments/Remarks Made in a</p> <p>'378 File History, July 23, 2018 Prelimin Applicant Arguments/Remarks Made in a</p> <p>'839 File History, March 6, 2017 Prelimi Applicant Arguments/Remarks Made in a</p>

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			<p>Extrinsic:</p> <p>IEEE Dictionary (6th Ed. 1996) (definition of subprogram that is called by other program)</p> <p>IEEE Dictionary (6th Ed. 1996) (definition of "sequence: the order in which items are arranged")</p> <p>Microsoft Press Computer Dictionary (1997) – "routine: any section of code that can be executed as a program. A routine usually has a name that is used to call it and is executed by referencing that name. A routine may or may not be exact synonyms, depending on the context. A routine may be a function procedure, and subroutine."</p> <p>U.S. Patent No. 7,730,211</p> <p>All dictionaries, treatises, and textbooks in the field of computer programming</p> <p>Defendants' Invalidation Contentions, and Plaintiff's or Supplemental Invalidation Contentions and Responses, including the alleged prior art cited to meet the burden of proof</p> <p>Documents that describe how Plaintiff's software, Strings, operated during the relevant time period</p> <p>All briefs, orders and statements from prior proceedings, including evidence cited therein, including those identified specifically including those from <i>Implicit's Proposed Construction</i> No. 6:16-cv-80-JRG (E.D. Tex.) (Dkt. 11) and <i>Techs. USA, Inc.</i>, Case No. 6:17-cv-182-</p>

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			<i>Implicit, LLC v. NetScout Systems, Inc.</i> , (E.D. Tex.) (Dkt. 111); <i>Implicit LLC v. F</i> 02856 (N.D. Cal.) (Dkt. 57); <i>Implicit Net</i> <i>Inc.</i> , C10-4234-SI (N.D. Cal.) (Dkt. 69).
2C	“routines in the sequence of routines” '683 Patent: Claim 8	Plain and ordinary meaning. No construction necessary.	Implicit incorporates by reference its evidence in connection with “sequence of [two or more]
3	“list of conversion routines” '683 Patent: Claim 1	“an ordered arrangement of software routines for changing the form of data that was not identified (i.e. configured) prior to receiving a first packet of a message”	Implicit incorporates by reference its evidence in connection with “sequence of [two or more]”. Implicit also identifies: '683 Patent: Figs 14, 15, 16, Abstract, 2:42-3:12; 4:1-44; 5:14:6-11, associated figures; claims 1, 4-6
5	“a routine that is used to execute a Transmission Control Protocol (TCP) to convert one or more packets having a TCP format into a different format” “a routine that is executable to perform a Transmission Control Protocol (TCP) to convert at least one of the packets of the message into a different format” “a routine that is used to execute a Transmission Control Protocol (TCP) to convert packets having a TCP format into a different format” “a particular routine that is used to execute a Transmission Control	Plain and ordinary meaning. No construction necessary. Alternatively, “a software routine for processing the packet from the TCP layer to another layer in the protocol stack”	Intrinsic: '683 Patent: Abstract; Fig. 4, 1:24-44; 1:6:56-50; 11:39-33; 14:4-17; associated figures 17, 18, 20, 22, 24, 25, 27, 28, 29. '683 File History: Preliminary Amendment (IMPL_GRP.B_00009843 – 9863). '104 File History: Preliminary Amendment Reexamination Control No. 95/000,660, Eugene Ng (IMPL 092267 – 272). Reexamination Control No. 95/000,660, February 21, 2013 (IMPL 120158 – 1201

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	<p>Protocol (TCP) to convert packets having a TCP format into a different format”</p> <p>'683 Patent: Claim 1 '790 Patent: Claims 1, 8, 15 '780 Patent: Claims 1, 16 '839 Patent: Claim 1 '378 Patent: Claims 1, 16</p>		<p>Extrinsic:</p> <p>November 26, 2019 Expert Report of Dr. [redacted] (materials cited therein)</p> <p>October 3, 2017 Deposition of Daniel De [redacted]</p> <p>Tannenbaum, Computer Networks, 3d Ed. 568; Fig. 1-17; Fig. 1-18.</p> <p><i>See, e.g.</i>, Miller, Next-Generation Firewall Networks), at 6.</p> <p>U.S. Patent No. 7,730,211</p> <p>All dictionaries, treatises, and textbooks [redacted]</p> <p>IMPL033892; IMPL 120224; IMPL 146 [redacted] 033889; IMPL120193-221; IMPL 04993 [redacted] IMPL 024649-661; IMPL 034999-5000; IMP3_0005647-5658.</p> <p>DEFSPA182326 - 342.</p> <p>msg.c (produced natively in DEFSPA068 [redacted]) eth.h (produced natively in DEFSPA068 [redacted]) msg_p.h (produced natively in DEFSPA068 [redacted]) tcpip.h (produced natively in DEFSPA068 [redacted]) skbuff.h (produced natively in DEFSPA068 [redacted])</p>

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